

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
July 14, 2020

*This meeting was held electronically
to allow Councilmembers and Staff to participate.*

4:30 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Marc Sanderson, Fire Chief; Karl Hirst, Interim Police Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Debbie Boone, Interim Recreation Department Manager; Jason Bench, Planning Division Manager; Keri Rugg, HR Director; Jennica Jones, Management Analyst; Stephen Cannon, Assistant IT Division Manager; Brady Hale, Transportation Engineer; Pete Wolfley, Communications Specialist; Jody Bates, City Recorder; and Jackie Lambert, Deputy City Recorder.

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under “City Council Presentations”

PRESENTATION – Human Resource Annual Report

Ms. Rugg and Ms. Jones presented the annual Human Resource (HR) report for the City of Orem. Ms. Jones began by sharing employee demographics as of July 1, 2020, including gender, ethnicity, and residential data. She said approximately \$48 million was budgeted for all personnel expenditures, with approximately \$37.5 million from the General Fund and \$10.5 million from all other funds. She shared a graph outlining the percentages of personnel expenditures by department, with the largest percentages correlating to the police, public works, and fire departments respectively. Ms. Jones provided a benefits overview from the past five years of Orem costs versus employee costs for a high deductible family coverage plan with HSA. The City had seen over 29% increase over the five years but had absorbed those costs to keep employee costs constant. Ms. Jones then shared a table with fixed benefits comparison to sister cities including American Fork,

Bountiful, Draper, Layton, Lehi, Murray, Ogden, Pleasant Grove, Provo, Sandy, South Jordan, Spanish Fork, Springville, St. George, West Jordan, and West Valley. She said on average Orem had a higher deductible plan and contributed more to dental and HSA; employees paid \$70 a month for health coverage, compared to around \$100 in other cities.

Ms. Jones continued, discussing retirement costs and contributions as well as employee turnover rates. She provided data regarding separations from the city from Fiscal Year (FY) 2010 to present and the most common reasons for separation, which included retirement and obtaining other employment. Discussion ensued regarding turnover rates, particularly among sworn police and fire officers, and whether compensation was a key factor in those separations. Ms. Rugg said in some cases compensation was a main factor, but other factors included opportunities to advance and family considerations. She said she worked closely with the fire and police chiefs to develop requirements and titles for advancement. In response to a Council question, Chief Sanderson said some of the classes required had been postponed or cancelled because of the COVID-19 pandemic, but he would reach out to Utah Valley University (UVU) regarding alternative courses that may be offered.

Many council members asked questions specifically about police and fire employees. Discussion continued regarding recruitment and lateral hires, benefits comparisons, opportunities for advancement, and open communication within departments. Ms. Rugg said it was important that employees felt they could speak to their supervisors or herself specifically should any issues arise. She was working hard to encourage open and transparent communication, and said only in rare circumstances would any information shared with her ever be divulged to others. This extreme scenario may include if anything illegal was going on. General discussion ensued.

Ms. Rugg thanked Ms. Jones for the work she put into the gathering and sharing the data in the report. She also wanted to thank staff that helped with HR outreach, including Pete Wolfley, Matt Kemmerer, and Jason Adamson. Ms. Rugg said she would send the report to the Council for further review and said they may contact her with additional questions.

DISCUSSION – City Retention Schedule

Mrs. Bates indicated the City Council had been provided with the proposed retention schedule for the Development Services Department. She said this process would continue with all individual departments making recommendations according to their needs.

Mrs. Bates encouraged the Council to reach out with any questions they may have regarding the City's Retention Schedule. Mayor Brunst thanked Mrs. Bates for the efforts of staff in this process.

Agenda Review & Preview of Upcoming Agenda Items

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered. Mr. Earl provided additional information on the item regarding a conditional use permit.

City Manager Information Items

At the request of Mr. Davidson, Mr. Clark provided updates on the Library Hall and Fitness Center capital projects currently in progress in the city.

Mr. Davidson shared information regarding the CARES contributions received from Utah County that would be distributed, including money specifically set aside for three new police personnel. Mr. Davidson also said the Alpine School District Board was considering a “return to school” plan for the upcoming school year. It would look like previous years, but may still have a component of students meeting in person in classrooms.

In a recent press conference, Governor Herbert announced an executive order that masks would be required in all state buildings. Mr. Davidson said he wanted to ascertain the Council’s opinion on implementing a mask order for all city buildings. The general consensus of the Council was to move forward with a requirement that those conducting business in a city building or facility wear masks.

Mr. Davidson informed the Council that the transition from the Microsoft suite to the Google suite was in the final stage. He asked that they pay special attention to any emails with directions on that transition as fire, police, and the City Council were the last groups to transition. He said Mr. Downs would provide additional information regarding the transition at the end of the meeting.

City Council Reports (Boards and Commissions, New Business, Etc.)

