



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

MONICA ZOLTANSKI  
MAYOR

SHANE E. PACE  
CHIEF ADMINISTRATIVE OFFICER

## Staff Report Memorandum May 10, 2023

To: Planning Commission  
From: Community Development Department  
Subject: Heavenly Childcare (Category II Home Occupation  
Conditional Use Permit)  
9342 S Maison Dr.  
[Falcon Park, #16]

CUP04182023-006520  
Zoned R-1-20A

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

### Request

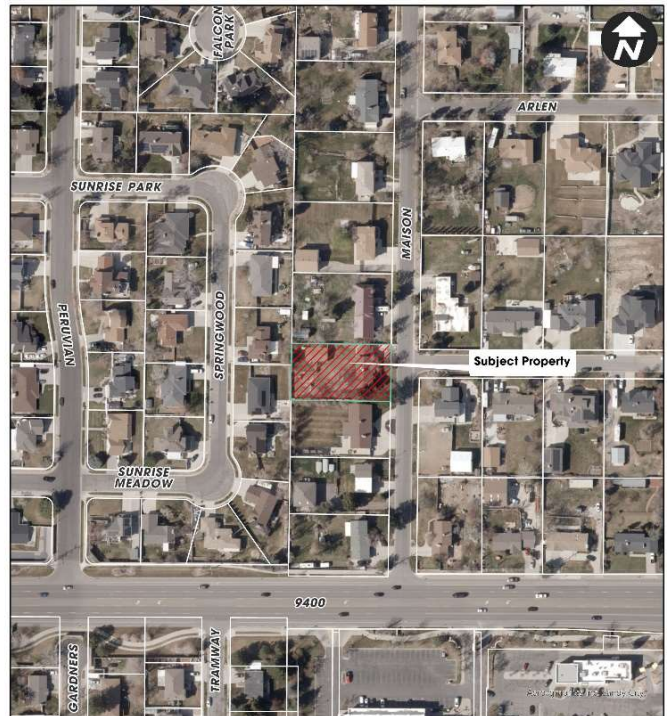
The applicant, Sarah Kingston, is requesting a conditional use permit to allow for a category II home occupation daycare to allow up to 16 children at one time on the property located at 9342 S. Maison Dr. (see applicant materials, Exhibits "A" and "B"). Any child daycare desiring to operate with more 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 could allow for up to 16 children at one time or a maximum of 18 children per day.

### Background

The subject property is located in the R-1-20A zone and is 17,527 square feet. The subject property is lot 24 in Montana Ranchos 1 subdivision and is adjacent to single family homes zoned R-1-20A on the north, east, and south sides. To the east of the subject property, the single family homes are zone R-1-10.

### 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 May 4th and 11 neighbors attended. The following comments were made about the daycare:



0 40 80 160 240 320 400 Feet

CUP04182023-006520  
Conditional Use  
9342 Maison Dr  
Community Development Department  
Cartography: Eleanor Mearns

1. The previous daycare was owned by a family member to the current applicant and neighbors reported the property and children were neglected. Neighbors are concerned the same thing will happen with this applicant and property owner.
2. Noise generated from kids in the rear yard
3. There are multiple horse properties in the neighborhood. They do not feel that a day care is an appropriate use.
4. Neighbors feel that a day care is not a typical home-based business in the area
5. The property was abandoned for a period of time and was not maintained and fell into disrepair.
6. No curb or sidewalk on side of the road. Neighbors are concerned it will create a safety hazard for children during pick-up/drop off.
7. Concerns were expressed about increased traffic in the morning and evening during drop-off and pick-up times.
8. Concerned that work was being done without a building permit.
9. Neighbors were concerned that the contractors were intoxicated and inconsiderate.
10. One of the abutting properties said that fencing was damaged and that children from the previous daycare would climb over the fence creating a safety hazard for children.
11. Neighbors felt that living next to a daycare will potentially decrease their property value.
12. A neighbor is worried about the proximity of the daycare to the future liquor store.

In addition, staff received one in-office visit, eight phone calls, and thirteen emails from neighbors (see Exhibit “C”).

### **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. 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.

The applicant has been operating an in-home daycare in Salt Lake City in her former home with licensing for 16 children at one time. The applicant has three children under the age of 6 that would be included in the daily allowed number of children. The applicant is proposing to operate Monday through Friday from 7:30 a.m. to 6:00 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.

A proposed traffic plan has been reviewed by Britney Ward, Transportation Engineer (See Exhibit “B”). This plan shows all drop-offs and pickups are to occur on the passenger side of the vehicle in front of the home. Because Maison Dr. is not a through street the traffic plan is circuitous. One potential way to mitigate this would be to install a circular driveway in the front yard as has been suggested by Britney Ward. The existing plan demonstrates how patrons can avoid U-turns, backing, or other improper vehicular maneuvers that could create safety hazards. 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 21-33-4 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 Maison Dr. 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 heard the concerns of neighbors in the neighborhood meeting, read through all emails, and listened to phone calls. Many of the concerns were regarding the previous property owner and activities. While staff understand those concerns, this is a new applicant and property owner. It is not relevant for Sandy City to address concerns regarding the previous property owner as part of this conditional use permit.

Staff concerns on this project are property maintenance regarding landscaping and fencing. The Sandy City Development Code **Section 19-2** addresses landscaping and maintenance and **Section 19-2-3** addresses fencing. Code enforcement visited the property on May 8, 2023, to address code related issues concerning landscaping, a damaged fence in the rear yard, and cleaning up trees in the front and rear yard. The applicant is cooperating with code enforcement to resolve these issues and has begun to make progress.

**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 9342 S Maison Dr. based on the following findings and subject to the following conditions:

**Findings:**

1. The property has not been maintained for the past several years but has taken recent action to bring it into compliance with the City's Property Maintenance standards.
2. The application is consistent with what is allowed by the Land Development Code.

**Conditions:**

1. That the applicant resolve all code compliance issues regarding fence repair and landscape maintenance as required by Title 19 of the Sandy City Land Development Code prior to commencing operation of this use.
2. 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.
3. 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.

