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## Staff Report Memorandum November 2, 2023

To: Planning Commission  
 From: Community Development Department  
 Subject: The Wonder Toddlers (Category II Home Occupation Conditional Use Permit)  
 112 E. 8680 S.  
 [Community #4, Historic Sandy]

CUP09052023-006603  
R-1-7.5(HS)  
.17 acres

**Public Meeting Notice:** This item has been noticed to property owners within 500 feet of the subject area, and on public websites.

### Request

The applicant, Elizabeth Summers, with the permission of the property owner, Jessie Reynoso, is requesting a conditional use permit to allow for a category II home occupation daycare to allow up to 16 children at one time on the property located at 112 E. 8680 S. (see applicant materials, Exhibit A). Any child daycare desiring to operate with more than eight children per day is required to obtain a conditional use permit for a category II home occupation from the Planning Commission. The permit allows for up to 16 children at one time and a maximum of 18 children per day.

### Background

The subject property is located in the R-1-7.5 Historic Sandy (HS) zone and is 7,405 square feet. To the north, west, and east is single family residential in the R-1-7.5(HS) zone. The property to the south is commercial property in the Historic Business District (HBD).



CUP09052023-006603  
Conditional Use Permit  
112 E 8680 S

Sandy City, UT  
Community Development Department

### **Public Notice and Outreach**

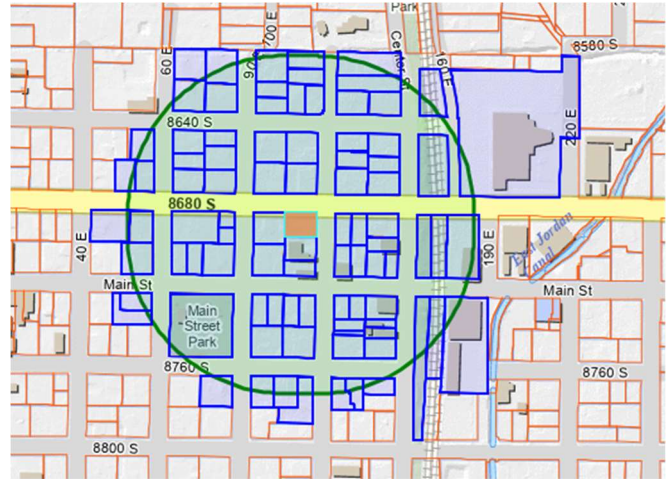
This item has been noticed to property owners within 500 feet of the subject area by mail. A neighborhood meeting was held on October 12<sup>th</sup> and two neighbors attended. The following comment was made about the daycare:

- Excited about the daycare in the neighborhood and having something close by.

In addition, staff received one phone call and one email from neighbors (see Exhibit “B”).

### **Analysis**

The applicant is seeking to increase the number of children they are allowed in their in-home daycare. They are seeking the maximum number allowed by code. Section 21-11-05(F)(3) of the Sandy City Development Code states:



- (3) Child Day Care. The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight at one time:
- A maximum of 16 children is permitted at any one time.
  - A maximum of 18 children is permitted per day.
  - 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.
  - A maximum of 24 vehicular stops per day for child drop off to pick up is permitted.

The applicant is proposing to operate Monday through Friday from 8:00 a.m. to 5:00 p.m. All business will be conducted during typical workweek hours. Noise is not expected to exceed that of normal activities of residents, children, and families during daytime hours. There is one employee in addition to the applicant that will be working at the home. There are three legal nonconforming accessory structures on the west side of the property. The structures are all under 200 square feet and appear to have been there for many years before such structures would have been regulated by current codes.

A proposed traffic plan has been reviewed and approved by Britney Ward, Transportation Engineer (see Exhibit “C”). This plan shows all drop-offs and pickups are to occur on the passenger side of the vehicle in front of the home. A maximum of 24 vehicular stops per day is permitted. To meet this standard, all children cannot be individually dropped off and picked up. To achieve the maximum number of children at the daycare, patrons will need to carpool, bike, or walk to the property. No on-street parking is allowed at any time, including employee parking.