Mr. Spencer said his board and city liaison assignments were to the Beautification Advisory Commission, the Recreation Advisory Commission, and the Senior Citizen Advisory Commission. He said the COVID-19 pandemic had prevented these commissions from meeting together and conduct new business, but most were moving forward with previous, ongoing projects.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Marc Sanderson, Fire Chief; Karl Hirst, Interim Police Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Debbie Boone, Interim Recreation Department Manager; Jason Bench, Planning Division Manager; Steve Earl,

Deputy City Attorney; Brady Hale, Transportation Engineer; Stephen Cannon, Assistant IT Division Manager; Pete Wolfley, Communications Specialist; and Jackie Lambert, Deputy City Recorder.

CALL TO ORDER

INVOCATION /

INSPIRATIONAL THOUGHT Brent Sumner

PLEDGE OF ALLEGIANCE Brent Sumner

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

No items were discussed at this time.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to make a comment provided staff with written comments.

The public comments submitted were read into the record. Comments that were submitted for "Public Appearance" are attached to the end of the minutes in their entirety.

CONSENT ITEMS

- Approval of the June 30, 2020 City Council Meeting Minutes
- Approval of the July 7, 2020 Special City Council Meeting Minutes
- RESOLUTION – Approval of the City of Orem Legal Department Retention Schedule
- ORDINANCE – Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending the Fiscal Year 2020-2021 Budget

Mr. Nelson stated the Fiscal Year 2020-2021 City of Orem budget needs to be amended to add the CARES Act funds allocated to the City of Orem, add a 1% employee market adjustment pay

increase, adjust Police Task Force (MCTF) grant and participation revenues, and adjust the CARE Tax amounts for approved allocations. He said the proposed 1% employee market adjustment pay increase was the first amendment and would add approximately \$265,000 in payroll costs to the current budget. This was in part because the sales tax numbers from the past few months had been better than expected.

Next, Mr. Nelson said the CARES Act money received from Utah County had finally been received and the amendment was to add that to the general ledge which enabled the city to spend and cover COVID-19 expenditures. Mrs. Lauret asked if this was included past expenses as well as future or only past; Mr. Nelson said anything beginning March 1 and going through November 2, a deadline set by Utah County. He said some Treasury requirements had been relaxed for physical payments because there would be shortages caused by the pandemic. Mrs. Lauret asked how much the city had already spent for COVID-19 expenditures. Mr. Nelson said around \$250,000 so far.

Mr. Nelson said the third item had to do with the Orem CARE Tax and the variance between when money was allocated from the FY2020 Budget for awards in the FY2021 budget. Because of COVID-19, they were budgeting fewer dollars in FY2021 based on what they expected to receive but to cover the award amounts from the FY2020 receipts. The last item was regarding the Major Crimes Task Force grants received, but they did not have the final numbers on the participation funds so they made a conservative estimate and this adjustment would get those accounts to where they needed to be.

Mayor Brunst opened the public hearing. Hearing no comments Mayor Brunst closed the public hearing and brought the item back to the Council for further discussion.

Mayor Brunst moved, by ordinance, to approve amendments to the Fiscal Year 2020-2021 Budget as presented. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) “Design Standards” of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone

Mr. Bench said the Canyon Crossing District zone (encompassing the area around the intersection of 800 North and State Street), like the other State Street district zones, contained design standards that were intended to create an urban design feel and to maximize the development of properties in that zone. Two of the main development requirements were that buildings must be brought up close to the street with a maximum setback of ten feet and must also have a minimum of two stories.

As an exception to the above requirements, the current ordinance provided that one existing building on a parcel may be expanded by up to 15% of the floor area of the building without meeting the minimum height and maximum setback requirements. However, all other building

additions as well as new buildings must comply with the minimum height and maximum setback requirements.

Mr. Bench said a property owner in the CXD zone recently expressed a desire to construct a large accessory structure in the back of his lot and behind the existing buildings on the parcel. Upon consideration of the request, staff realized that the current CXD zone did not allow the construction of an accessory building for things like storage unless it complied with the minimum height and maximum setback requirements. Since it would generally be impracticable to construct an accessory building that met those requirements, staff believed that it was reasonable to allow an accessory building in the CXD zone to be built in the rear of a lot even though it did not meet the height and setback requirements. However, staff believed that the size of such an accessory building should be limited in order to avoid encouraging the construction of new buildings in the rear of a lot that ultimately may be devoted to primary uses since the intent of the ordinance was to bring the primary uses out to the front of the lot.

Staff proposed to amend the CXD zone to allow one accessory building that did not meet the minimum height and maximum setback requirements to be constructed on a lot provided that the accessory building was no larger than 40% of the floor area of one primary building on the parcel.