4. 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.
5. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:



Sarah Stringham

Planner

S:\Users\PLN\STAFFRPT\2023\CUP04182023-006520 - Heavenly Childcare



## Exhibit "A"

Sandy City Planning Commission,

I want to thank you for the opportunity to share additional insight regarding my application for a Conditional Use Permit.

My name is Sarah Kingston, and I am a women owned, business owner of Heavenly Childcare. Since 2018 I have successfully run an at home childcare facility out of my then home in Salt Lake City, Utah with a current licensing capacity of 16 children. I purchased the home on 9342 Maison Drive back in the later part of 2022 with my husband. I am bringing the same policies and practices that have assured a safe and licensed facility in Salt Lake City to my new in-home facility in Sandy. I am seeking a permit that would allow my facility to have the maximum amount of children and vehicle traffic, as allowed for by city ordinance.

To run my current facility, I am licensed and compliant with agencies as:

- Child Care Licensing within the Utah Department of Health and Human Services;
- the Orem Child Care Nutrition Program;
- Salt Lake City Corporation;
- the Salt Lake City Fire Prevention Bureau;
- as well as being CPR and first aid certified.

Those are just some of the agencies I work through to ensure a safe and compliant facility. I implement sound policies and practices to keep the children in my facility safe, and noise to a minimum. I employ a 2<sup>nd</sup> care provider that assists with the duties in running my facility. My facility is maintained in a neat, clean, and tidy environment free of debris and other hazards.

I maintain policies and practices that ensure:

- Noise is kept to a minimum, both while children are in the home and at play in the yard;
- The yard and facility is kept free of debris and hazards;
- Children are cared for in a safe, clean environment; and
- Vehicle traffic to and from the home is kept to an absolute minimum.

I take pride in ensuring a safe and compliant facility. I also take the relationship with my surrounding neighbors to heart. At my current facility, vehicle traffic has been maintained at a minimum leading to no complaints, as well as receiving no noise complaints. Through years of experience running my facility I know my policies and practices work.

I am proud to share some feedback I received about my current facility's operations from a Family Childcare Specialist within the Children's Service Society of Utah at Care About Childcare –

## Exhibit "A" continued

*"Sarah is one of the kindest and most loving providers you will ever meet. She has a quiet and calm way of doing things. When I am in her home I see that calmness in the way that she cares for the children and the way that the children behave."*

*"She is good at what she does and what she offers the children. I see this by the excitement on the children's faces as they play and learn with her. I hope that she sees the value in what she is doing and the impact that she is making on these little ones lives."*

I have also received excellent feedback from neighbors around my current facility that they are very appreciative of the practices I employ for my facility that ensures no disruption to their lives.

I am bringing these same practices, policies, and procedures that have proved successful over the years in ensuring a compliant facility, while also supporting the community I am a part of, to my new facility in Sandy. I love what I do.

I would again like to thank Sandy City allowing me to share additional details about my application. Should you have any questions, please do let me know.

Thank you!

Sarah K. Kingston  
Owner – Heavenly Childcare

Exhibit "A" continued

# Daily Schedule

Hours: Monday – Friday, 7:30 AM – 6:00 PM

|                            |  |
|----------------------------|--|
| <b>8:30 AM – 9:00 AM</b>   | <b>Breakfast</b>   |
| <b>9:00 AM – 10:00 AM</b>  | <b>Learning: ABC's, Numbers, Colors, ect/Indoor Play</b> |
| <b>10:00 AM – 10:30 AM</b> | <b>AM Snack</b>  |
| <b>10:30 AM – 11:30 AM</b> | <b>Learning: History, Science, ect/Indoor Play</b>       |
| <b>12:00 PM – 1:00 PM</b>  | <b>Lunch</b>   |
| <b>1:00 PM – 2:00 PM</b>   | <b>Naptime/Quiet Time</b>                                |
| <b>2:00 PM – 2:30 PM</b>   | <b>PM Snack</b>  |
| <b>2:30 PM – 4:30 PM</b>   | <b>Free Play: Outdoor Play, Activities, Games, ect..</b> |
| <b>4:30 PM – 4:50 PM</b>   | <b>Dinner &amp; Cleanup/Get ready to go</b>              |
| <b>4:50 PM – 5:00 PM</b>   | <b>Outdoor Play/Pick up time</b>                         |

Exhibit "B"