### **Conditional Use Standards**

The City may impose conditions on a conditional use based on certain standards of review found in section 21-33-04 of Sandy City Land Development Code. The following items from that list are applicable to this particular request and merit discussion or additional consideration by the Planning Commission (staff analysis is found below in *italics*):

#### **Sec. 21-33-4. Conditions.**

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- (5) Site circulation patterns for vehicular, pedestrian and other traffic.

*The applicant is proposing to have the children dropped off and picked up in front their property on 8680 S. Instructions must be provided by the owner to all patrons to ensure the proposed traffic plan this is followed.*

- (12) The regulation of operating hours for activities affecting normal schedules and functions.

*The applicant is proposing to operate Monday through Friday from 8:00 a.m. to 5:00 p.m.*

- (14) 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.*

- (15) 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 title.

*That the applicant complies with all Building & Safety, and Fire & Life Codes.*

**Staff Concerns**

Staff has no concerns for this conditional use permit. The proposed use meets the intent of the home occupation section of the Sandy City Land Development Code.

**Recommendation**

Staff recommends that the Planning Commission approve a category II home occupation conditional use permit for daycare use as described in the staff report for the property located at 112 E. 8680 S. based on the following findings and subject to the following conditions:

**Findings:**

- 1. The proposed use meets the intent of the home occupation section of the Sandy City Land Development Code.

**Conditions:**

- 1. That the applicant or an aid assist at curbside with the directing of traffic and the loading/unloading of clients. Patrons shall be provided with a copy of the traffic plan by the applicant. They shall be provided instructions to not block driveway entrances to neighboring properties or engaged in back-up, U-turn, or any other unsafe vehicular maneuvers that deviate from the traffic plan.
- 2. That the applicant ensures that carpooling, walking, biking, or other alternative methods of transportation are used by patrons such that the maximum number of 24 vehicular trips is not exceeded.
- 3. 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.
- 4. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham  
Planner

File Name: S:\Users\PLN\STAFFRPT\2023\CUP09052023-006603 The Wonder Toddlers

Exhibit "A"

CONDITIONAL USE APPLICATION - ELIZABETH SUMMERS  
"THE WONDER TODDLERS"

To whom it may concern,

My name is Elizabeth Summers and I would like to respectfully apply for a conditional use permit for our in home toddler daycare "The Wonder Toddlers".

My business partner Selva Strickland is currently running and operating a licensed in-home daycare closeby with a conditional use permit. (202 E 8800 S, Sandy UT 84070 - The Wonder Schoolhouse). I have been a director there helping her with childcare. She has shared her operations and her knowledge with me. We are in good standing with both the city and the Child Care Licensing department. We pass all inspections. Our neighbors love us and we do not cause any disruption to our current neighborhood. Our families are very happy to send their children to a safe and home-like location. I am now interested in opening my own daycare in my primary residence under the name The Wonder Toddlers.

I am currently renting this property and our landlord is a grandmother herself and she loved my vision for this new daycare. I will attach her permission letter to my application.

A little informatio on my background, I graduated with a degree in Family & Consumer Sciences with an emphasis in Child Development and Psychology at Delta State University. I have 17 years of experience in child development working with the Reggio-Emilia approach. I have helped create and coordinate two Reggio Emilia Schools for multi-age children in Tennessee and Louisiana over the past 12 years. I moved to Salt Lake in September 2022 to connect more with nature and I am passionate about helping children learn and grow in intentionally designed spaces.