Under the proposed amendment, one accessory structure would be allowed on a parcel in the CXD zone provided it met the following:

1. A maximum area of 40% of the gross leasable floor area (GLFA) of the primary structure on the property.
2. A maximum height of one story, thirteen (13) feet in height.
3. The use must be exclusively for storage in connection with the primary use of the property.
4. It must be an accessory use to the principal use of the property.
5. It must be located behind the primary structure.
6. It cannot be connected to water or sewer services.
7. The parcel on which it is located cannot have already used the one-time 15% building exception noted above.

Mayor Brunst asked the height of the structure they wanted to build; Mr. Bench said it was twelve feet, seven inches.

Mayor Brunst opened the public hearing. Hearing no comments Mayor Brunst closed the public hearing and brought the item back to the Council for further discussion. Mr. Spencer thanked Mr. Bench and Mr. Clark for working with the applicant on this proposal.

Mayor Brunst moved, by ordinance, to amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) “Design Standards” of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling

Faces, located at 410 South Main Street in the R8 zone

Mr. Bench said this item was continued from the June 30, 2020 meeting to allow the applicant, German Pardo, and Council additional time to review the request.

Mr. Pardo's existing business was located nearby the proposed site on State Street. In order to expand his current business, he was proposing to move it entirely to this new location. He was not proposing any changes to the site; it would remain as is. However, because the site was in a residential zone, he was required to receive conditional use approval. Commercial daycares were permitted in a residential zone provided they were located either on a collector or arterial street. Both 400 South and Main Street were classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G) which were part of the report for Council review. Staff had determined the proposed site complied with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below.

As part of the requirements of the conditional use permit the applicant submitted a professional traffic study that outlined the requirements of Section 22-6-9(G)(13) as follows:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon one hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combined the total stalls in both the existing parking lot and the on-street parking and removed the required back-up stall, twenty-six (26) stalls were available.

The City's traffic engineer, Brady Hale, had analyzed the clear vision requirements for the intersection of Main Street and 400 South to determine whether all of the on-street parking on 400 South that the applicant had included as part of his available parking would actually be available. Mr. Hale shared a diagram with his findings and discussed the parking situation, line of sight and clear vision areas, and egress and ingress for the proposal. In response to Mrs. Lauret's question, he said the places where parking would not be permitted would be red curb. She asked how many spaces were eliminated from the on-street parking; Mr. Hale said it was four eliminated from 400 South and two from Main Street. Mr. Hale explained the process by which parking ratios were determined for commercial enterprises like the Smiling Faces Day Care Center. Discussion continued regarding available parking.

Mr. Bench shared the recommendation of the Planning Commission for approval of a conditional use permit for the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility be legally parked on the on-site parking lot or on that part of the street immediately abutting the site.
2. That signage be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the parking lot be used as a vehicle back-up area.
4. That the facility be limited to a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the parking lot.
6. That all children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

Mayor Brunst clarified that a parking ratio of 0.20 stalls per student equated to 100 students allowed throughout the day, while a ratio of 0.24 equated to 83 students. Mayor Brunst gave time to the applicant's attorney, AJ Pepper with Snell & Wilmer, who wished to provide additional information. Mr. Pepper presented his client's case as to why the conditional use permit (CUP) should be allowed, citing legal standards and case studies. He believed his client, German Pardo, had satisfied all applicable requirements and standards for a CUP in this area. Mr. Pepper also felt some of the standards determined by the Institute of Transportation Engineers (ITE) did not apply in this situation and should not be a requirement for compliance.

Mayor Brunst said he had received a letter from Simon Bolivar, program administrator for the Utah Child Care Licensing Team, which said the children and families served at the Smiling Faces Day Care Center would be better served at the proposed new facility because it had more space and was further from major streets. Mayor Brunst read the remainder of the letter at the request of Mr. Spencer. Mayor Brunst said he was comfortable with the proposal and the conditions established by the Planning Commission.

Mr. Macdonald said he felt like the position the applicant's attorney laid out implied that the Council had no choice to approve this CUP, and Mr. Macdonald wanted to hear what the city attorneys thought of the argument and the Council's responsibilities in this matter. Mr. Earl responded to the points Mr. Pepper made and said he did not feel it was all the correct legal standing. Mr. Earl opined that there were factors outlined in code the City Council should study when considering conditional use permits. It was completely legitimate for the Council to consider the traffic safety, clear vision areas, adequate parking, etc. as they had done; those factors could impact the health, safety, and general welfare of the city. Mr. Earl further stated that it was entirely appropriate for the City Council to rely on national ITE standards for these determinations, despite arguments to the contrary.

Mr. Spencer wanted to clarify that his concerns with the proposal had nothing to do with the quality of the daycare business itself, but were specifically tied to safety concerns with parking, line of sight, and traffic. He understood that the daycare center staggered the pick-up and drop-off of students, but if the number of children present each day was going to double Mr. Spencer was not sure they could sustain the staggered intervals at the same level. He felt the request to have 100

children at the daycare each day was too high; he felt the negotiated rate with 83 children was also too high to keep all the children and families safe.

