



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

December 5, 2019

To: Planning Commission
From: Community Development Department
Subject: Storybrook Kids Club
688 E. Union Square
[Community #5]

CUP-11-19-5761
Zone: CC

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

PROPERTY CASE HISTORY	
Case Number	Case Summary
	None

DESCRIPTION OF REQUEST AND BACKGROUND

The applicant, Savana Bauer for Storybrook, is requesting that the Planning Commission consider a request for a Conditional Use Permit to allow for a daycare business to operate within 250 feet of a residential property located at 688 E. Union Square. (*See Exhibit #1: Application Materials*).

The applicant is proposing to operate an hourly daycare center for children and infants at Storybrook's current location. The applicant is proposing to utilize the 2,500 square foot basement as a daycare and continue using the main floor as an indoor play place and café. At full capacity the applicant is proposing to care for 20 kids on site with an employee to child ratio being dependent on the age of the child and state requirements. The applicant is aware of Utah State requirements and has agreed to maintain those ratios. The business will operate from 8 AM-7 PM Monday through Thursday, 8 AM-10 PM Fridays and 9 AM-10 PM on Saturdays.

The subject property is located in the Planned Center- Community District (CC) zone and is .05 acres (2,178 square feet) with a 4,500 square foot commercial building space containing three levels. The tenants occupy the middle and bottom floors and do not currently utilize the top

space. The property is located within a shopping center and customer traffic will utilize the front entrance on the north side of the building.

Parking for the proposed business will utilize the existing parking lot for the Union Square shopping center. There are two access points to the shopping center, from the north via 9400 South, and from the east via 700 East.

ANALYSIS

Per **Section 21-08-02** of the Sandy City Land Development Code, a daycare center located within 250 feet of a residential district requires a Conditional Use approval from the Planning Commission. The distance is measured from the property line to the nearest residential zone district.

The distance from the property line to the nearest residentially zoned district is 50 feet. (*See Exhibit #2: Residential Distance*). The shopping center and residential properties are separated by a 6 foot concrete wall and 50 foot parking lot. Distance from the front entrance (north side of the building) to the adjacent residential property is 115 feet. The applicant is requesting a CUP for its location in relation to residential properties.

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:

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;

Compliance with conditions is reviewed by the renewal of the applicant's business license.

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 Code.

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

NOTICE

A neighborhood meeting was held on Tuesday, November 26 at 7:00 PM by the Community Development Department. Notices were mailed to the property owners within a 500-foot radius of the subject parcels in advance of the Planning Commission meeting. At the time of writing the staff report, staff has not received any comment on this application.

CONCERNS

Staff's primary concern is for the safety of the children. Upon building inspection some safety concerns were raised by the Sandy City Fire Marshal and the Assistant Building Official. (*Exhibit 3: Staff Review*) In order to address these concerns staff has added as a condition of approval that these specific code requirements are addressed by the owner as part of the business license approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow for Storybrook Kids to operate a daycare within 250 feet of a residential property at 688 E. Union Square based on the findings listed below and the subject to the following conditions:

Finding

1. Based on the proposed use, staff finds that there is sufficient separation from the commercial building and nearest residential district at 50 feet.
2. There should be minimal impact, if any, to the adjacent residential use.

Conditions

1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes identified within the attached letter, dated November 21, 2019 by the Assistant Building Official.
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 to mitigate a reasonably anticipated detrimental effects of the proposed use.
3. That the applicant obtain a business license from the Community Development Department.
4. That the applicant meet all Utah State licensure requirements for an hourly drop-in daycare.
5. That the use be reviewed upon legitimate complaint.

Planner: Claire Hague Reviewed by: BM

Claire Hague, Zoning Technician

S:\USERS\PLN\STAFFRPT\2019\CUP-11-19-5761 Storybrook Kids Club

Exhibit #1 – Application Materials

We own Storybrook Play Cafe in Union Square and are wanting to add a new addition to our space! We are wanting to create the downstairs area into an hourly drop in daycare center to enrich the community of those around us. The kids club would be an hourly drop-in daycare center to accommodate parents childcare needs that do not need a full time daycare spot. In the downstairs area of Storybrook, we have a large open space that is completely sprinkler equipped with 2 wide staircases leading directly to exits. We are hoping to host this during the hours of 8am-7pm Monday through Thursday, 8am-10pm Fridays and 9am-10pm Saturdays. We will accept ages 6 months through 8 years of age. We are applying for a max capacity of 20 kids in our space of 2500 square feet. The drop-off system would entail the parents parking and bringing the child inside for check-in. We will provide enrichment activities for the children in attendance on top of our fun playspace for children. This should not impact the traffic in any way as we are in a space with a very large parking lot. We will have 2 employees who will park in the back. This change would still keep in character with the zoning as many of the businesses next to us are child oriented as well. Thank you for your time.