I do not wish to create a burden on my neighbors, I only wish to continue Selva's mission of helping the community and children by offering families a safe space for their children to grow and develop skills. We often give back to the community and share the bounty the schoolhouse provides us. We

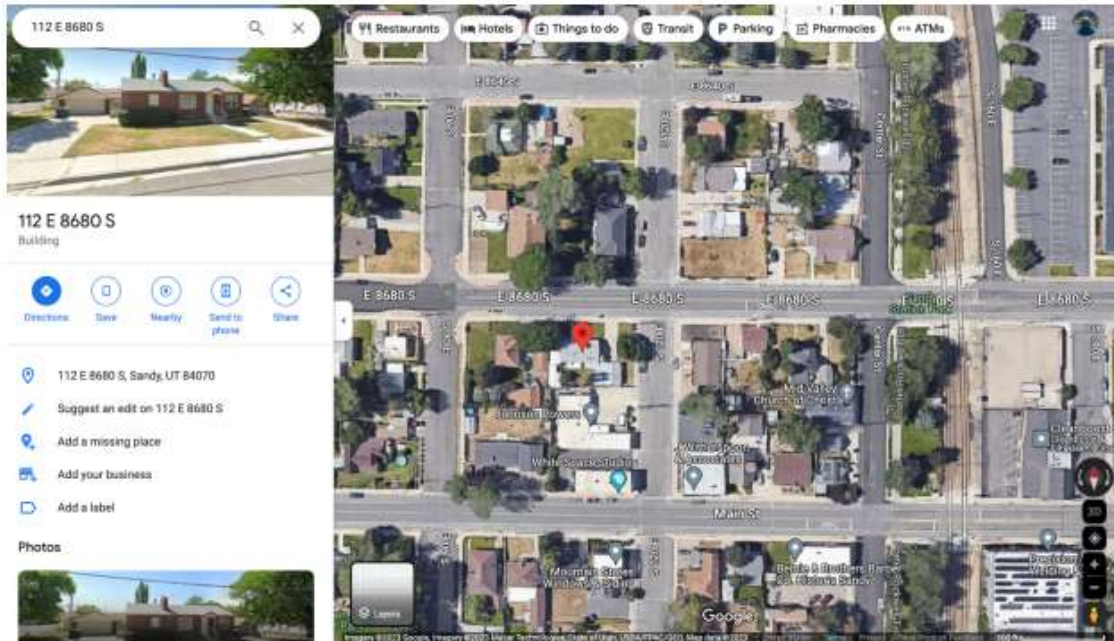
## Exhibit "A" continued

recently handed out homemade apricot jam that was made possible by the generosity of the old apricot tree on our property. We also provide safety in the neighborhood as we have camera and security systems in place to ensure the safety of our children. We do not let children out to play before 9 AM and our school hours end at 5:30 PM. Mornings, evenings, and weekends are quiet and peaceful. Only during working hours one might hear noises of peaceful children playing. We have spoken to all our immediate neighbors and they seemed excited and supportive about my plans to open a daycare there.

I want to replicate the vision Selva created at The Wonder Schoolhouse in 202 E 8800 S but intentionally design it for younger toddlers. TWS has 4.5 star ratings on Google and consistently scores 9/10 on parent satisfaction surveys. The kids at The Wonder Schoolhouse are so happy and well behaved that when licensors or future parents come for a tour, they are amazed at how peaceful and quiet they are. The house I want to use as my toddler daycare is a single story home with a basement. It has fencing all around the backyard and on the sides. It is a safe and nurturing environment for local kids to grow and thrive.

Direct Neighbors: Our secondary residence is located on 112 E 8680 S is in an ideal neighborhood location. It is far away from my primary residence that it will not increase the traffic of the same street. The layout of the homes around me make it easy to contain both traffic and noise from my surrounding neighbors. My direct neighbors are as follows:

## Exhibit "A" continued



**North:** Our neighbors to the north are over 115' away from doorstep to doorstep. Divided by a 40' wide road and two 5.5' wide sidewalks.

**East:** There is one small home on the east side of this property. My neighbors are also tenants. We are separated by another 40' road and 5.5' sidewalks. The sidewalk is fenced off on my property. I am divided from my east neighbors by their driveway, our 4 foot tall fence, and a large garden area on my side.

