

SANDY CITY COMMUNITY DEVELOPMENT



JAMES SORENSEN
COMMUNITY DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI
MAYOR

CLIFFORD STRACHAN
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

June 16, 2022

To: Planning Commission
From: Community Development Department
Subject: Little Blooms Montessori Preschool (Category II Home Occupation Conditional Use Permit) CUP05202022-006331
10891 South Chapada Way Zoned R-1-9
[Community #12]

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

DESCRIPTION OF REQUEST

The applicant, Cecilia Hasleton, is requesting a Conditional Use Permit to expand the operation of an existing Child Care business license from a maximum of eight children per day to a maximum of 18 children on the property located at 10891 South Chapada Way. (*See Exhibit #1 – Application Materials*). 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 property is on a 12,632 square foot lot with a 3,384 square foot single-family home. The applicant is proposing to operate Monday through Friday from 7:30 AM to 5:00 PM. The applicant operates both a half day and full day daycare to stagger the number of children in her care.

The applicant is currently the only full-time employee as she has less than eight kids enrolled in her preschool at this point. The State of Utah determines the required ratios for employees to children based on the age of the child. The applicant is required to obtain a business license through the state as part of the business licensing process and is aware that she may need to add additional employees. Her neighbor has agreed to work at the preschool should the number of children require an additional employee.

The applicant is proposing to expand the operation of an existing childcare business which provides children a well-rounded experience throughout their day, and which caters to families in the local area. The applicant is proposing curbside pick-up and drop off on the west side of the property. Drop off and pick-up will occur along between 7:45-8:00 AM with pick up for half day kids between 12:00-12:15 PM and full day between 4:30 and 4:45 PM. (*See Exhibit #2 – Traffic Pattern*).

The property is located north of 11000 S. on the east side of Chapada Way. The property is part of the Silver Sage Subdivision in the R -1-9 zone. Surrounding properties are single family homes zoned R-1-9.

ANALYSIS

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. 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.

COMPLIANCE WITH SECTION 21-33-04

Staff response in *italics*.

Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions which address standards 21-33-04 "1" to "15", as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions "1" through "15", except the following conditions which merit discussion or additional consideration by the Planning Commission:

4. 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 directly in front of the home, with access coming both north and south bound on Chapada Way.

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

Pick-up/drop-off will be allowed along the west side of the property with a planned out and designated flow of traffic primarily north bound off Chapada way.

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 Code.

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

NOTICE

A neighborhood meeting was held on June 7, 2022 at 7:00 PM by the Community Development Department. Four neighbors attended the meeting and had the following concerns:

1. The traffic generated by the project.
2. The noise from the kids playing outside and at the home in general.
3. The property is not properly maintained in terms of yard maintenance with trash and weeds.
4. The rodents resulting from the applicants' compost pile.

In addition to the neighborhood meeting staff received two emails regarding the project (Exhibit #3- Neighbor Concerns).

CONCERNS

Staff has four concerns about the project they are health and safety, property maintenance, fencing, and the traffic plan. Neighbors raised concerns that a compost pile was attracting rodents. Staff has contacted the county health department and the applicant will be required to work with an environmental health specialist in order to rid the property of pests. The applicant has agreed to get rid of her compost pile and allow the health department to come out and create a mitigation plan for the rodents.

In addition, staff is concerned about the property maintenance and has started a code enforcement case. The applicant will work with our code enforcement department to ensure the property meets all provisions of the property maintenance code.

The fencing on the north side of the property is encroaching into the site visibility triangle (Exhibit #4 – Site Visibility Triangle). Fences within the site visibility triangle should comply with the requirements of a front yard setback and cannot be over four feet open type fencing or three feet solid fencing.

The traffic plan appears to show drop off on the west side of the street. Staff is concerned that the plan appears to show drop off across the street. Should the Planning Commission approve the project drop-off and pick up should only be done directly in front of the property so that kids aren't crossing the street to get to the preschool.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit for Cecilia Hasleton for the property located at 10891 South Chapada Way 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 use meets the intent of the home occupation section of the Sandy City Land Development Code.
2. The applicant is aware of and is willing to comply with all regulations applicable to this type of home occupation.