Exhibit #2 – Site Separation

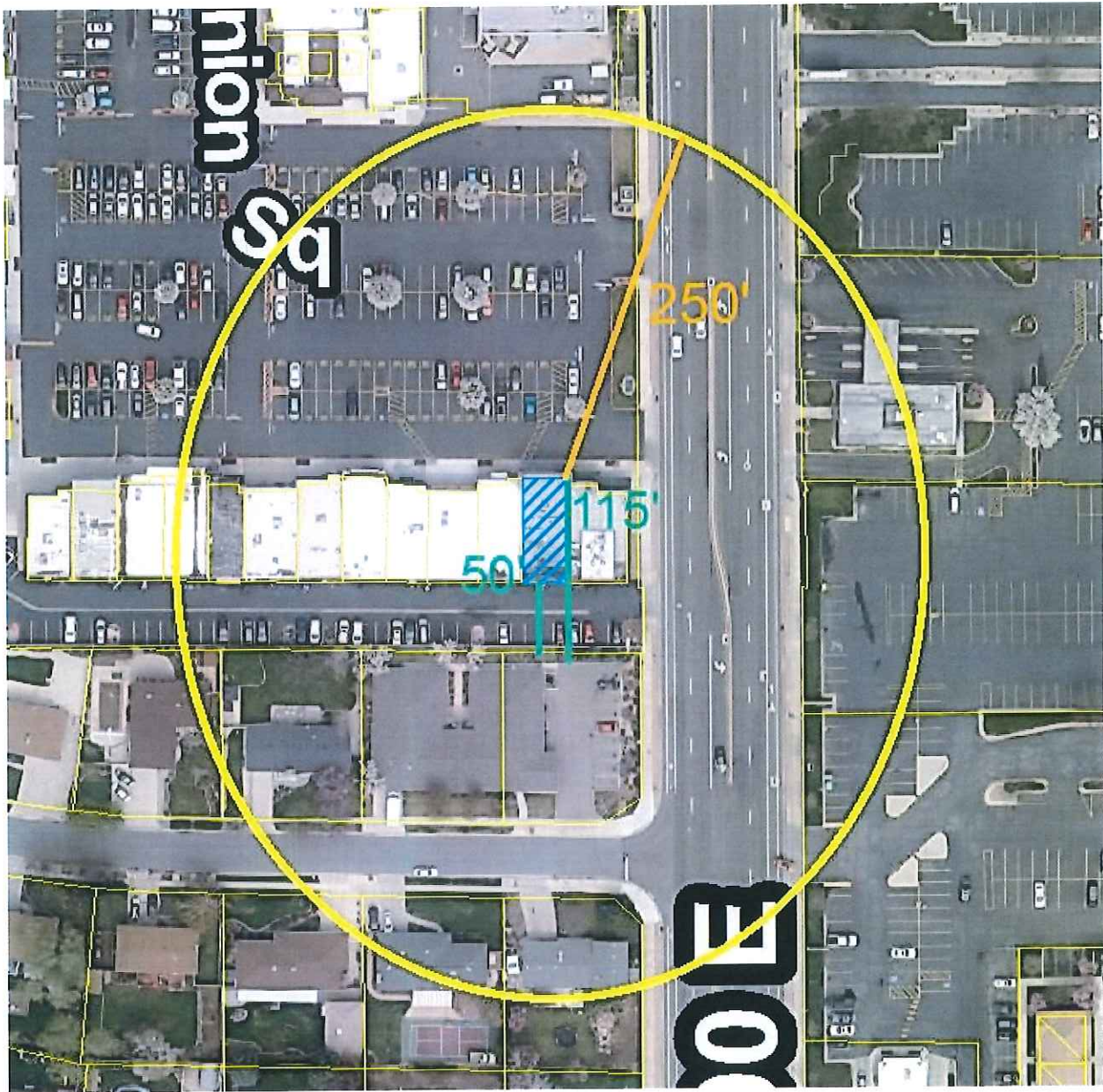


Exhibit #3 – Staff Review



Community Development Department

Kurt Bradburn
Mayor

Matthew Huish
Chief Administrative Officer

James L. Sorensen
Director

November 21, 2019

Re: Storybook Day Care
688 E. Union Square

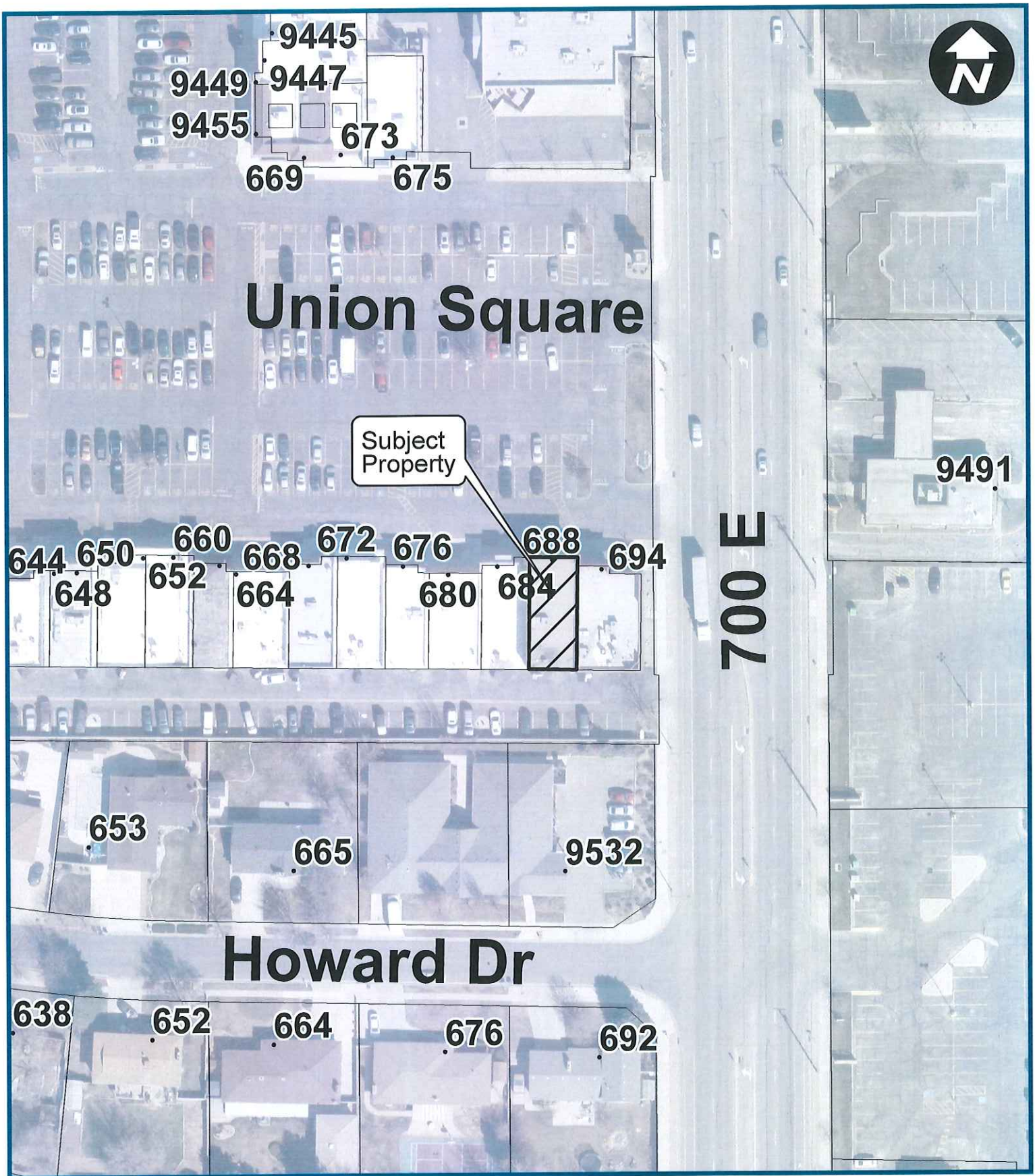
This is a review of building code requirements and the business owners request to have up to 20 receiving day care at the Storybook location. State of Utah requirements are separate from these items.

- Occupancy classification based on the 2018 IBC will be an I-4 daycare center
- Building is required to be fire sprinkled and all rooms and areas will need to be in compliance and approved by the Sandy City Fire Marshal
- Any associated alarms and fire extinguishers will also be required to be approved by the Sandy City Fire Marshal
- Secured areas must be code compliant for exiting requirements
- All associated stairs with the occupancy must have code compliant handrails on both sides of stairways
- Access gates cannot be located on stairs and need to be relocated to allow for a landing at top and bottom of stairs
- Exits must be clear of any furniture and storage
- Exits must be clearly marked and properly lit.
- Thumbturn lock will only be allowed on the main entry with proper signage on door for it to remain unlocked during business hours
- Thumbturn on rear exit door must be removed
- Daycare must be separated from adjoining businesses by a 1 hour fire wall
- All required supervisory requirements must be as required by State of Utah

Jim McClintic

Assistant Building Official

Exhibit #4 – Vicinity Map



CUP-11-19-5761
Storybrook Kids Club
688 E Union Square



PRODUCED BY CLAIRE HAGUE
THE COMMUNITY DEVELOPMENT DEPARTMENT