Mr. Peterson echoed Mr. Spencer's comments about his concerns and keeping children safe. He took the responsibility of the Council to maintain the health, safety, and welfare of Orem residents seriously and did not want accidents and tragedies on his hands.

Mrs. Lauret said she conducted her own visit and studied the parking and traffic during peak pick-up and drop-off times. In her opinion, the parking was adequate and there did not seem to be any issues with traffic. She said children were walked in and out of the building by guardians and no children were unaccompanied. Mr. Spencer said Mrs. Lauret's unofficial study was not necessarily indicative of how the process would be when the number of children more than doubled. Mrs. Lauret said she wanted to see the process for herself, and though her sample was small she felt the daycare center would be equipped to handle the increase.

Discussion continued between the City Council and the applicant and his counsel. Mr. Pardo was asked his estimate on how many families the requested increase represented. He said currently his 43 students represented approximately 32 families and he felt it would be a similar ratio of they increased enrollment. Mr. Pardo expressed frustration that he had followed all the guidelines required for this request but was still meeting resistance. He felt concern that this was opening a door for government oversight on his business every day.

Mr. Sumner said he was torn on the matter because there seemed to be different scenarios being considered and he was not sure which one the applicant was advocating for. Mr. Bench said the standard of 0.24 stalls per child allowed for 83 children to be enrolled; a compromise of 0.20 stalls per child would allow up to 100 children to be enrolled and on sight throughout the day. Mr. Pepper said they had not agreed on a ratio yet as he felt the ITE standards should not be applied to this request. Utah had significantly different numbers to the national standard, and he felt that should be taken into consideration.

Discussion continued regarding the ITE standards and the diagram produced by the traffic engineer. Mr. Pardo had engaged a traffic engineer as well who had worked with the City's traffic engineer to create the diagram that was shared. David Bezzant, traffic engineer, said many of the parking stalls would be empty throughout the day, and there was only a minimal increase or delay to traffic of about 3.6 seconds. In response to a question from Mr. Lambson, Mr. Hale said the parking would be adequate and that trips would be added to the roadway network which would cause some deterioration to the level of service (LOS), but it was still within the acceptable LOS range. Mr. Macdonald asked about the parking stalls used by staff of the daycare center. Mr. Hale said they had talked extensively about employee parking; the maximum demand for employees would be six or seven, and they would utilize the on-street parking stalls.

Mr. Pepper clarified the applicant's request, which included a parking ratio of 0.20 stalls per child which would allow for a maximum of 100 children. They felt this was a fair compromise, and that the CUP made the property more valuable. It was not in the interest of the applicant to step on or ignore approved conditions, lest his CUP be revoked. Mr. Spencer asked Mr. Earl if the Council could approve the CUP with one parking ratio condition and then adjust in the future if needed. Mr. Earl said there was a procedure for amending or revoking a CUP if the Council felt it necessary and wished to initiate that process based on investigation.

Mayor Brunst moved, by resolution, to approve a Conditional Use Permit for the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone to include the seven conditions recommended by the Planning Commission, an additional condition that on-street parking would be limited only to those stalls outlined on the traffic diagram provided by the city engineer, and that the ITE standard of 0.20 parking stalls per individual be put in place with a maximum of 100 individuals between the two buildings per day. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, and Debby Lauret. Those voting nay: Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. **The motion failed, 3-4.**

Mrs. Lauret then moved to amend the original motion by changing the ITE standard to 0.24 parking stalls per individual with a maximum of 83 individuals between the two buildings per day. Mr. Earl asked Mrs. Lauret to clarify if her motion was exactly the same as the original motion but with the modification of the parking standard and total occupancy; Mrs. Lauret said that was correct. **Mr. Macdonald seconded** the amended motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, and Brent Sumner. Those voting nay: Terry Peterson and David Spencer. **The motion passed, 5-2.**

CITY MANAGER INFORMATION ITEMS

Mr. Davidson asked Mr. Downs to finish the update on the transition to Google Suite. Mr. Downs said the transition would take place this weekend, and there would be some differences they would encounter in their email, calendar, etc. They were welcome to reach out to IT staff Matt Petersen who was handling questions regarding the transition if they encountered any issues.

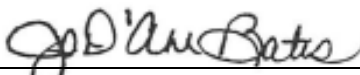
ADJOURNMENT

Mayor Brunst moved to adjourn the meeting. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 8:52 p.m.

Approved: August 11, 2020




JoD'Ann Bates, City Recorder

Public Comments Regarding Item # 9.3

RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone.