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. That the applicant or an aid assist at curbside with the directing of traffic and the loading/unloading of clients. Patrons shall not block driveway entrances to neighboring properties. All drop offs must be on the west and north side of the property so as to prevent children from crossing the street.
4. Create a rodent mitigation plan with the County Health Department and submit final sign off to Sandy City.
5. That the applicant work with code enforcement to bring the property up to all standards required by the property maintenance code.
6. That the applicant relocate the fence on the north corner side to ensure it is not located within the site visibility triangle.
7. That this Conditional Use Permit be reviewed upon legitimate complaint.
8. That the applicant meet all state business licensing requirements for a preschool.

Planner:

Claire Hague, *Planner*

S:\Users\PLN\STAFFRPT\2022\CUP05202022-6331 Little Blooms Montessori

Exhibit #1 – Application Materials

Little Blooms Montessori Preschool

19 May 2022

Dear Planning Commission,

I am requesting a Conditional Use Permit to operate a Montessori preschool in the basement of my home. My proposed operating hours would be Monday-Friday 7:30am-5pm. I plan on having one employee--a neighbor who lives 3 houses away.

My preschool would be a mixture of full day and half day (depending on need) with a morning session starting at 8am and ending at 12pm. Drop off for the morning session would be between 7:45am-8am and pick up would be from 12pm-12:15pm. The afternoon session would be from 12:30pm-4:30pm. Drop off for the afternoon session would be from 12:15pm-12:30pm and pick up would be from 4:30pm-4:45pm. Children who come for a full day would have drop off between 7:45am-8am and pick up from 4:30pm-4:45pm.

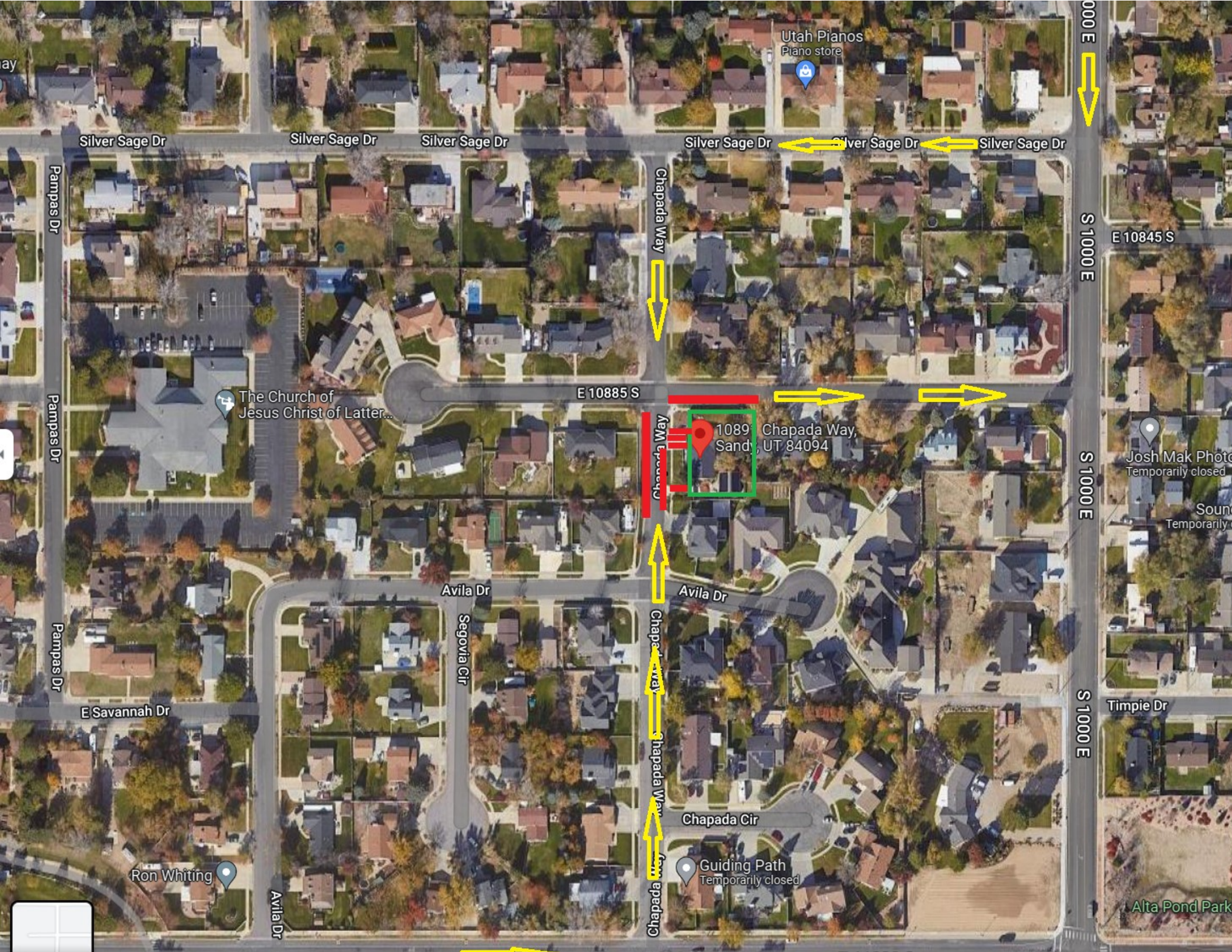
My preschool would increase the traffic in my neighborhood during the pickup and drop off hours. The parent's cars would take up space on the street, however, my home does have 4 off-road parking spots, as well as parking in the front and on the side of my home that would not be directly in front of any neighbor's houses. Outdoor play time may increase noise in the neighborhood. Outdoor play time for the morning session is planned from 11:30-12pm. Outdoor play time for the afternoon session is planned from 4pm-4:30pm.