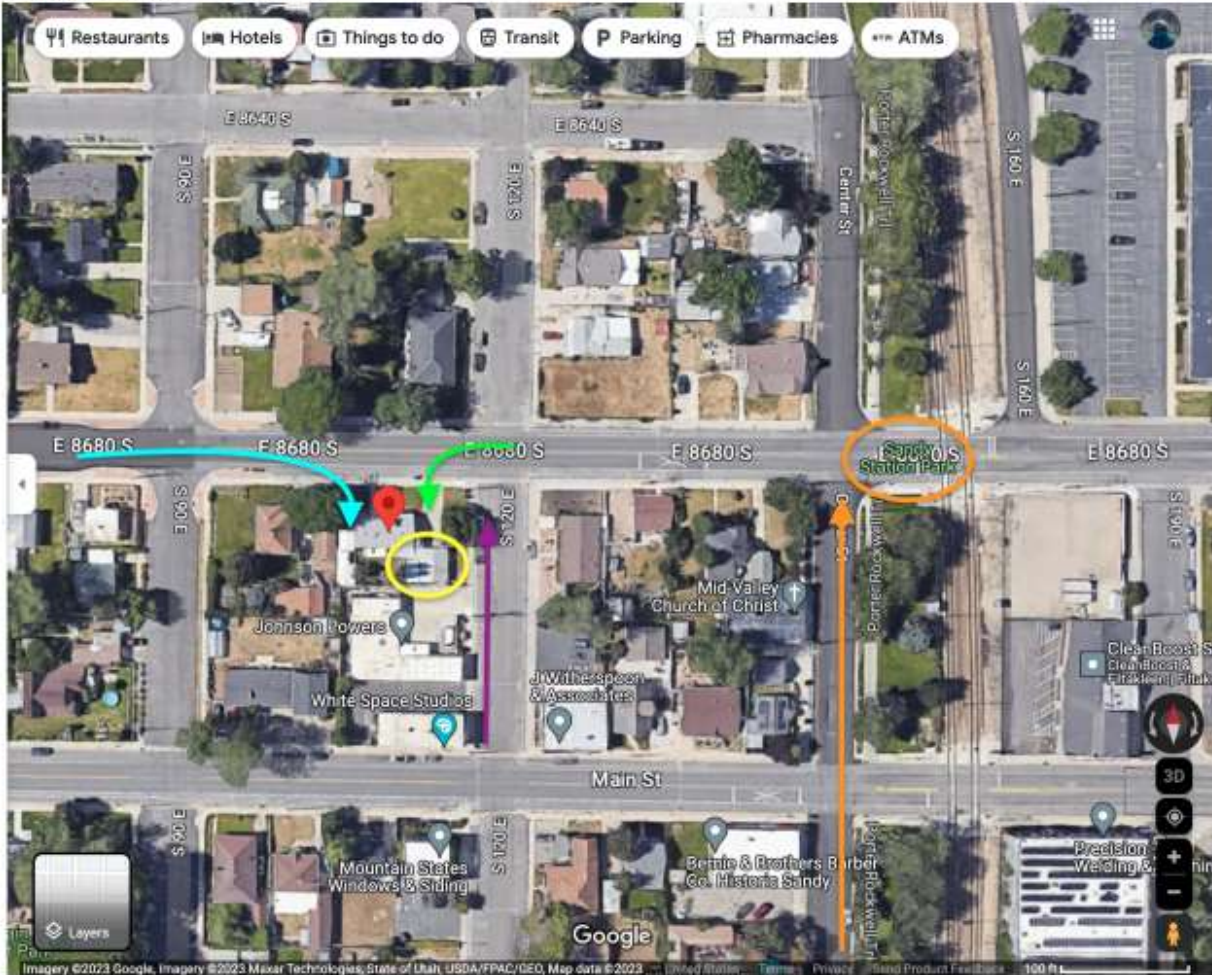
**South:** The property directly south of me is a commercial property called Johnson Powers. They are a solar equipment supplier. Our shared 6 foot tall fence divides my house and garden from their parking lot.