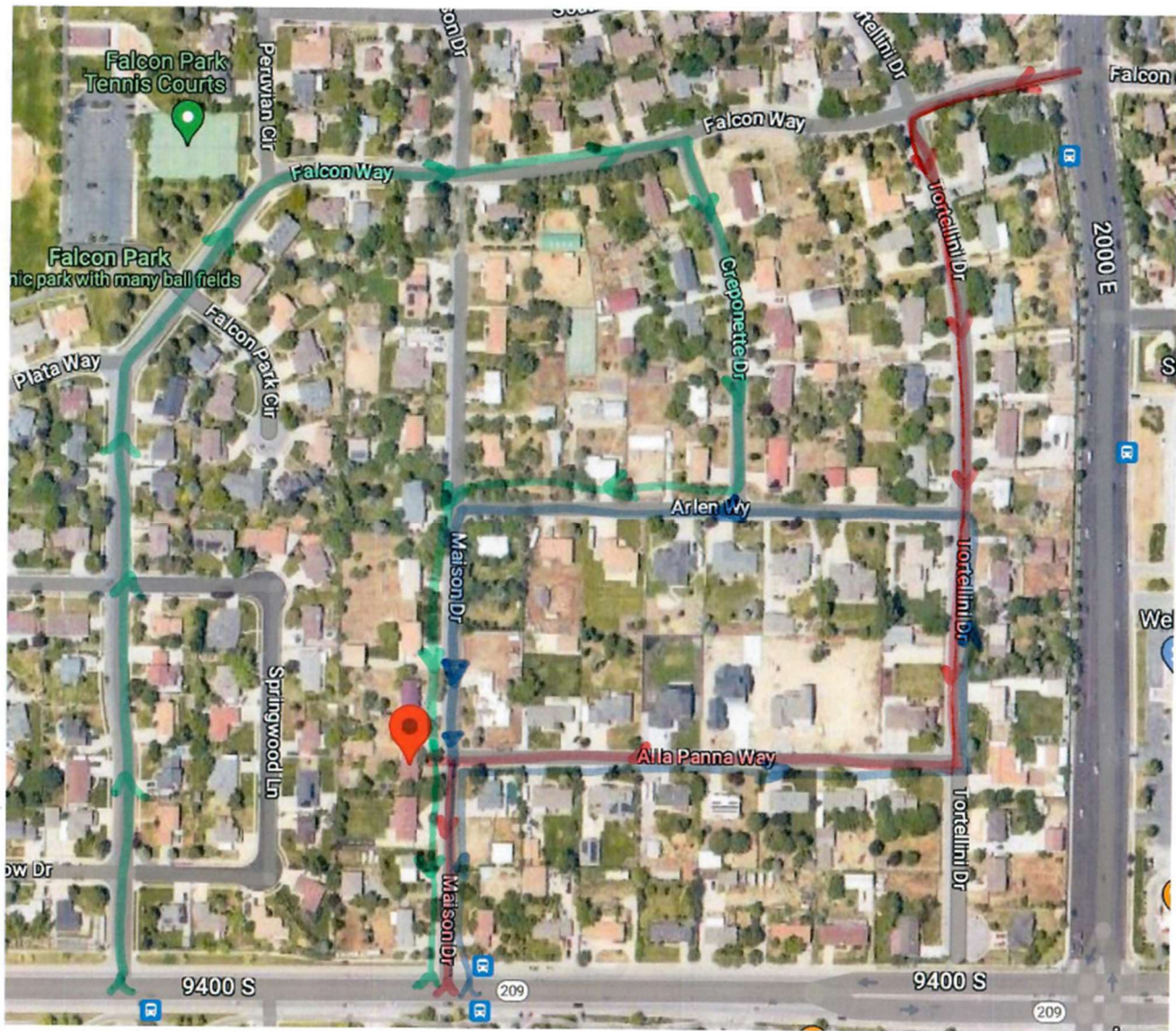
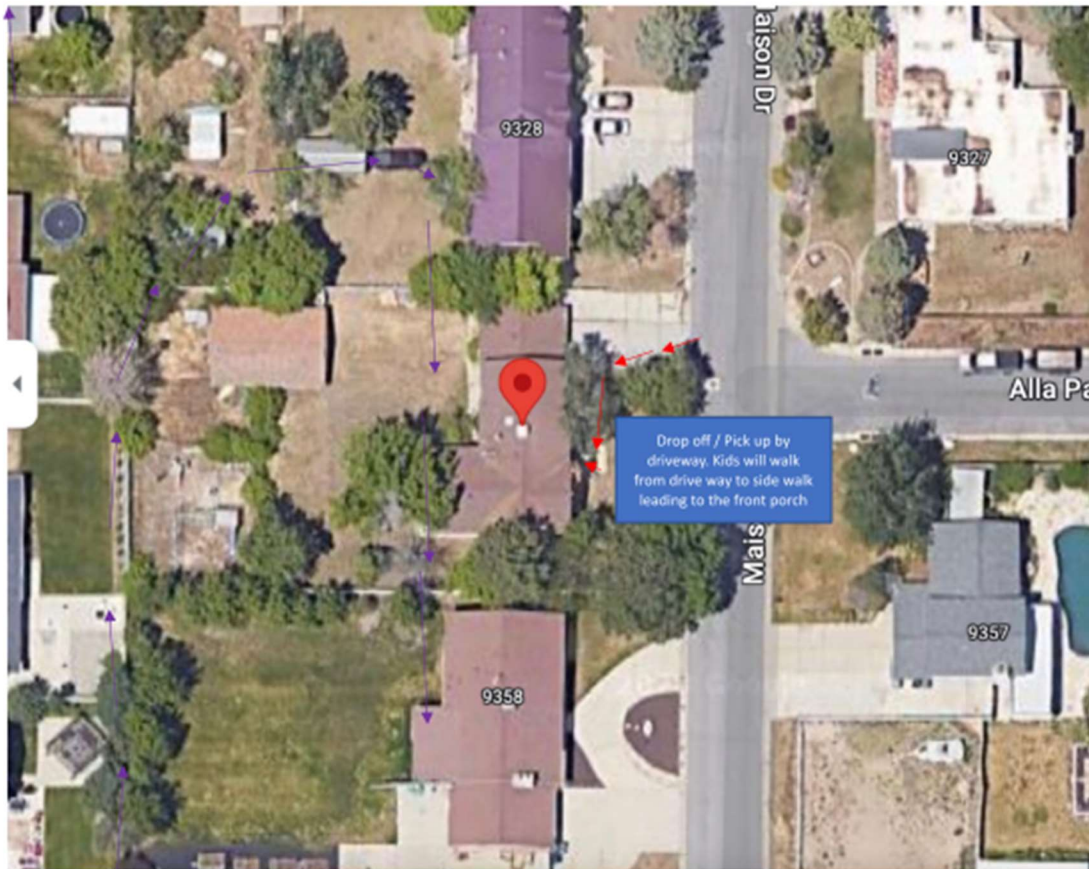




Exhibit "B" continued





## Exhibit "C"

**From:** [Lacey Stidd Barnson](#)  
**To:** [Sarah Stringham](#)  
**Cc:** [lstiddbarnson@yahoo.com](mailto:lstiddbarnson@yahoo.com)  
**Subject:** [EXTERNAL] Comments regarding daycare permit  
**Date:** Thursday, May 4, 2023 1:01:36 PM

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Hi Sarah,

My name is Lacey Barnson, I live at 9297 S Tortellini Dr in Sandy. I recently saw a flier regarding a permit request for a daycare at 9342 Maison Dr, which is very close to my home and on my route in and out of my neighborhood.

