



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

November 15, 2018

To: Planning Commission
From: Community Development Department
Subject: Nannie's Day School
791 E. 8600 S.
[High Point, Community #6]

CUP-10-18-5503
Zoned R-1-8

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject property.*

| PROPERTY CASE HISTORY | |
|-----------------------|--------------|
| Case Number | Case Summary |
| | None |

DESCRIPTION OF REQUEST

The applicant, Andrea Landeen, is requesting a Conditional Use Permit to operate a day care with a maximum of 16 children on the property located at 791 East 8600 South (*See Exhibit #1 – Application Materials*). The property is zoned R-1-8, and contains a 3,691 square foot 2-story single-family home. Surrounding properties to the north, west, east and south are single-family homes zoned R-1-8. Properties to the southwest are duplexes zoned RM(8) and PUD(6). The property directly fronts on to 8600 South and is 0.71 acres (30,928 sq. ft.).

The applicant is proposing to operate a new day care with limited educational instruction catering to families in the local area. The proposed daycare will operate with two employees, the applicant and one full-time employee. The daycare will operate in a 540 square foot room on the west side of the home. In addition to the 540 square foot room, the applicant has installed a 1,512 square foot fenced play yard adjacent to the home (*See Exhibit #2 – Site Detail Map*). The daycare will accommodate children ranging in age from infants to school age. The hours of operation are expected to be from 7:00 AM to 6:00 PM, with flexibility to accommodate parent's work schedules.

Parking for the other employee will be on the east side of the front yard. The applicant is proposing for pick up and drop off on the north side of 8600 South on the shoulder. The Sandy City Traffic Engineer has reviewed this proposal and has approved the proposed traffic plan with conditions (*See Exhibit #3 – Staff Parking Letter*).

NOTICE

A neighborhood meeting was held on November 6, 2018 at 7:00 PM. No neighbors attended the meeting. Property owners were noticed within a 500-foot radius for the Planning Commission hearing. At the time of writing this staff report, no objections have been received by staff.

ANALYSIS

Section 15A-11-05(F)(3) of the Sandy City Development Code indicates the maximum limit granted by the Planning Commission when a child day care is expected to exceed eight children at one time.

- a. A maximum of 16 children is permitted at any one time.
- b. A maximum of 18 children is permitted per day.
- c. These numbers shall include the licensee's and any employee's children if they are under six years of age under the care of the licensee at the time of the home occupation is conducted.
- d. A maximum of 24 vehicular stops per day for child drop off to pick up is permitted.

Section 15A-24-04 of the Sandy City Development Code requires that all areas utilized for parking of vehicles shall be paved with a hard surface e.g., concrete, asphalt, brick, or other water impenetrable surface.

Staff Concerns

The applicant states in their letter that a daycare is operating on the south side of 8600 South two blocks from the subject property. Upon investigation from staff, no business licenses were issued for any home occupation businesses along 8600 South between 700 East and 1000 East.

Staff is concerned with pick up and drop off along 8600 South. The Sandy City Traffic Engineer has reviewed this application and has granted approval for the proposed traffic plan. However, when 8600 South is widened, a median will be constructed in the middle of the road, and pick up and drop off for the Home Occupation will need to take place entirely on the property. There is no set date as to when 8600 South will be widened. Staff discussed with the applicant these concerns, and the applicant will consider the installation of a horseshoe driveway whenever 8600 South is widened.

The applicant also stated in their letter that the business will employ the applicant and two employees. However, this is in error, upon further inquiry by staff. The applicant clarified that there are only two employees for the business, the applicant and her sister.

Staff is concerned with parking on the property. Only half of the driveway on the west of the property is paved, in addition, the proposed employee parking on the east of the property is not paved. The applicant will need to ensure that all off-street parking on the property is paved.

COMPLIANCE WITH SECTION 15A-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions which address standards 15A-33-03 "A" to "O", as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions "A" through "O", except the following conditions which merit discussion or additional consideration by the Planning Commission:

D. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas;

All pick-up/drop-off are required to be at the nearside (north) only, and in the applicant's driveway. The applicant is proposing to utilize a 89 foot street frontage along 8600 South for pick up and drop off. Any area utilized for parking must be hard surfaced.

E. Site circulation patterns for vehicular, pedestrian and other traffic;

Pick-up/drop-off will be allowed along 8600 South, however, the Sandy City Traffic Engineer has conditioned that when 8600 South is improved, the applicant will no longer be able to utilize the large shoulder in front of the home for pick up and drop off. A possible solution could be the installation of a horseshoe driveway.

N. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, restrictive covenants;

To be reviewed upon legitimate complaint.

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

That the applicant complies with all Building & Safety, and Fire & Life Codes applicable to a child day care.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for Andrea Landeen for property located at 791 East 8600 South to operate a Category II Home Occupation as described in the application materials based on the following findings and subject to the following conditions:

Findings

1. The proposed Home Occupation business meets the requirements set forth in the Land Development Code and the applicant has agreed to abide by the rules set forth therein.

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes applicable to a child daycare.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
3. All pick-up/drop-off be on the north side of 8600 South. Whenever 8600 South is improved, pick up and drop off must utilize the existing driveway, and/or a horseshoe driveway.
4. All areas designated for parking vehicles (driveway and employee parking) must be paved with hard surface.
5. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner: Wade Sanner Reviewed by: EM

Wade Sanner, Planner

File Name: S:\USERS\PLN\STAFFRPT\2018\CUP-10-18-5503 Nannie's Dayschool

Exhibit #1 – Application Materials

**APPLICATION FOR
CATEGORY 2 CONDITIONAL USE PERMIT
FOR
NANNIE'S DAYSCHOOL**

This letter is in support of our application for a Category 2 Conditional Use Permit and a Business License for a daycare/preschool which we would like to open at 791 East 8600 South, Sandy, Utah. It will be at the home of Andrea Landeen who is one of the owners of the new business, which is registered with the State of Utah and the Internal Revenue Service for the EIN as Nannie's Dayschool. The other owner, and registered agent is Natalie Birch.

The daycare room is located on the west side of the residence and has been furnished and set up to accommodate the needs of children ranging in age from infants to school age. As the need arises for infant facilities, in addition to the changing table which is already in place, a pack-n-play will be added for sleeping. Mats will also be provided for older children for rest/nap times (see pictures)

The hours of operation are expected to be from 7:00 a.m. to 6:00 p.m., with flexibility to accommodate parents' work schedules. When parents enroll their child or children, we will work with them to ensure that drop-off times vary as much as possible so not all the children arrive or are picked up at the same time. We will be catering to people in the area and anticipate that some parents may also wish to walk to drop off their children. We anticipate having twelve children which would require no more than 24 stops in one day.

All employees, we anticipate not more than two in addition to the homeowner, will park on the east side of the front yard leaving the driveway open for parents use and family who live there. The parking strip in front of the house is 24 feet wide from fence line to traffic lane and 89 feet long and can easily fit three cars in front of the yard with more than enough room to park completely off the road and away from oncoming traffic. Two cars can also comfortably pull in the driveway at one time (see pictures).

Most of the activities will be in the large daycare room which is just to the left of the front door. The daycare room has two doors. One leads to the entry and front door. This door also goes to the rest of the house. The second door goes to the back door which opens to a fenced play

area. There are three windows that open and have screens. There are also four large windows at the front of the room that do not open but provide lots of light.

There is a large fenced backyard with a swing and also a smaller fenced-in play yard with additional play equipment for children (see pictures). We are working with a landscaper to remove weeds and get more grass, etc. We will have this work completed when we open.

We are forming this business with the intention of it being the primary source of support for a close family member. If the variance is refused then certain struggles and challenges, not limited to economics, will be exacerbated will result in extended social, familial, and economic hardships.

This property is different from other properties in the vicinity by offering a combination of features that other properties may have singularly but not collectively. These features are,

- 1- a house with a large single room space adequate for a daycare.
- 2-space on the property to offer a self-contained, secure play area.
- 3-an extra wide shoulder for safe drop-off and pick-up.

4-ease if access from a road that will have almost no noticeable impact on traffic flow or volume.

There is a house approximately two blocks east on the south side of 8600 South that offers daycare services. We don't know the number of children served. The house and yard are smaller, the frontage is shorter and the shoulder only about seven feet wide.

We do not believe this variance will deviate from the general purpose of the Sandy City Development Code because we are not adding any structures to the property connected to the business. We do not live in a typical residential neighborhood where pick-up and drop-off would impact neighborhood traffic. It is a home-based business that will have little, if any, impact on neighboring properties while providing a much needed service for local patrons.

Generally zoning laws have two purposes. First, trying to ensure that land within the city is used appropriately. Second, in trying to accomplish the first purpose, the city wants to protect neighborhoods from misuse of property that would detract or negatively affect their property values.

We believe that Nannie's Dayschool fits as an appropriate use of property in a residential are because it will have a positive impact on properties in the vicinity, will not infringe on any neighboring properties activities. Since it is a small home-based business it fits in a neighborhood better and is more serviceable than if it were required to locate in a business zone.

