



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

June 7, 2018

To: Planning Commission
From: Community Development Department
Subject: Fabian House Category II Home Occupation
202 E. 8800 S.
(*Historic Sandy, Community #4*)

CUP-04-18-5392
Zoned R-1-7.5(HS)

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, Cori Fabian, is requesting a Conditional Use Permit to operate a Category II Home Occupation business for a daycare with up to 16 children, on the property located at 202 East 8800 South. The property is 0.54 acres (23,522 square feet), and is located in the R-1-7.5(HS) zone district. Properties to the north, east, and south are single-family homes zoned R-1-7.5(HS). The property to the west is the parking lot for the UTA Historic Sandy TRAX Station.

The property contains two single-family homes, one duplex, and three accessory structures. The use of multiple homes and a duplex on the property is nonconforming to the current zoning. However, these buildings were legally constructed either before or during the time the property was zoned R-3, which did allow for multi-family dwellings on the property. These buildings have been used as described since they were built. The uses and structures are permitted to remain in their current configuration as legal nonconforming uses (*See Exhibit #1 – Sandy City Non-Conforming Use Letter*).

ANALYSIS

The purpose of the home occupation business according to the Sandy City Land Development Code is to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
2. Guide business activities that are not compatible with neighborhoods to appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a neighborhood.
4. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Business License regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary terminate home occupations if violations of the ordinances regulating home occupations occur.

Per section **15A-11-05.F.3** of the Sandy City Land Development Code, home occupations involving a child day care business exceeding eight children are subject to the following regulations:

1. A maximum of 16 children is permitted at any one time. (Ord 12-33, Amended 9-17-2012)
2. A maximum of 18 children is permitted per day.
3. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
4. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.

The applicant is proposing to operate a daycare home occupation business in the single-family home in the southwest corner of the property (*See Exhibit #2 – Application Materials*). The applicant is renting the home, but has permission from the property owner to pursue a Conditional Use Permit (*See Exhibit #3 – Property Owner Permission*).

The property has significant separation from adjacent single-family homes. The nearest home on a neighboring property to the proposed structure where the daycare will take place is 90 feet (*See Exhibit #4 – Separation Distances*).

Access to the site is via 8800 South, which is a two-lane minor arterial with a 60-foot right-of-way. The applicant is proposing to utilize the U-shaped driveway on the site for child pick-up and drop-off (*See Exhibit #5 – Traffic Plan*). There is room for additional parking, if the need arises, from the existing driveway to the house and the two-car carport and driveway just to the east of the subject area.

NOTICE

A neighborhood meeting was held on Tuesday, April 24, 2018. No neighbors attended the meeting. Notices were mailed to property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting as per Sandy City Land Development Code requirements.

STAFF CONCERNS

1. As mentioned earlier in this report this subject area has three separate residential use buildings (two single family dwellings and one duplex) and three accessory buildings. The uses are considered legal nonconforming based upon the year that all of these structure were built, which was prior to the first zoning ordinance being adopted by Sandy City.

According to the Sandy City Land Development Code, 15A-02-17, the purpose of nonconforming use regulations is to control and gradually eliminate those uses of land or buildings, which although legal at the time of their establishment, do not now conform to the use regulations of the district in which they are situated. The uses and structures may continue to be used as they are as long as there is not a cessation of use for one year or more.

One of the concerns from staff is the intensification of uses on this particular subject property. With the amount of structures already on the property, are we adding too much by approving a day care with 16 children? With that in mind, the applicant has had the property inspected by the State and Sandy City business license inspectors and the home and site meet the necessary requirements.

2. The anticipated impacts of a day care may include traffic and noise. The applicant has identified how the children would be dropped-off and picked-up through the use of the circular driveway and the use of other on site driveways, if necessary. With day care the drop-off and pick-up times will vary during the day. The traffic and parking should be accommodated on this particular site. Staff does want to emphasize the need for the applicant to comply with Section 15A-11-05.F.3. of the Sandy City Land Development Code limiting traffic to 24 vehicular stops per day. The applicant has indicated to staff that she understands, and is willing to comply with, the maximum of 24 vehicular stops per day.

Noise impact may be mitigated through fencing. The property does have an existing six-foot perimeter fence. The applicant is also installing new fencing to further protect the children from hazardous areas (road and canal) and to guide outdoor activities to specific locations.

The applicant intends to let the children play in an area that is just east of the house. This area is behind the cabin structure and west of the rear yard of the other single family dwelling (8828 S. 220 E.). There is additional area north of the home that will also be

used as a play area. A restricted time period for outside play could be a condition of approval.