I would like to share my concerns with you while you are considering this permit request.

The location of this home is in a position where when just 1 vehicle is parked in front of the house, it makes it difficult for traffic to flow smoothly. If there were to be many vehicles at any time (pick up and drop off), this would cause significant traffic issues for everyone in the neighborhood. It is also very close to 9400 south, which is already hard enough to get onto at certain times of day.

18 children is A LOT. Our neighborhood is very quiet and close, but bringing in up to 18 more people in and out multiple times a day will definitely change that. We have young kids playing in our yards regularly, and the traffic coming in from the parents of the children at the daycare will unfortunately be cause for concern for their safety. People who don't live in the neighborhood have a tendency of driving through our streets with little regard for the speed limit or watching for children and balls and animals.

We all love our neighborhood and want it to stay as safe as possible for our kids. The possibility of a daycare with that many children brings concerns that threaten that.

Please take these concerns into consideration when making your decision.

Thank you for your time.

Lacey Barnson

## Exhibit "C" continued

**From:** [Ben Idonthinkso](#)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] Fw: Atten Sarah Stringham, Daycare on 9342 Maison Dr.  
**Date:** Monday, May 8, 2023 3:58:29 PM

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----- Forwarded Message -----

**From:** Ben Idonthinkso <[wnder357@yahoo.com](mailto:wnder357@yahoo.com)>  
**To:** [ssstringham@sandy.ut.gov](mailto:ssstringham@sandy.ut.gov) <[ssstringham@sandy.ut.gov](mailto:ssstringham@sandy.ut.gov)>  
**Sent:** Monday, May 8, 2023 at 03:52:04 PM MDT  
**Subject:** Atten Sarah Stringham, Daycare on 9342 Maison Dr.

Sarah I spoke to you briefly in front of the Kingston house. I am Ben Wunderlich, I live directly North at 9328 Maison Dr.

I was at the meeting but I want the council to know and address the concern that directly affects my house and property..

In the past, the garbage buildup between my house and the Kingston's was unbearable. It was about 6-8 overflowing garbage cans with dirty diapers baking in the sun every week. Even in the winter it was a problem of unbearable smell. 16 to 18 more little kids will make that problem even worse. I want to know what is going to be done about that very problem. Also the noise generated on a daily bases with my wife working from home and myself trying to sleep during the day that I sometimes have to do with my job. I apologize for being so abrupt but this is a sensitive issue with me.

Ben Wunderlich

Exhibit "C" continued

**From:** [Jeff Buhl](#)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] NO - Kingston Neighborhood Daycare At 9342 Maison Drive  
**Date:** Saturday, May 6, 2023 3:08:56 PM

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Hell Sarah,

Regarding approval for the conditional use request for a Kingston Neighborhood Daycare at 9342 Maison Drive, both Suzanne, my wife, and I vote, no.

If you have any questions or require additional information please just call me.

Thank you,  
Jeff

Jeffrey Buhl  
1860 East Arlen Way  
Sandy, Utah 84093  
801-953-4635  
[jeffbuhl@msn.com](mailto:jeffbuhl@msn.com)

Sent from [Mail](#) for Windows

## Exhibit "C" continued

**From:** [Ali T](#)  
**To:** [Sarah Stringham](#); [Britney Ward](#)  
**Subject:** [EXTERNAL] Conditional use on Maison  
**Date:** Tuesday, May 9, 2023 2:19:10 PM

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Hi Sarah and Britany

I'd like to add my opinion on the potential daycare permit on 9342 Maison drive. We already have enough traffic going through our neighborhood! I live at 9183 Tortellini drive and cars driving south coming up that hill can't see people, especially kids. The less traffic the better! We have lots of kids on our street. Creponette is a better option but still not desired.

There are no side walks in our area, or drive way to turn around in at that home. Building your own business and making money is a great idea, but not a daycare in a neighborhood like this one.

--

Ali Thackeray  
practice makes progress

## Exhibit "C" continued

**From:** [Evan Fitzgerald](#)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] Proposed Conditional Use at 9342 Maison Drive  
**Date:** Thursday, May 4, 2023 12:44:37 PM

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Dear Sarah Stringham,

I am writing to you today to express my opposition and concern to a conditional use permit for a daycare to be run at 9342 Maison Drive. It is my belief that having a daycare in our neighborhood will cause excessive noise, traffic, and concerns for the peace, quiet, and safety of our neighborhood.

I understand the need for a safe place for the supervision of our children, however in this case it is for the sole use of the Kingston family, a known polygamist group, with active criminal cases for many of the members of the family. They have run a daycare out of this location before under another member of the family, and I don't see their supervision habits changing. There are never enough adults to supervise the number of children they have. This has resulted in the disruption of the neighborhood. There have been numerous incidents with noise, pets, and in one case Child Protective Services being called to children wandering un-supervised in the street, and on the adjacent major road (9400 South). When police are called to resolve various issues, neighbors are met with threats and intimidation tactics from the family to drop our concerns. This is unacceptable.

There have been many occasions when this family will have several large gatherings, and the resulting parking of all the vehicles at that intersection (Maison Drive and Alla Panna Way) have restricted the road to a point that a fire truck could not pass into the neighborhood. This puts everyone at risk for everything from a medical emergency to a fire or worse. The establishment of a daycare center can attract visitors who will create additional noise and traffic in our neighborhood, making the situation worse.

Therefore, I kindly request Sandy City to reconsider the conditional use permit for a daycare in our neighborhood. The negative effects this could have on our community and residents, will reflect both on the family running the daycare, and Sandy City for allowing it to proceed. I would very much appreciate your attention in this regard, and I am available for any meeting or discussion to express my concerns further.

Thank you for your understanding and time.

Sincerely,

Evan Fitzgerald

9386 Maison Dr.

801.455.6408



## Exhibit "C" continued

**From:** [gotit2@aol.com](mailto:gotit2@aol.com)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] Conditional Use 9342 Maison Dr - Notes & Questions  
**Date:** Thursday, May 4, 2023 2:23:02 AM

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We have recently been made aware of the plans for a Day Care in the Montana Rancho subdivision. We currently live on Tortellini Dr. which is mostly used by those living on this street or visiting. This quiet street has made for a peaceful, safe area to walk, play or mingle with neighbors.