There are no known previous variances connected with this property.

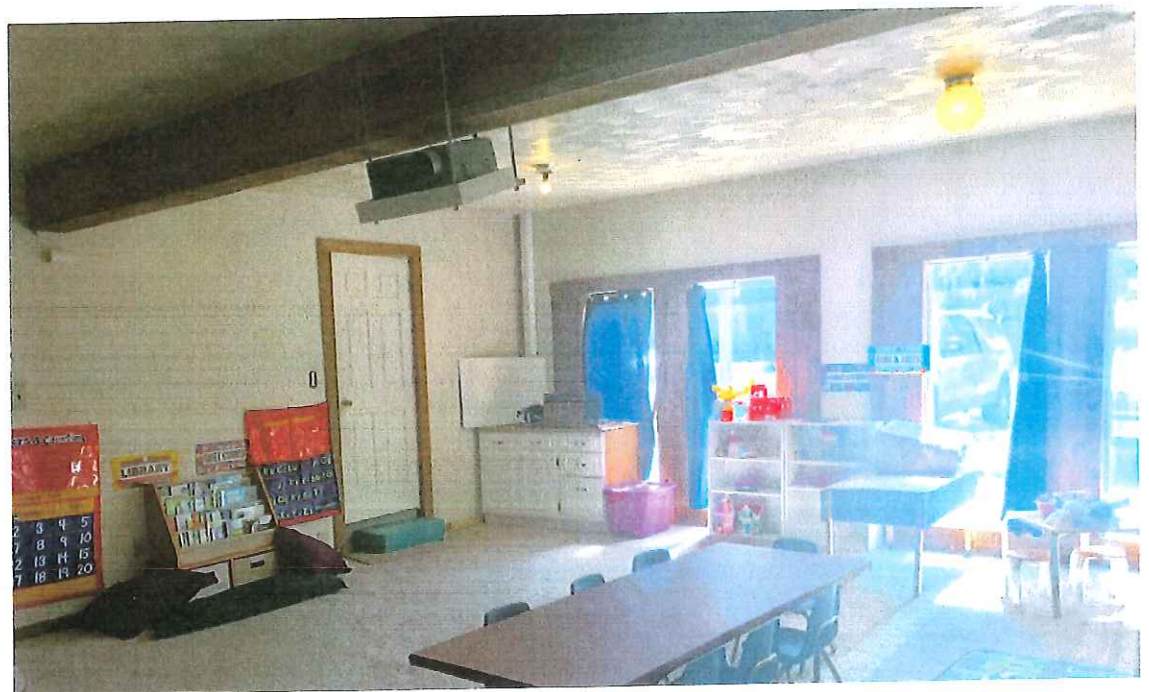
Dated the 15th day of October 2018.