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:

- A. Size, configuration and location of the site and the proposed site plan layout.
That the applicant locate the play areas in locations that will have the least impact on surrounding neighbors. A time restriction could also be identified regarding when the children could be outside.
- B. Proposed site ingress and egress to existing and proposed roads and streets.
That the applicant ensure all pick-up and drop-off onsite will utilize the turnaround driveway.
- 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.

STAFF RECOMMENDATION

Staff asks that the Planning Commission determine whether a Conditional Use Approval for Cori Fabian (Fabian House Daycare of up to 16 children) should be granted for a Category II Home Occupation, located at 202 East 8800 South. If the Conditional Use Permit is granted, it shall be based on the following findings and conditions:

Findings

1. The proposed use meets the intent of the Home Occupation section of the Sandy City Land Development Code.
2. The applicant understands and is willing to comply with the Sandy City Land Development Code and conditions of approval.
3. The anticipated impacts could be mitigated as outlined in this report and with specific conditions of approval.

Conditions

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant acquire a Sandy City business license.
3. That the applicant be responsible for meeting all provisions of the Sandy City Land Development Code, and all conditions of approval imposed by the Planning

Commission.

4. That this Conditional Use Permit be reviewed upon legitimate complaint.
5. That the outside play area not be used before 9:00 am.
6. That the applicant locate the play areas in locations that will have the least impact on surrounding neighbors.
7. That there be no more than 24 vehicular trips per day associated with patrons of the business. With a maximum of 16 children on site, carpooling will be required to prevent excessive traffic. Carpooling should be encouraged in any case.
8. Pick-up and drop-off occur in the turnaround driveway to minimize backing maneuvers on to 8800 South from the site.
9. That the maximum number of children on site allowed at any given time is sixteen (16).

Planner:

Reviewed by: *BM*

Wade Sanner, Planner

File Name: SAUSERS\PLN\STAFF\RPT\2018\CUP-04-18-5392 Fabian House

Exhibit #1 – Sandy City Non-Conforming Use Letter



Community Development Department

Tom Dolan
Mayor

Scott J. Bond
Chief Administrative Officer

James L. Sorensen
Director

November 1, 2017

RE: Multiple Homes on a Single Residential Property located in Sandy City, Utah at:
8810 South 220 East, Sandy, Utah
Tax I.D. # 28-06-183-019

To Whom It May Concern:

The property located at 8810 South 220 East, Sandy, Utah, is within the R-1-7.5(HS) Single-Family Residential Zone. The current zone allows for a single residence on their own lot with a minimum 7,500 square foot size. The property contains two single-family homes (202 East 8800 South & 8828 South 220 East) and one duplex (8810 East 220 East & 8812 East 220 East), as well as three other detached garages or sheds, on a property that measures approximately .56 acres (see Exhibit "A"). The use of multiple homes and a duplex on the property is non-conforming to the current zoning. However, these buildings were legally constructed either before or during the time the property was zoned R-3 Zone, which did allow for multi-family dwellings on the property. These buildings have been used as described since they were built. The current zoning designation of the property within the R-1-7.5(HS) Single-Family Residential Zone does render the parcel as legal non-conforming ("grandfathered"). The uses and structures are permitted to remain as such in their current configuration as a legal non-conforming uses. The nonconforming status did not result from the action of the current or previous property owners, but through actions by the City, either through legislative actions such as ordinance amendments or property rezonings.

In the event of disaster, fire, earthquake, flood, or other act of God, as per section 15A-02-20(B) of the Revised Ordinances of Sandy City 2008, the structures may be rebuilt to their original footprint, regardless of the extent of damage (up to 100% loss). Other than regular building permits and other associated fees, no special approvals would be required to reconstruct the structures.

If you should have any questions regarding this property in greater detail, please contact Mike Wilcox at the address at the bottom of the letterhead, by telephone at (801) 568-7261, or by email at: mwilcox@sandy.utah.gov.

Sincerely,
Mike Wilcox
Zoning Administrator

Sandy City Planning Commission
Community Development Department
10000 Centennial Parkway
Sandy, Utah. 84070

October 27, 2017

To: Brian McCuiston, Director.
Re: Properties 202 East 8800 South
8810 South 220 East A/B
8828 South 220 East

From: Matthew and Kerrie Webster

Dear Brian,
Thank you so much for the time you spent with us today.
As we discussed, the above addresses reflect the individual dwellings built on this property prior to Sandy City ordinances.