It's hard to understand how the additional traffic flow with the Maison Daycare in this area is going to work safely. What are the plans to help keep this area a Safe place to live or much like it is currently?

With all the people bringing children to and from daycare congestion on Mason Drive can quickly be a real issue. In which case, it is very likely that those people who are bringing the child to the Daycare will seek out an alternate route, with Tortellini Dr. being their next choice. Creating a solid flow of traffic in & out a quiet & safe neighborhood.

Are there plans to control the traffic on the streets that access the Daycare so that the children & adults that currently live on the access streets will still be safe to play/visit/walk?

It's tough to vision how the caregivers at the daycare will be able to Safely get all 16-18 children to & from the daycare & into the vehicles that are picking them up without causing a backup of traffic flow on an already narrow street as well as the side streets. Not to mention the back up on 90th South to get into our subdivision.

All that being said the Safety of the Children needs to be our utmost concern.

Not only are there going to be many cars coming & going each day but there is the concern of a child crossing the street to get to their ride when they shouldn't do so without adult supervisor or the child seeing a horse across the way on the horse property in Montana Rancho & running over to it or even worst going out on 90th South & getting hit.

As an alternative these Maison Daycare children can maybe be shuttled to & from the Daycare each day. Much like many of the other Daycare's do, they pick up children after school from their elementary. This would help to ease a lot of the traffic congestion & less risk of an incidents.

Do we know if these 16 children are going to be young pre-school/elementary children or pre-teens/teens?

Can you tell us how many Caregivers there would have to be if all 16 children were there at one time? What is the required Care Provider ratio to Daycare Children?

Will all 16 of these children be dropped off & picked up each day? Or will some of the allowed 16 children already be living at the Daycare address? If so, how many of these 16 children will already be a resident at the Daycare location?

What will the hours of the Daycare be & how many days a week will they be operating?

It is concerning as to what a Daycare of this size & in this location would do to the neighborhood, but most concerning is the safety risk of our children as well as the Daycare children. Is it really the right thing to have in this neighbor?

How do we get notified of what is happening with this request for Conditional Use 9342 Maison Dr? Or receive meeting notes & notices etc.?

Thank You,  
Valerie Fahlsing

## Exhibit "C" continued

**Sarah Stringham**

**From:** Jenni Fitzgerald <jrloeser@gmail.com>  
**Sent:** Thursday, May 4, 2023 12:27 PM  
**To:** Sarah Stringham  
**Subject:** [EXTERNAL] Request to prevent the establishment of a daycare in my neighborhood

Dear Sarah Stringham,

I am writing this email to express my concern and opposition to the proposal of having a daycare center in my neighborhood at 9342 Maison Dr. As a resident of this area, I strongly object to the idea of having a daycare center in close proximity to my house. I believe that this proposal will cause excessive noise and traffic that could potentially disrupt the peace and tranquility of our community.

I understand the utmost importance of having a safe and secure place for children to be during the day while their parents are at work. However, I strongly feel that this kind of service should not be offered in a residential area. The added noise and traffic that comes with this kind of operation would be a nuisance to already existing residents.

The establishment of a daycare center can attract visitors who might create additional noise and traffic in our neighborhood. It's very concerning that this kind of situation can be dangerous for our children who might be playing outside or people who want to take a peaceful walk in the area.

Furthermore, the establishment of a daycare center in our residential area will invariably increase traffic, making it difficult for us to move out and come in at our convenience. This type of increase in traffic can also pose a significant safety threat to children who are crossing the street.

Therefore, I kindly request Sandy City to reconsider the proposal of a daycare in our neighborhood. I implore you to consider the negative effects this could have on our community and residents. I would appreciate any assistance you can provide in this regard, and I am available for any meeting or discussion to express my concerns further.

Thank you for your understanding and time.

Sincerely,

Jenni Fitzgerald

9386 Maison Dr.

## Exhibit "C" continued

**From:** [Elisabeth Ostrander](#)  
**To:** [Britney Ward](#)  
**Cc:** [Sarah Stringham](#); [Matthew Ostrander](#)  
**Subject:** Re: [EXTERNAL] [AGAINST] Conditional Use Permit: Kingston Family Daycare (CUP04182023-006520)  
**Date:** Monday, May 8, 2023 12:01:20 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Hi Britney,

Thank you for your response & insights - HOWEVER, to be extremely clear -

I am NOT inquiring about future improvements, nor am complaining about needing to clear snow from our property-- I understand it, and we responsibly do so.

I have only outlined these issues to you as it relates to the traffic & safety issue brought up by neighbors with respect to the *current traffic plan submitted for the Conditional Use Permit in question (CUP04182023-006520) - as we were directed to bring these specific issues to your attention in community Zoom meeting on May 4, 2023.*

Because sidewalks do not currently exist, and your statement confirms that is unlikely to happen anytime in the future - that is a primary reason to **OBJECT TO / REJECT this permit** application - residents of the neighborhood were opposed given the added traffic that would increase the danger to their children & other pedestrians in the streets.

FWIW, there have been multiple occasions where our road was NOT plowed curb to curb, and there were **not cars parked** curbside on those occasions.

And again, that is a concern with added traffic and street parked cars by the Kingston property usage for a commercial daycare would bring. It's bad enough in summer, winter would only be worse if the trend continues.

On Mon, May 8, 2023 at 11:34 AM Britney Ward <[BWard@sandy.utah.gov](mailto:BWard@sandy.utah.gov)> wrote:

Elisabeth-

Thank you for sharing your traffic concerns with me. This area was annexed into Sandy without street improvements. There are many similar areas throughout the City. Unfortunately, when existing streets are annexed in, they do not come with additional funds for improvements. We do install improvements as funding becomes available, however. One of the biggest hurdles to these projects is right-of-way. If property owners dedicate the needed right-of-way to us, we make installing the improvements a higher priority.