Andrea Landeen

Homeowner

Pictures attached









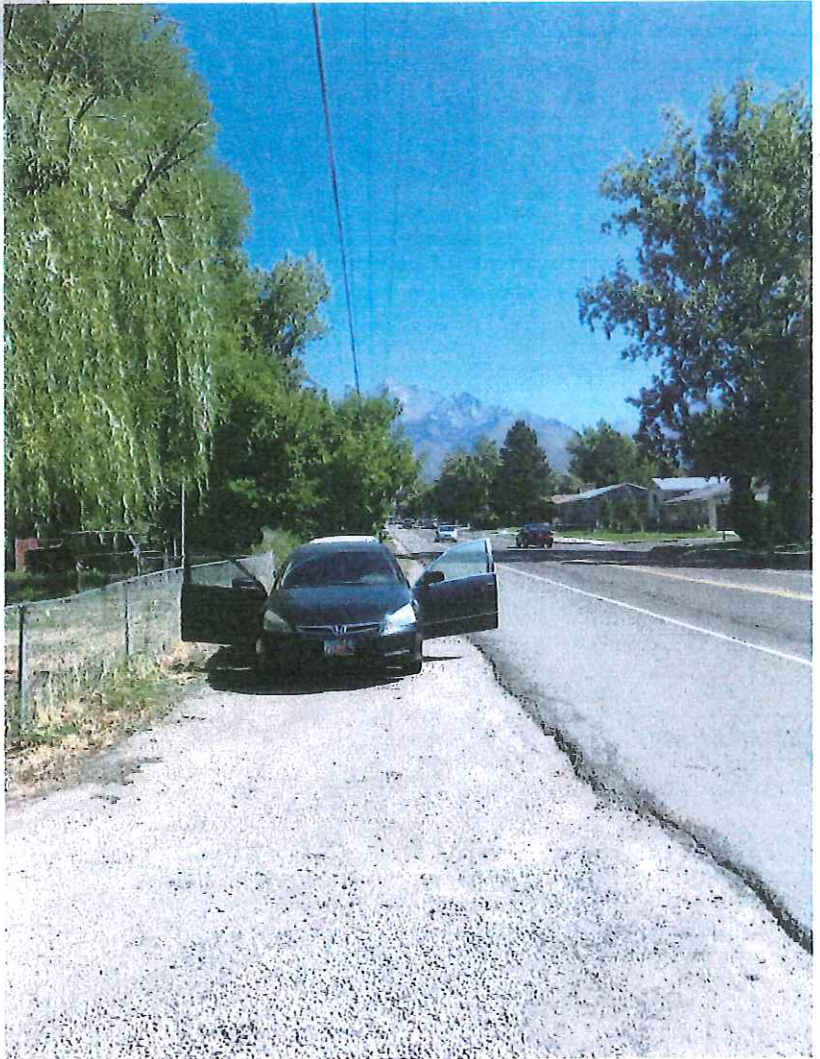
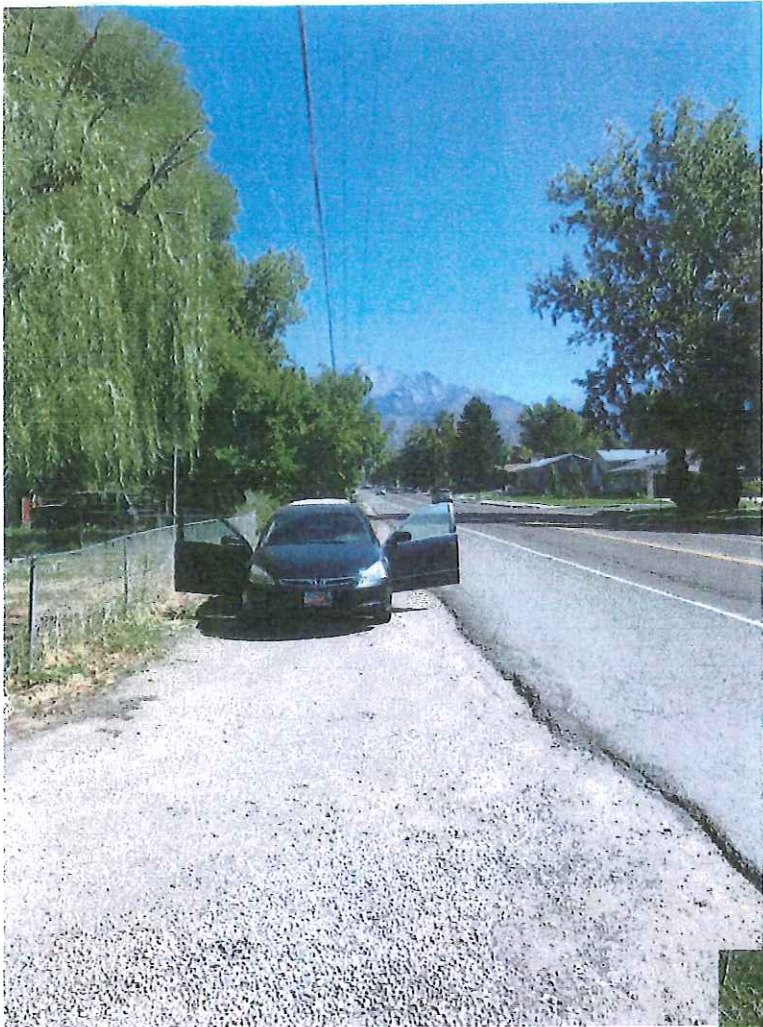
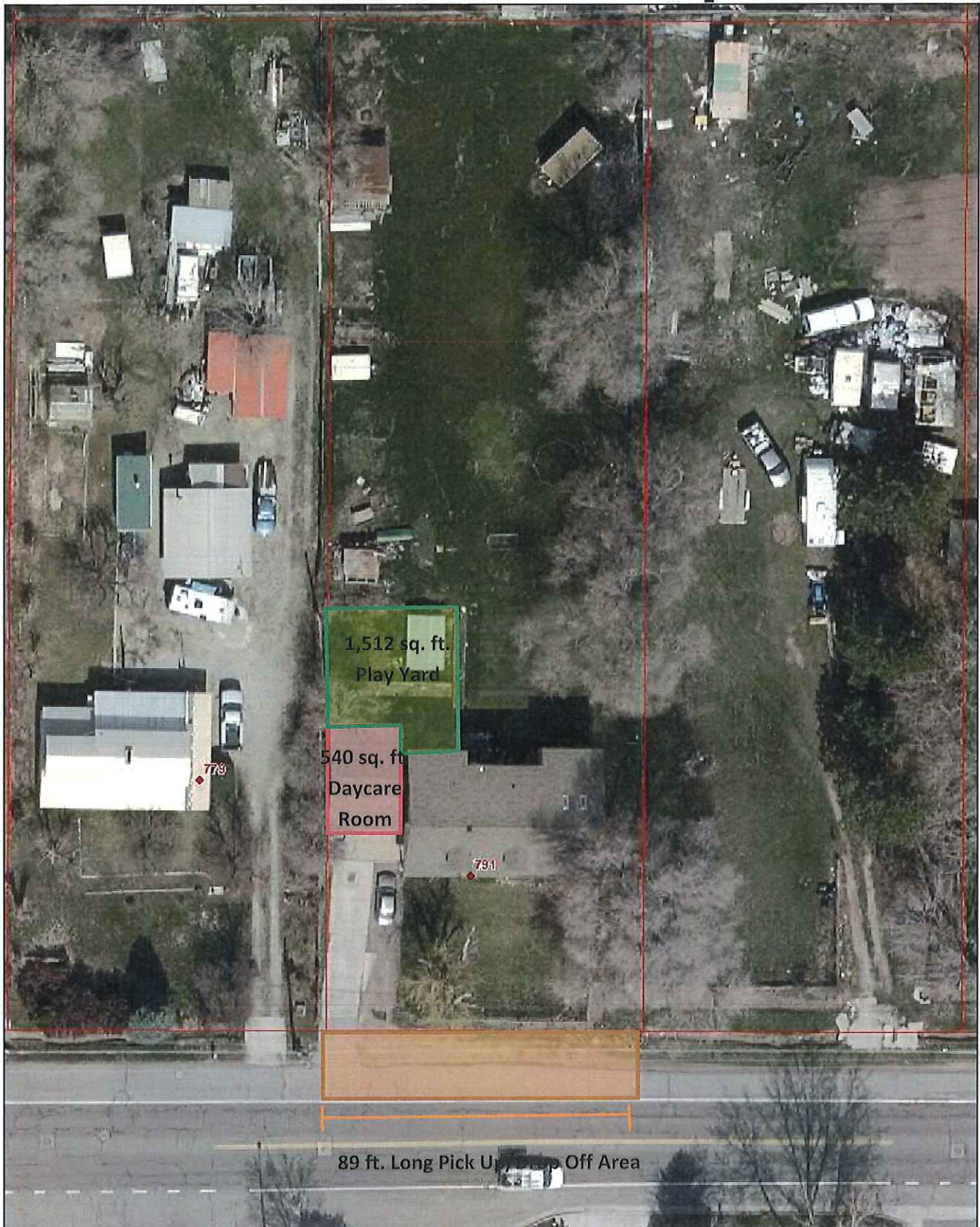