My husband's grandfather, LaVell Webster, was born and raised on Pioneer street in the Mile Square Historic District of Sandy, just after the turn of the century.

LaVell purchased the 202 East 8800 South property in the early 1920's.

The quonset-style block shop was built to house his business, Webster Housemoving. Many of the homes in the Historic District were moved from other locations in the valley and served as low-cost residences for young families in the early days of Sandy. Neighbors all worked together to prep lots and pour foundations for their newly relocated homes.

Grandpa LaVell was respected as one to always "be helping somebody out."
He loved living in Sandy and was committed to civic pride and public service.

LaVell served on the Sandy City council during the stewardship of Noal Bateman, mayor and long-time friend. Mr. Webster also served as the local Lions Club president, a service organization that united local businesses and residents for the betterment of the community.

The Duplex at the corner of 8810 South 220 East was built by him shortly after acquiring the property.

The bungalow at 8828 South 220 was added in the 1930's, to house his mother-in-law.

The log Cabin on the property was also built during this time, with logs hauled down from Little Cottonwood Canyon. There is a small apartment at the top of the cabin where my father-in-law lived with his small boys following divorce from their mother.

The residence adjacent to the shop was added after World War II, when LaVell's widowed Daughter died suddenly—he took on the responsibility of raising her children.

When the Sandy Mile Square Historic District was downzoned,

Mayor Bateman wrote a letter to the Sandy City Council in Mr. Webster's behalf, designating the property as 'Housemoving/contracting business/multi-family residence.' The city zoned the property 'Legal, Non-Conforming.'

In his declining years, Mr. Webster relied on rental income from the buildings on his property to support himself and his special-needs daughter.

Upon his death, the property passed to his son, Arvid L. Webster. Arvid utilized the property just as his father had; following the tradition of 'helping people out.' He was one of the first year students at Sandy Elementary school.

Arvid's son, Matthew P. Webster purchased the 'family compound' in 2011. Though no longer utilized as a business, use of the 'grand-fathered' property functions just as it has for the last 50 years. The roof lines have not changed.

Matthew performed extensive cleanup, repair and maintenance on each building.

It has been exciting to see other homes in the vicinity follow suit. The sense of Community and neighborhood pride in this district has increased greatly in the last few years.

It has been a joy to continue the legacy of one of Sandy's founding fathers.

Respectfully,



Matthew P. Webster, Sr
Kerrie P. Webster

State of Utah
County of Salt Lake §

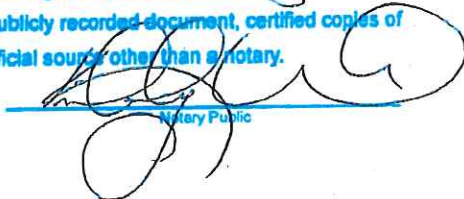
On this 30 day of October in the year 2017.

I certify that the preceding or attached document, is a true, exact, complete and unaltered photocopy made by me of

Utah drivers licenses

presented to me by the document's custodian, Kimberly Webb

and that, to the best of my knowledge, the photocopied document is neither a public record nor a publicly recorded document, certified copies of which are available from an official source other than a notary.


Notary Public

Matthew & Carrie Webster
202 East 8800 South
Orem, UT 84070

Shady City Planning Commission
Community Development Dept
1000 Eastman Parkway

Shady, UT 84070
Attn: Brian Robinson

Exhibit "A"



8810 South 220 East

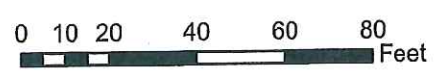


Exhibit #2 – Application Materials



Fabian House
202 E 8800 S
Sandy, UT 84070

April 12, 2018

To Whom it May Concern,

I would like to respectfully request a conditional use permit for Fabian House Preschool and Childcare. My resume includes being the Founder and Co-owner of BRiDGES Preschools in Arizona. BRiDGES Preschools started out as Ms. Cori's House 20 years ago., Today, it is a 5 campus school that continues to be the industry leader in the state of Arizona. Although, I don't aspire to re-create a large scale program, I do wish to bring the highest standard Preschool and Childcare to my Sandy neighborhood.

My house and property are perfect for a quiet home based preschool. It is a single story home with a sturdy 6' fence all around it. My floorpan and intentional design within the home allows for both a safe and educational environment for children, as well as a spacious and homey living space. I have a lot of experience being conscientious and supportive of city and state ordinances and regulations. I am very proficient in creating healthy, safe, and peaceful environments, while maintaining valuable relationships with my community and the families that I serve.