Smiling faces bilingual center is by far the best childcare center in Utah county! We've been to quite a few, and Smiling faces is the only center that met our standards for safety and cleanliness! I feel very good about dropping off and picking up my son, they meet me at the door every day. My next child will also attend this center. The only thing I would change is the accessibility. The parking lot is small and shared with a restaurant. And it can be difficult to turn left off of state street to get into parking lot, especially at rush hour, it's such a pain and then it's even harder to get back into the road because cars are always speeding. But I will continue to put up with the hassle because this childcare center is worth it! My son is so happy there. Which makes me happy.

American Fork Utah

Smiling faces daycare should be allowed to expand. They are good people who do a amazing job. Bilingual skills are amazing skills to develop into world and we need to support everyone in the community.

Layton Utah

Smiling faces daycare will be a great addition to the community and provide a needed resource for families. Please approve there use of the building.

Michael Bishop

I am answering these 3 questions regarding Smiling Faces daycare:

1- how's our service in general? **Fantastic! We love Smiling Faces!**

2- How's the drop of and pick up service at the reception area? **Also great**

3- how do you feel if we might've a place with more space for parking? . I've only found the parking lot full a few times during a lunch time pickup or evening pickup. It's never been a big problem, but more parking would reduce that congestion at peak pickup and drop off times. (This, of course, refers to times before school was dismissed for COVID-19.)

Lisa Hall

This facility is a great resource to this community. Excellent quality day care.

The pick up and drop off process inside the building is very kind and efficient.

The parking lot is tight. We take extra care to watch for drive through traffic. It's not ideal though- often my daughter tries to run ahead of me and I have to hurry to keep up with her in case a car is driving through and doesn't see her. Generally the through traffic from the trailer park has been very respectful and cautious.

Lamia Johnston

1. Childcare services are crucially beneficial to me and my family, and I believe crucial to the community, as we would not be able to work without a reliable place to take our children and Smiling Faces has provided us that. Our children love to socialize and learn there, the employees are great with children, and the whole facility takes cleanliness and safety seriously even before Covid-19, and does a great job now.

2. Dropping off and picking up our kids from Smiling Faces is secure and efficient.
3. The parking lot of Smiling Faces is somewhat small and at times access from State Street can be difficult. I have almost always found a parking spot when I come to drop off or pick up

Nickelle Marshall

My husband and I live in Orem at 1139 N 900 W. We are in support of Smiling Faces Daycare. We are both finishing college and starting into our careers. We have a 15-month-old son at home. Because of our works and schools, we need a daycare that we can trust; one that is proximal to these places.

We have investigated various daycares and preschools and are very interested in the great services that Smiling Faces will provide. We want to place our child in a multi-lingual center. The two of us have both spent an extensive period of time in Spanish speaking countries (him in Chile, and me in Argentina); Smiling Faces fits this desire perfectly.

Through our research, we feel that Smiling Faces would greatly serve our community and assist our family's needs.

Courtney Geary

I am writing in to give my full support to Smiling Faces Day Care & Learning Center on the purchase of the property at 410 S Main Street in Orem. Not only will this new building give them the opportunity to grow their business, but it will also allow them to hire additional employees and allow more spots to open up this fall for children who will need a place to go as parents begin returning to work this fall.

As a full-time working Mom I know just how hard it is to find a Daycare that has qualified employees as well as a safe building for my child. I would love to see Smiling Faces to be able to open up and give the community a safe and secure place for kids to come and play, learn, and grow!

Renee Caron

Regarding the City Council's concerns about traffic surrounding the proposed Smiling Faces daycare facility at 410 South Main Street:

At 2hrs 52min into the video of the City Council meeting for 6/30/2020, your own City Engineers clearly illustrate the parking lot meets and exceeds the city's own codes for parking lot clearance.

The comments from the City Councilman at 2:53:50 are slightly offensive and show that it has been some time, if any, since he has personally dropped off children at daycare. Smiling Faces runs a tight ship and there are NO "kids (are) getting out in the middle of the street and running across the road." ALL children enrolled at Smiling Faces are REQUIRED to be brought INSIDE and signed in by an adult, and the reverse upon checkout. It is quite rude for an elected or appointed city official to assume he cares more about my child's safety than myself. This same councilman expresses concern for the traffic on Main Street, when the current successfully operated daycare under the same management is on STATE Street. So a 25MPH mixed residential zone is now a greater threat than cutting across three to seven lanes of 45MPH+ traffic on a state route?

A councilmember at 2:54:55 talks about turning left out of the parking lot, which again, I repeat - have you tried turning left out of any business along State Street? The parents and adults have managed just fine at the current facility for 3+ years. You may as well suggest all cars be banned from ever turning left onto any road for that argument to hold any weight.

The few complaints you may have heard from one or two neighbors - people who actually live

here - are likely a classic case of "not in my backyard." Orem claims to be Family City USA but a loud minority will scream and shout about the audacity of parents seeking childcare at their own expense so that we can go to the jobs those same residents insist we do to provide their services.