Exhibit #2 – Site Detail Map

Site Detail Map



0 10 20 40 60 80 Feet



Exhibit #3 – Site Parking Letter

Wade Sanner

From: Britney Ward
Sent: Wednesday, November 07, 2018 10:23 AM
To: Wade Sanner
Subject: RE: Letter

Thanks! Let me know if you need me to add additional details.

8600 S, just east of 700 East does not have any plans in the near future to construct improvements via a Sandy City project. If improvements were to be constructed in the near future, it would likely be through development and subdivisions. 8600 South is a major collector road (82' right of way) and will be required to be developed to this standard during our development review process. Currently, the road has two lanes; one in each direction. There is also shoulder space on either side. The shoulder area in front of 791 E is currently wide enough for on street parking use.



sandy.utah.gov

Britney Ward
Transportation Engineer

8775 South 700 West | Sandy, UT 84070
o: 801.568.2991 | c: 801.376.3401
bward@sandy.utah.gov



From: Wade Sanner
Sent: Tuesday, November 06, 2018 5:00 PM
To: Britney Ward <BWard@sandy.utah.gov>
Subject: Letter

Just a friendly reminder to get me that letter for the 8600 S. CUP letter.

Thanks,

Wade



sandy.utah.gov

Wade Sanner, AICP
Planner

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7269
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