Thank you so much for your consideration.

Sincerely,

Cecilia Hasleton

Exhibit #2 – Traffic Pattern



Utah Pianos
Piano store

Silver Sage Dr Silver Sage Dr Silver Sage Dr Silver Sage Dr Silver Sage Dr Silver Sage Dr

Pampas Dr

Chapada Way

S 1000 E

S 1000 E

S 1000 E

S 1000 E

S 1000 E

S 1000 E

E 10845 S

The Church of
Jesus Christ of Latter...

E 10885 S

1089
Sandy, UT 84094

Josh Mak Photo
Temporarily closed

Sound
Temporarily closed

Pampas Dr

Pampas Dr

Avila Dr

Segovia Cir

Avila Dr

E Savannah Dr

Chapada Way

Chapada Way

Chapada Way

Chapada Cir

Guiding Path
Temporarily closed

Timpie Dr

Ron Whiting

Avila Dr

Alta Pond Park

Exhibit #3 – Neighbor Concerns

From: [Lacy Foulks](#)
To: [Claire Hague](#)
Subject: [EXTERNAL] Daycare in neighborhood
Date: Friday, June 3, 2022 2:53:23 PM

Hello Claire,

I just received a letter today that my backdoor neighbor would like to have a daycare. My family and I have concerns about this as we live behind them. There are always screaming kids outside and my husband works from home and it's been hard with that. Also my daughter is starting college this summer and, again, the screaming kids all day makes it extremely tough for her to study. I also have concerns about the safety of their yard. Next to our fence there is a big bin full of rotting food that's been there for about two years. All the rotting food has given us a rat problem so we are having to put out rat poison which scares me with little children around. The yard just seems to not be well taken care of for there to be really small children running around.

I won't be able to make the meeting, but did want to express some concerns as we do share part of our backyard fence with them.

I'm hoping these concerns can stay anonymous. As we don't want anyone upset with us, we just have concerns is all.

Thank you so much for just hearing my concerns.

Sent from my iPhone

From: [Tom Zimmerman](#)
To: [Claire Hague](#)
Subject: [EXTERNAL] Cecilia Hasleton Day care Conditional use permit.
Date: Monday, June 6, 2022 3:14:22 PM

This is to notify Sandy City that I am in favor of granting Cecilia Hasleton a Conditional use permit to run a day care home occupation at 10891 S Chapada Way.

Please note my vote in favor of her request in your decision on granting the request.