Please also recall that the previous business here was a senior assisted living facility. The applicants are not bringing battering rams into an otherwise pristine cul-de-sac and demanding a steel mill be built. A similar business already operated here, caring for a vulnerable percentage of the population with loved ones who only wanted the best for them. Smiling Faces provides the best for our most vulnerable and precious population: our children. Please do not prevent or limit their ability to do so over some red tape.

Jeff Lambson asking about traffic patterns impacted by Covid-19, but then walking back and stating 2015/2018 is not recent enough for a traffic study: which is it? Do you want current data based on extenuating circumstances, or reliable data based on historical use? This argument could be made once a week that "traffic patterns change." Yes, based on weather, global pandemics, seasons, construction, city development, whether there is a college football game that day, etc. That does not prevent businesses from operating.

Comments continue at 3:12:30 regarding cars parked near the driveway. Again: have you, or will you be, "red-curbing" every single driveway that opens onto State Street or Main Street? You are unjustly making demands and requirements beyond those of our city code that have not been equally applied to other businesses. Taking away parking spots directly reduces their ability to run their business! "Losing students" is a loss of funding for the business owner, and a loss of childcare for your citizens!

I am again baffled by the exchanges between Terry Peterson and Tom MacDonald at 3:15:30. "100 children running in and out between cars." Where are you getting these children from, gentlemen? Apparently you're under the impression that Orem parents just open their doors each morning and say "Good luck out there son, hope you don't get killed on the way to class!" Thank you to Mayor Brunst for being a voice of reason to point out that this is not the only childcare facility in our city, as well as the existing intersection at 400 South Main Street that has legal parking and has had legal parking for decades. David Spencer's comments at 3:46:25 are absurd and insulting, stating the city cannot manage weed abatement for an adjoining property and therefore will not be able to ensure rule compliance by the daycare facility. This insults his own employees as well as his voting constituents: if laws are written only with the expectation that they are only obeyed as long as they can be enforced, there would be none. Smiling Faces will follow the conditions Orem City sets for them because Orem City has set those conditions, period. Please show a little faith in your citizenry.

The owners and managers at Smiling Faces have several degrees in education and have proven themselves as savvy and dedicated business people. Two public comments were read into the record from people that do not currently live in or near the neighborhood, as I do. One asked about a fence which the owners have stated they will voluntarily reinforce despite, again, already exceeding city requirements. For the third public comment expressing concern over the play area: Smiling Faces is already utilizing a space even smaller than this at their current location. They really are the best at what they do and consistently go above and beyond.

In all, this expansion and relocation of Smiling Faces is actually a safer choice and provides better opportunities for their students than the current location. There is more parking, more space, and less overall traffic. Remember they are currently operating successfully on a busier road, with fewer parking spots, which they share with a trailer park and a restaurant. If anything, Smiling Faces has proven they can make the best of any situation and meet a high standard set in less than fantastic conditions. They should not be punished for wanting to give their clients

better services. Please reconsider the conditions placed upon this small locally-owned and reliable business while remembering our claim that Orem is the best place to raise a family. Please let me raise my family here; stop making it harder than it needs to be. Your Planning Commission voted unanimously for approval. Trust your staff and your own appointed Board members to do the jobs you assigned them to do.

And just to be clear, this "Hispanic" business (as referred to by your own council during the meeting) does not only serve the "Hispanic" community. I can't believe I even have to say this, but it is serving the OREM Community. And I am not of Latinx or Spanish-speaking origin. Please do the right thing and approve this conditional use -which you can still revoke later, if needed! - during your next meeting on July 14th. Put the same faith in us that we put in you when we vote.

Tara Bishop

I am writing to comment on Smiling Faces Bilingual Care Center in Orem. Their services are absolutely critical for the community of Orem and benefit a larger demographic of child than non-bilingual care centers. My experiences with them has been some of the best I have experienced with childcare centers in Orem.

Dropping off and picking up is incredibly easy. They have been sanitizing all doors and binders after each person (since the pandemic). The workers are wearing face coverings, and parents are spread and don't crowd inside when pick up happens. They are flexible with their times which is fantastic in case a meeting for me runs a bit late at work.

While the parking lot doesn't look ideal, I have had zero problems with getting in, finding a spot and picking up or dropping off my child. Even in the busier times I have never had a problem with it. People are courteous and drive slow.

I can't speak highly enough of this facility. It is the best childcare center we have ever found in the area and are so grateful for the bilingual education my children are getting. The employees are loving and wonderful. They are such a huge benefit to our community.

Laura Burgett

Hello, I am writing as somebody who has formerly owned a child care business.

I understand that German and Luz Pardo are looking to expand their child care center; and I understand that this expansion depends upon them acquiring a parcel of land to do so.

Child care, in Utah, has always been in high demand. Especially now, with so much uncertainty as to the upcoming school year, there is going to be a high demand for child care.