We plow arterial and collector streets first, followed by local roads. You can see the plows real-time as well as the priority of the streets on our [website](#). We plow from curb to curb. If there are cars parked on the road during/after a snowstorm, we are not able to plow the full

## Exhibit "C" continued

width of the road. It is not permitted to park on the street during/after the snowstorms. Additionally, it is the homeowner's responsibility to clear snow from their driveways and mailboxes. Snow accumulated on the plow blade has no place to go but in the right-of-way, which includes driveway approaches. The City possesses neither the personnel nor equipment to clear thousands of driveway approaches within the City.

If a vehicle parked on the street is blocking mailbox's, than you can reach out to Police to request enforcement.



**Britney Ward, PE**  
Transportation Engineer

8775 South 700 West | Sandy, UT 84070  
o: 801.568.2991 | c: 801.376.3401

[bward@sandy.utah.gov](mailto:bward@sandy.utah.gov)

[sandy.utah.gov](http://sandy.utah.gov)




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**From:** Elisabeth Ostrander <[elisabeth.ostrander@gmail.com](mailto:elisabeth.ostrander@gmail.com)>  
**Sent:** Friday, May 5, 2023 1:13 PM  
**To:** Sarah Stringham <[sstringham@sandy.utah.gov](mailto:sstringham@sandy.utah.gov)>; Britney Ward <[B.Ward@sandy.utah.gov](mailto:B.Ward@sandy.utah.gov)>  
**Cc:** Matthew Ostrander <[ostrander.matthew@gmail.com](mailto:ostrander.matthew@gmail.com)>  
**Subject:** Re: [EXTERNAL] [AGAINST] Conditional Use Permit: Kingston Family Daycare (CUP04182023-006520)

Hello Sarah -

Congratulations on your graduation - it was a good reason to miss the zoom last night!

That said, I wanted to follow up on a few items:

1) Can you please send us a copy of the recorded video? My husband could not be present so would like to review. Thanks in advance.

2) From the substitute meeting leader, I understand that many of the issues we initially



## Exhibit "C" continued

outlined are outside of your purview with this project -

I now understand there's nothing we can do to prevent the up to (8) children residential permit at this point; but I want to reiterate our **STRONG OPPOSITION** to allowing the conditional use permit being approved.

so with that in mind, I do want to reiterate my biggest concerns with allowing the expanded permit usage (from 8) to 16-18 per day:

\*\*\*\* **EXCESSIVE NOISE** \*\*\*\*

Sarah & Solomon Kingston claimed they mitigate noise as best they can, but again, given my past experience with this family - I do not believe this is possible at that volume of children. I can tell you with 100% certainty that doubling the amount of children allowed in residential day care (From 8 to 18) at this property will create excessive noise patterns. We are one of 4 houses most directly impacted by the noise levels as an adjoining property. At least 2 of the others expressed their direct opposition to this as well.

Again, I must stress that I too work from home and my office window - which directly next to the play zone of the backyard, must be open during the summer months, when children are outside for the longest periods of time. The volume of noise when 18 or more children are present is absolutely unacceptable.

As expressed by others, the neighborhood became MUCH quieter since this home has been vacant since April 2020. At this level of childcare as a business, they should absolutely be utilizing a commercial property.

\*\*\*\* **SAFETY CONCERNS** \*\*\*\*

Solomon ***outright lied & contradicted himself*** on the call last night - in several instances claiming *he had no knowledge of 'past behavior' / issues of safety and the impact it had on our property*, with respect to trash/toys being thrown over their fence into ours.

But he also admitted that he lived at this property **between 2005 - 2011**, when his mother owned and operated day care there.

It was during this period when we absolutely had experienced children climbing over the fence & risking dog bite incidences with our Rottweiler, Pit Bull mixes & other large breed dogs present on our property during this time.



## Exhibit "C" continued

So again, **he knew very well** the multiple warnings that were issued by us during this time frame.

My husband states that Solomon PERSONALLY came to ask for toys thrown over the fence on multiple occasions - so Solomon absolutely cannot say he was unaware of past issues caused.

Given his lack of truthfulness in this regard, *I 100% do not believe his claims* that things will be different going forward.

I do appreciate that he claims they will at least take care of other safety issues on property, including fence repair, but again - the impact on using this property for such a scaled version of childcare is not appropriate for this neighborhood.

**\*\*\*TRAFFIC ISSUES\*\*\***

(copying Britney Ward as traffic engineer, per instructions given on the call)

A number of neighbors chimed in on this concern last night, and while we hadn't initially talked about it in our comments, we too must echo the comments on traffic concerns.

As stated by numerous people, because our neighborhood does NOT have sidewalks, children and adult pedestrians, cyclists must walk or ride in the streets. When cars and larger vehicles are parked on either side of the street, it creates a narrow one-way situation.

This is made even worse during the winter months, as we experienced on numerous occasions just this past winter alone, but also in prior years- our neighborhood is often late to be plowed by city crews during big storms, and FURTHERMORE - a **SINGLE LANE PASS** is typically only done.

There were multiple storms where the snowbanks created were 4-6' OUT from the gutters, narrowing the street significantly for days at a time.

This will only create more congestion and safety issues when adding the impact of daycare dropoffs to the mix during winter months.

## Exhibit "C" continued

We then had to take care of the snowbank blockages to our driveway entrances (two) as well as needing to clear the 60-80 sq ft section in front of our mailbox.

I will also add to that, the Kingston owned vehicles at this daycare frequently blocked our mailbox, which per federal law is unacceptable. We had to have USPS leave warning notices on their vehicles multiple times.

Pickups from this daycare would also likely create blockages in the afternoon time, and our local mail delivery happens during this same window (typically 4PM - 6PM) - so excessive traffic during this period would impact USPS delivery.

Similarly, like so many others, the frequent UPS, Fedex & Amazon Delivery truck traffic in our neighborhood may also be impacted by the volume of day care traffic, and add to safety concerns with children crossing the streets.