Thanks, Tom Zimmerman 959 Silver Sage Drive, Sandy Utah

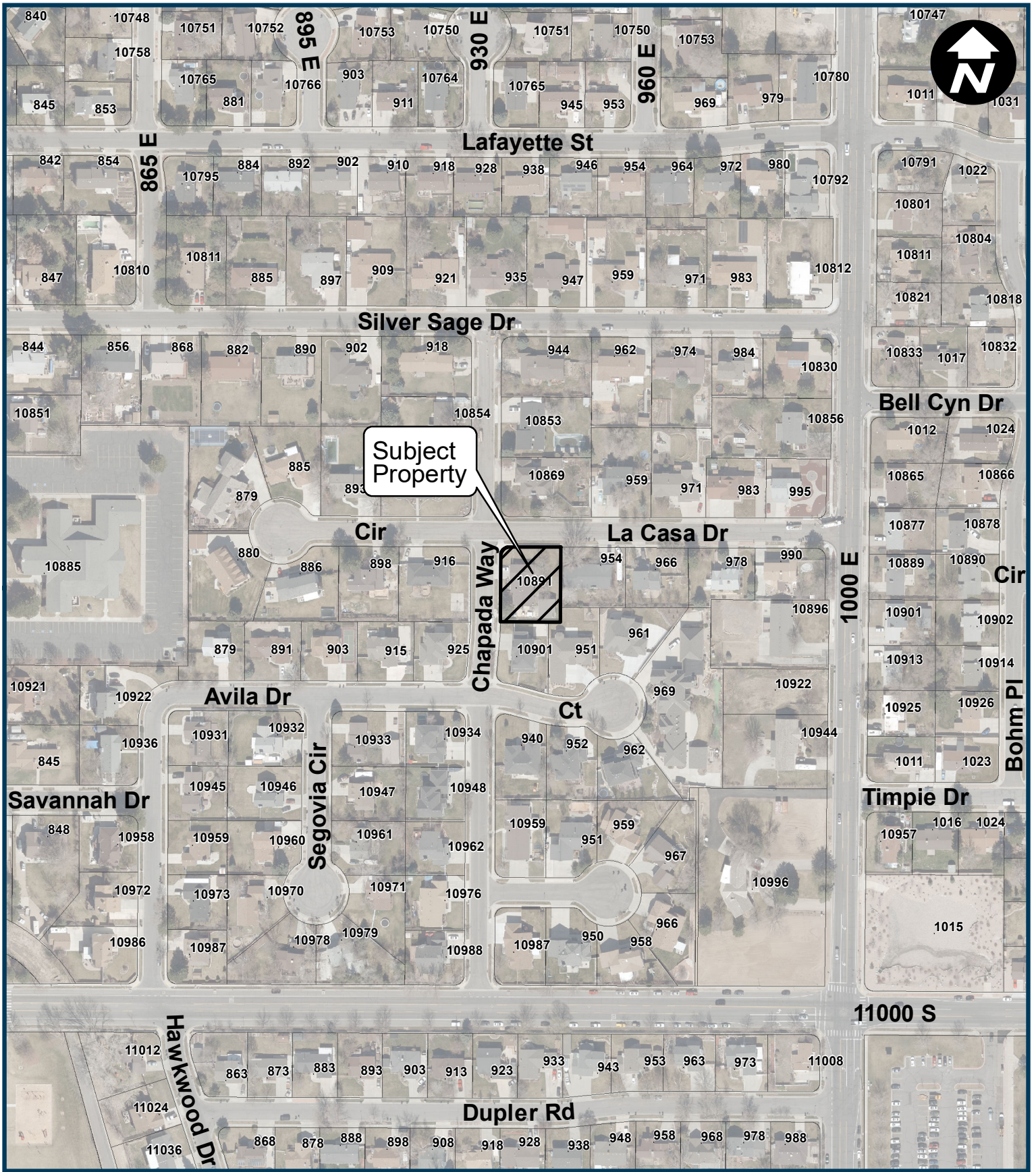
Exhibit #4 – Site Visibility Triangle



60 Feet

60 Feet

Exhibit #5 – Vicinity Map



CUP05202022-6331
Little Blooms Montessori Preschool
10891 S. Chapada Way