There has always been a high demand for child care in Utah; in fact, a substantial proportion of Utah child care providers are not licensed, and therefore not subject to the training and inspection of licensed providers.

But often, waiting lists in licensed facilities are too long, and parents have no other choice but to put their children in an unlicensed private home, often with only one adult, therefore, nobody to supervise the methods of that one adult. Therefore, parents are taking a risk by trusting an unlicensed provider. However, the demand for childcare is so high, that sometimes, it's all a parent can do.

Therefore, it seems to me that, when experienced child care professionals come to you with a plan to expand, I would I hope you would not dismiss their request out right.

I understand that these professionals have completed engineering reports with regard to the property, I also understand that the bank is withholding authorization of the loan pending the approval of the Orem city Council.

I understand that two of the council members are concerned, but their concerns were rather

nonspecific. Surely, these council members would trust the word of bonded engineers?
I also understand that this particular daycare presents unique opportunities for the children who attend.

The opportunity to learn a second language at such a young age can help a child immensely in their learning journey.

Bilingualism is not only a valuable job skill, but studies have shown that children who learn a second language early on, actually speak as a native speaker. There are also studies to show that children who learn two or more languages from an early age, have better performance in school and higher IQs.

Beyond that, in the western hemisphere, Spanish is the dominant language, and those who speak only English are at a substantial disadvantage as Latin American economies are emerging.

And, like I was saying earlier, the younger child learns a second language, the more pure and true is their syntax and vocabulary, which when used to communicate, builds trust with native Spanish speakers.

In my daycare, I taught my children American sign language and Spanish, along with English.

My clients were very happy that their children had those opportunities.

As my daughter entered grade school, I returned to the workforce outside my home, but one thing I made sure to do, is to put her in a school that valued a diversity of cultures and languages.

The district my daughter attended had students from more than 100 different countries and spoke more than 100 different languages.

My daughter now has lifelong friends, people who are from all over the globe. That type of education cannot be taught in a more homogenous school.

And the value of that education is immense, since we now live within a global economy. In the modern world, it's children who have learned to navigate many different world cultures who will have the advantage over children who are more sheltered.

In the past, so many business people have lost accounts or severed relationships with international vendors and clients because they are culturally clumsy. It seems to me, that the unique opportunity presented by this multicultural daycare center would give the children of Orem the opportunity to practice global cultural awareness.

At any rate, as our businesses begin to open up as we emerge from the pandemic, and since full-time public schooling is not a given at this point, and indeed, I can see children attending school only part time until Utah's surge of cases is under control, the one thing parents are going to need most, in order to go back to work, is quality childcare.

A final word about the goals of German and Luz Pardo's expansion. I understand that they are expanding in order to accommodate siblings in the same daycare. As a former daycare provider, I cannot tell you how valuable it is to keep siblings together in child care. Modern-day kids live a lonely enough life, and with parents working full-time, young children often go without seeing their families for 10 hours a day. If German and Luz Pardo can allow siblings to go to the same daycare, it provides immense comfort to the little ones and strengthens family bonds.

Please consider expediting their application, so they can get their expansion underway for the upcoming school year.

Danny Nielsen

I am writing in support of Smiling faces bilingual center and their request for permitting to purchase property and expand. It is evident from the city council meeting that several members are either failing to understand the logic and feasibility of such an important expansion, are aware of something they are not disclosing, or both.

The refusal by some council members to approve this permit is troubling as daycare is a critical

resource in Orem. Especially the need for quality daycare service.

Brenda Contreras

How does services, or childcare services in general a benefit for yourself and the Orem city community?

We depend on childcare as we have no family here. This daycare has been good to us.

2. How would you describe your experience with our services as far as dropping off and picking up your children from our facility?

I love how there are cameras and good security for the welfare of our children, the staff and ourselves.

3. How would you describe your experience with accessing our facility, parking and the space currently provided as a parking lot?

The parking lot is small but that is the norm in Utah. But easily accessible to pick up and drop off.

Jason Gifford

I want to express my support for Smiling Faces Bilingual Childcare Center moving to the location on 410 S Main. There is no reason they shouldn't be allowed to be establish their center in that location.

In fact, I'm a little concerned after hearing the discussion on the issue at the City Council Meeting. The comments made show an abundance of ignorance regarding the situation and hint a little that there may be ulterior motives by the cancel in voting against allowing the move. Engineers and planners have approved the plans and give full support to the safety measures needed to keep children and others safe.

I'm also disappointed that some voted "Present." This isn't Congress. There's no reason for you to not formulate a solid opinion and give a valid vote for this move. For those that voted nay, I can't even understand your reasonings. Your concerns have been answered satisfactorily and by the community this vote should have passed unanimously.

Rachel Wight

It has come to my attention that you are bullying Smiling Faces Bilingual Childcare Center. Please stop. They are a great business and deserve the opportunity to grow. They've completed all legal requirements to the best of their ability. They make a difference in our community and in the lives of our children. We need YOU to move their expansion efforts forward. YOU are the obstacle to overcome.