Thank you for your time and thoughtful consideration this matter.

We will hopefully be able to attend the following planning commission meeting (virtually if on the 18th) if possible - to again express our significant opposition to allowing an expanded use permit.

Elisabeth Ostrander

801-419-3507

On Thu, May 4, 2023 at 3:50 PM Sarah Stringham <[sstringham@sandy.utah.gov](mailto:sstringham@sandy.utah.gov)> wrote:

Hi Matthew,

Thank you for your email. Your comments will be included in the staff report that will be given to Planning Commission as part of their decision-making process.

**Sarah Stringham**  
Planner

## Exhibit "C" continued

Sandy City Logo



10000 S. Centennial Pkwy. | Sandy, UT 84070  
o: 801.568.6055 | f: 801.568.7278  
[sstringham@sandy.utah.gov](mailto:sstringham@sandy.utah.gov)

[sandy.utah.gov](http://sandy.utah.gov)

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**From:** Matthew Ostrander <[ostrander.matthew@gmail.com](mailto:ostrander.matthew@gmail.com)>  
**Sent:** Thursday, May 4, 2023 1:13 PM  
**To:** Sarah Stringham <[sstringham@sandy.utah.gov](mailto:sstringham@sandy.utah.gov)>  
**Cc:** Elisabeth Osmeloski <[elisabeth.ostrander@gmail.com](mailto:elisabeth.ostrander@gmail.com)>  
**Subject:** [EXTERNAL] [AGAINST] Conditional Use Permit: Kingston Family Daycare (CUP04182023-006520)

Regarding Conditional Use Permit CUP04182023-006520, we are the neighbors that are directly to the south of the property (9342 Maison Dr) applying for the daycare permit. We share a fenceline (the currently broken fence is their property) and we **cannot stress enough that we vehemently OPPOSE** this conditional use permit.

Although we have lived at 9358 S Maison Dr since 2005, we only became aware of a previous daycare license held at this property in April 2020 when Janice Kingston, the prior licensee passed away at home.

Had we been aware that this home was licensed as an official daycare facility (in addition to a large family residence / gathering spot) over the previous 18 years, we would have been even **more vigilant about reporting incidents of significant child neglect and potentially dangerous situations** to the appropriate authorities in order to protect the welfare and wellbeing of the *many children living at and visiting the property*.

## Exhibit "C" continued

While we had hoped to start fresh with new occupants -- **we CANNOT, in good conscience approve** of a daycare permit, given our past experiences with the property operating as a childcare facility.

It is important to note that the home & subsequent daycare on **any day** of a given week, frequently had more than the allotted total of children (16-18 per day) as outlined in the permit application.

The new request for a daycare is from the same family ownership, who have been present on the property for the full duration of our time as neighbors. The Kingston family members are well aware of the past incidents that have caused great concern not only for us, but surrounding neighbors over the years.

The general indifference and lack of consideration for child welfare, despite our repeated requests to be respectful neighbors and our desire to protect their children and family relatives from harm, ***gives us little expectation and zero reasonable assurance*** that any future issues would be handled differently than in the past by the new applicant.

Previous incidents of significant concern with regard to child safety over the last 18 years:

- Adult supervision is rarely present while children are in the backyard. On the rare instance an adult was present, it was typically only one adult, and Utah law mandates a minimum of two adults be present. [The full Utah law is attached]
- **THREE Children under 5 years old**, unsupervised, found walking down the middle of Maison Drive:
  - One toddler (approx 18 mos) wearing only a diaper & barefoot
  - Two others (ages 3 to 5) were about to walk into traffic on 9400 S. - approximately 100 yards from house (another good samaritan stopped to prevent disaster & called police)
  - The caregiver was seemingly unaware & appeared to be under the influence of medication when alerted to children in the street. No other adult caregivers were present.
  - Follow up made with Child Protective Services case #1969504
- Children under the age of 2 left unattended stuck in swings, crying for significant time
- Numerous instances of children crying/screaming in the backyard for more

## Exhibit "C" continued

than 60 uninterrupted minutes

- Only resolved when we knocked on their door to notify them
- Multiple instances of unsupervised children climbing over the fence into our yard over the years -
  - We own (and temporarily house/care for) large breed dogs who, while well trained, do not react well to the unexpected presence of new people on their property;
  - Multiple incidents of children taunting dogs over the fence, fingers/hands over the top, encouraging dogs to jump up to the top edge of the 6' fence.
  - Multiple verbal warnings issued by us over the years directly to children & adults to NEVER allow children to climb over fences, put hands over fences, and/or through gaps or under boards.
- Boxes upon boxes of toys needed to be cleaned up in our yard from having been thrown over the fence by unsupervised children.
  - Pears from their pear tree shot from a high-pressure device at our windows, adults unaware it was happening until we notified them of the issue.
- Previous visit to our home by an adult (male Kingston family member) who made thinly veiled threats to us, after we initially called Sandy police with a noise complaint;
  - Incident in question: Commercially sized bounce house operating after 9-10PM on a weeknight, well over 18 children present
- General noise levels of 16-20+ children are excessive on a regular basis, while **we primarily work from home**. Both of our home office spaces are directly next to the Kingston property, and our windows must be open during summer for evaporative cooling efficiency.

Additional comments – it's unclear in their current status of renovations whether these issues will be resolved before occupancy:

- Unmaintained privacy / security fence - rotten/soft boards, significant gaps, overgrowing trees creating bent and broken boards not protecting children



## Exhibit "C" continued

from neighboring animals.