**West:** Our neighbors to the west are over 120' away from doorstep to doorstep. Our property is divided by our fence, our carport, their large shed/storage unit, and driveway.

**Traffic Plan:** My home two wide driveways, a garage, and it is located on a corner. This increases accessibility and prevents traffic. The driveways can easily accommodate 4 vehicles and the garage can accommodate 2 more.

Exhibit "A" continued

At TWS, the parents are aware of the 24 vehicle stops a day limit and often use the trax station to walk over or carpool. I will use the same operating procedures at The Wonder Toddlers. Please see attached property and neighborhood maps.



Our property is also surrounded by various different buildings. We have a studio and a commercial building to the south of us. A siding company is located on the Main Street. There is a real estate company and a church to our East. With this in mind, I do not believe that my daycare will change the fabric of our current neighborhood. If anything, it might provide the local business owners and employees with near and accessible childcare and support.

Thank you very much for your time and consideration. We promise that we will be a great asset to the city of Sandy. I would like to thank everyone in

Exhibit "A" continued

planning and zoning and business license department for helping us navigate this process. I truly appreciate the help and understanding as I venture into my first small business.

Kindest regards,  
Elizabeth Summers



## Exhibit "B"

**October 5, 2023**

Dawn Sidwell

Has mixed feelings about the daycare. Is worried about parking, employees and that 16 children is a lot of kids in the house.

**From:** Tad Norris <TSNFIRE@msn.com>  
**Sent:** Wednesday, October 11, 2023 1:29 PM  
**To:** Sarah Stringham <sstringham@sandy.utah.gov>  
**Cc:** Shawna Norris <bluermhst@gmail.com>; tadn@idhoic.com  
**Subject:** [EXTERNAL] 112 E 8680 S Home conditional use permit

RE: 112 East 8680 South, conditional use permit for a home daycare

Dear Miss Stringham,

Thank you for the neighborhood meeting notification for the proposed conditional use permit for a home occupation daycare, at 112 East 8680 South submitted by Elizabeth Summers. The proposal requests a conditional use permit be granted for a home daycare for up to 16 children. I respectfully request that this home daycare proposal be **denied**.

For the following reasons:

1: The 112 East property was recently sold and renovated. It is our understanding that the property owner is intending to use this property as a rental property. It appears that the property is not intended to be a home rental unit. **But a full-time daycare with up to 16 children.** Which violates the scope of a home occupational daycare and does not fit with the neighborhood.

2: The home daycare of 16 children alone would far exceed the maximum 24 vehicle stops for pickup and drop-off permitted under the traffic guidelines.

3: A review of social media shows 112 East property as a 2350 square foot, four-bedroom two bath property. Review of the provided social media photographs show two bedrooms and a family room with kitchen on the main floor and two bedrooms in the basement with no exterior exit door to the outside. The question is does this property contain the necessary square footage for a home daycare of up to 16 children? Also does the residence have the required exiting in the basement for a home daycare of up to 16 children?

4. A daycare of up to 16 children would engage the business of childcare beyond the immediate neighborhood which is beyond the scope and intent of the home daycare occupation guidelines.

5: Does the property have the necessary off-street parking space, for a daycare of up to 16 children?

6. It appears that this is a commercial business being placed in a residential home and the application for daycare should be **DENIED**. (See the attached note: outlining their intent given to us from applicant)  
 Please forward these comments to the planning commission on my behalf.  
 Tad Norris, 105 East 8680 South, Sandy Utah, 84070, 801-694-9418

Hello neighbor!  
 My name is Selva Strickland and I own The Wonder School house located just a couple of blocks away. We are hoping to open our second location at 112 E 8680 S. This location will be a daycare for ages 1-2. Our program creates a peaceful environment for children to learn and grow. We are excited to be your neighbors and we hope that you come by for our open house in October. (Date TBD)  
 Please feel free to contact me with any questions!  
 Selva 216-534-3313

Exhibit "C" Traffic Plan