My resume:

www.bridgespreschool.com
<https://www.youtube.com/watch?v=Nu6g7O-uaT0>
<https://www.youtube.com/watch?v=WAhfuvwOLFQ>
www.linkedin.com/corifabian

Direct neighbors: My home is in an ideal neighborhood location. 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:

North: Over 150' away from doorstep to doorstep. Divided by 40' wide road and two 5.5' wide sidewalks.'

East: There are two small homes directly east of mine. Part of my property includes a historic cabin, which stands between my main house and one of my east neighbors. I am divided from my other east neighbor by their back yard, then a 6' tall fence, and a large garden area on my side.

South: The house south of mine has a large lot.. Our shared 6' fence divides my house and garden from their long, field-like back yard.

West: Historic Sandy Trax Station, spans from 90th S to 8800 S. The northern most portion of the parking lot neighbors my property. Although the road in front of my house is wider for this reason; the majority of the Trax traffic enters and exits on the 90th south side of the station.

Traffic Plan: My home has a two, double-wide driveways, plus a 20' wide turn around driveway. The turn-around driveway has two large entries/exit gates, and the space between them is over 800 square feet. According to Willie Chidester, Community Development and Building Inspector for Sandy, this alone is sufficient to manage maximum traffic from my home and business. However, besides the turn around driveway, this same area continues toward the house, easily able to accommodate up to 4 more vehicles. In addition, there is also another double wide driveway, 19' wide X 54' long, in front of the adjacent cabin. This is completely separate from the turn around and extended double driveway. This separate driveway leads back to a double carport beneath the historic cabin and has it's own pass through gate into the main yard of my home. I park my personal vehicles in the double car port bays. The rest of the 3,200 total square feet of driveway space is available for families. Also note that my business assistant will live on site, therefore minimizing personal come and go. Please see attached property and neighborhood maps.

Thank you very much for your time and consideration. Fabian House will definitely be an asset to the neighborhood, families, and the city of Sandy. Everyone I have met or spoken with at the City level has been very helpful and a pleasure to communicate with. I am really looking forward to working with you, and invite you to visit anytime.

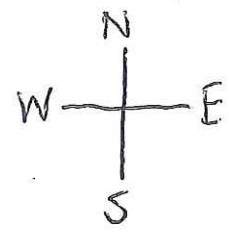
Sincerely,

Cori Fabian

(480) 688-4379

cori@fabianhouse.com

Neighbor North / across the street



8800 South St.

40' W road with 5.5' sidewalks

Two houses to my East

House bordering South property line

North end of Trax parking lot
Historic Sandy Station

School house property.

Historic Sandy Trax Station

90th South, Train Station Entrance

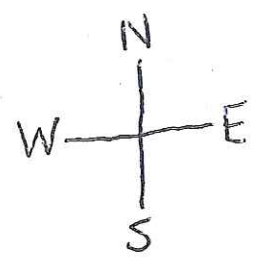
Illustrating quiet proximity to direct neighbors.

Cori Fabian
(480) 688-4379



Illustrating easy access and egress of any traffic flowing to/from house.

Cori Fabian
(480) 688-4379



Illustrating double driveways and turn around driveway

Cori Fabian
(480) 688-4379

Exhibit #3 – Property Owner Permission

**PROPERTY OWNER/MANAGER:
PERMISSION/RECOMMENDATION FOR
APPROVAL OF A BUSINESS LICENSE
TO CONDUCT A BUSINESS ON RENTAL PROPERTY**

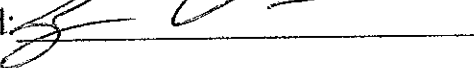
On this date 4-11-18 I, CORY WADDOUPS, the
(MM/DD/YYYY) (State your name)

PFD SANDY LLC give my permission for _____
(Indicate title owner, manager, etc)

Cori Fabian to conduct an in-home child care
(Name of applicant/renter) (Nature of business)

business, based from the residential address 202e 8800s, Sandy.

I understand that the business must comply with all ordinances pertaining to running a Home Occupation business, and my permission does not grant the business applicant the right to violate any portion of the ordinance.

Signed: 

Contact Phone: 801-609-8342

Address: 869 E 4500 S #224

~~SANDY~~, UT 84107
SLC

Exhibit #4 – Separation Distances



Exhibit #5 – Traffic Plan

Proposed Traffic Plan and Access





Access to the property is via a turn around driveway.

Site Access Map