- Unsafe conditions in backyard, significantly outdated, rusty playground equipment

*Matthew Ostrander, PE*

Cell: (801) 419-3535

Email: [ostrander.matthew@gmail.com](mailto:ostrander.matthew@gmail.com)

*Elisabeth Ostrander*

Cell: (801) 419-3507

Email: [elisabeth.ostrander@gmail.com](mailto:elisabeth.ostrander@gmail.com)

## Exhibit "C" continued

**From:** [barbara.salsbury](#)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] Concerns regarding proposed Conditional Use Permit for Ppotential Day Care Center on Maison Dr.,  
Sandy, Ut  
**Date:** Monday, May 8, 2023 7:19:04 PM

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May 06, 2023

Barbara Park  
9176 S. Tortellini Dr.  
Sandy, Ut. 84093  
801-654-9630  
blbpark1919@gmail.com

Following are a few of the concerns that I have as a current resident of the Montana Ranchos  
Neighborhood

My lot is on the corner of Tortellini Dr and Falcon Way, Sandy, Ut. With the current amount of  
traffic, many times I have a very difficult time backing out of my driveway without fear of  
being hit. Such a large increase in traffic during work hours and the hours of school traffic  
would increase my difficulty substantially, as well as the other neighbors who are in close  
proximity.

Increase in the traffic could cause much more congestion and many accidents.

We, in the neighborhood, do not want more noise and dirt, created by such an increase in  
traffic.

I have many concerns about the safety of the many neighborhood children who constantly  
play in the street - in all areas of the neighborhood, not just my street.

In winter traffic congestion and all the accompanying problems would increase drastically..  
Current traffic has difficulty in safely getting up the hill - going south.

The safety factors for both a very large increase in the number children in the area and the  
problems by a substantial increase in traffic are not desirable issues for this neighborhood!

Thank you  
Barbara Park

(ps. My neighbor wrote this on her computer for me )

## Exhibit "C" continued

**From:** [barbara.salsbury](#)  
**To:** [Sarah Stringham](#)  
**Subject:** [EXTERNAL] Comments and concerns regarding proposed day care center at 9342 Maison Dr., Sandy, Ut. 84093  
**Date:** Thursday, May 4, 2023 12:49:35 PM

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May 04, 2023

The following are concerns regarding the potential impact and problems created for the Montana Ranchhos subdivision, Sandy Utah. These concerns are not listed in any order of priority

- These properties are designated as horse property. The 10 foot frontage is a designated "horse travel path". This could prove to be a "attractive nuisance" and potential "pedestrian" accidents to small children who are not used to being around large animals. As well as creating a "hazard" for those used to riding these paths without any persons being on the path. Granted it is not an everyday occurrence of having "horse traffic", but the potential is there.
- Since this is horse property the yards tend to appear bigger and "street-side" appears to be open space ... but its not open access for parking ... it's private yards.
- Major concern is heavy congestion caused by the "to and from" traffic to the day care. It appears that there would be a minimum additional 16-plus cars, two to three times per day at a time when local residents are used to having easy access to come and go with work traffic at the intersection of Maison and 94th. There could be more cars if staff also need access.  
 There could be an intense increase of traffic flow in and out of the area at Falcon and Tortellini Dr. AND 9400 So and Maison. This is a situation of major accidents waiting to happen. Tortellini Dr. To Alla Panna is a direct potential traffic route through a neighborhood already filled with many children who constantly safely play in the street.  
 U turns for day care traffic would be nearly impossible at the "in-neighborhood" intersections, ie. Maison and Alla Panna or Alla Panna and Tortellini. The streets are not wide. Should there be any resident parking already in place it won't work. If cars - let alone pick ups- should be parked along the side, traffic could be a nightmare. Just the increased heavy traffic within the neighborhood is a problem.
- There is no off street parking for parents or workers. Child drop off is a concern, both to the parents and residents attempting to traverse the streets they are used to using to come and go. If children are allowed to be "dropped-off" or "picked up" in a regular manner it could create more problems. Especially noting that parents "dropping off or picking up" children tend to be on tight schedules and in a hurry, which could increase

## Exhibit "C" continued

anxiety in having to wait in tense situations. If there is no strict care for the children leaving or coming it could cause potential problems, such as everyday chaos in what is normally a relatively quiet neighborhood.

- Winter driving - or attempting to drive through those 'now-crowded normally considered neighborhood intersections or areas could prove to be a nightmare.

Barbara and Larry Salsbury  
9198 Tortellini Dr.  
Sandy, Ut. 84093  
801-619-3821

Barbara Park  
9176 Tortellini Dr.  
Sandy, Ut. 84093  
801-654-9630

Karen Morgan  
9266 Maison Dr.  
Sandy, Ut 84093  
801-571-5651

## Exhibit "C" continued

Heavenly Daycare Neighbor phone calls

May 3, 2023

**Joelene Hardy**

Has a concern with the amount of traffic the daycare will cause

People will have a hard time getting out on 9400

Concerned about the amount of children

May 4, 2023

**Aaron Cook** – Things the daycare will be bad for the neighborhood. The house has been a disaster for many years and the doesn't think the owners will maintain the property

Traffic is a concern- it is already very hard to turn from 9400 and adding cars will make things worse

**Patricia Schwarzer**

Doesn't want commercial uses in the neighborhood

Traffic will be bad in the neighborhood

**Katherine Shelton**

Said she is totally against the day care

It will cause too much traffic in the neighborhood

There has been problems in the past with toddlers running into the road

**Anonymous comment from neighbor**

Is against that number of children for the size of the house

The neighborhood is quiet and well established

worried about security of their own property with additional people in neighborhood.

No sidewalks in subdivision – just gutters- could pose safety concerns

Increased congestion

More noise in neighborhood for people are working from home during the day

May 5<sup>th</sup>

**Caller 1 comments**

Wanted to know if the daycare legal

**Caller 2 comments**

Wanted to know if Planning Commission in favor of the law or in favor of resident's complaints and that she wanted to rally residents to oppose the business

May 9<sup>th</sup>

**Adrina Holtry**

Lives on Tortellini Dr and has traffic concerns. She is concerned with that many vehicles and lots of kids around during school times and during the summer. Could pose a risk to the children. There is a hill that causes blind spots. Thinks a round about driveway would be better.

Larry and Barbra Salsbury – In person comments at Sandy City offices

Entrance at 9400 – street is dead end – no where to turn around – only 3 houses from the main street – no easy drop off

Concerned it will increase traffic in the neighborhood

Horse trails go through the neighborhood – easements for horse trails need to be respected