A Concerned Citizen who thinks you probably don't use childcare facilities and so have no idea how great Smiling Faces Bilingual Childcare Center is OR why they are so important, vital, etc. to the families of our city, who you were elected to represent!!!!

Tara Bishop

I am deeply concerned and disappointed that you voted "nay" or "present" on the conditional use permit for Smiling Faces Bilingual Center at 410 North Main Street. I watched the entire recording of the City Council meeting on June 30, 2020 and frankly was appalled at the ending. It is clear that German Pardo (the applicant) has followed everything required, has met all ordinances and conditions, and therefore the council has no administrative right to decline this permit. The condition added by Mayor Brunst for redlining seemed reasonable, though not necessary, to any potential meet the visibility issues. Though I would argue, based on the evidence I present, that the northern most stall on Main Street does NOT need to be redlined (in

other words, that parking stall should remain, and redlining should not reduce that parking stall). I was also concerned that there seemed to be repeated remarks about taking out the 5 parking stalls on the south side of the parking lot. After the engineer and planning commission representative clearly stated, there is no problem with this. There was even a diagram showing a large truck making a 3-point turn without using any of the space. I was curious to know just how tight this was, so I drove to the property. Please see my attached videos for the many turnarounds and parking situations. It seems this was a nefarious move to get the facility to house fewer children.

To address the concern about 100's of kids being dropped off at the same time and the safety concern. It is clear by this repeated statement that you have no experience dropping a child off at a daycare facility that requires you to physically walk your child in. Smiling Faces is currently in a much worse situation parking wise and has had zero problems. As someone who has dropped off and picked up a child at their current location, I have never had trouble getting a parking spot and I have never been at the door waiting for my child with more than 2 parents at any time. And my pickup time is at 5:30. And I have never been in danger of someone hitting me or my child. This is because of the high safety expectations that Smiling Faces has required for their business. I previously emailed the public comment praising Smiling Faces for doing amazing with the less than ideal conditions of crossing three lanes of heavy state traffic, with cars parked on a street with low visibility.

This is not an elementary school where the "tuck and roll" drop off method is used and there are 3x the amount of kids at all the same time. 100 children is the max, with multiple children presumably in the same car. This is an organized facility, with staggered drop off and pick up schedules, and adults who are licensed drivers safely driving through (This was presented as evidence in the traffic study). In addition, the Orem City Code 22-6-9. Regulations Governing Particular Uses specifies in Section G-1 That Commercial Daycares be located on collector or arterial streets makes this seem like your argument could never be satisfied as arterial streets are going to have considerably more traffic than others.

Again, Smiling Faces **REQUIRES** the child's guardian to physically walk them in, sign the book, and drop them off (or pick up). This expansion is to allow siblings to be at the same facility and to open it up for infants. Orem is in **DESPERATE** need of childcare. It is the only way businesses will grow and the community will be served. Smiling Faces is the **ONLY** daycare I found in Orem to have **ZERO** infractions on their license. Another testament to their priority on safety.

Another concern brought up in the video was about public notice and neighborhoods notice. The public notice was posted, 130 notices were mailed, it was posted on the Orem website, the hotline, and the state website as per the Planning Commission notification. I am also attaching a picture of that public notice. Clearly, they were notified. And as Jason Bench described, the Wyoming and American Fork resident complaints of not receiving notification has nothing to do with the administrative proceedings for a Conditional Use Permit (see my attached letter) Please also read my attached letter concerning the legal/administrative matter of your rejection. It is against State Municipal Code to reject a conditional use permit if the conditions can reasonably be met and mitigate the perceived detriments. **PUBLIC COMMENT** is **NOT** allowed for decision making unless it is for factual evidence. Just because a neighbor (or the family of a neighbor living in Wyoming) wasn't notified does not have any bearing on the decision for a conditional use permit, or if the neighbor just doesn't want it. See Utah Code in my attached letter for further explanation. Plentiful expert opinion from the multiple engineers, the city planner, and the planning commission, that the applicant is complying with the conditions put forth and meets all city ordinances and provided substantial evidence as such for the record.

Council members cannot capriciously decide not to approve it, there must be recorded evidence for the rejection and there is none. Where is the evidence for rejecting it? There was no evidence given that the applicant is not capable of meeting the conditions put forth. And as far as I am concerned, there isn't any that could bar Smiling Faces from receiving the permit. <https://propertyrights.utah.gov/conditional-uses/>

Because public comment is only allowed to produce factual evidence (see Utah Code on my attachment), I present this google drive folder that contains video of the intersection taken on Saturday, July 11, 2020 at around 6:15pm. I took the videos with an iPhone where there were two vehicles present in the eastern most car stall on 400 South (a Honda minivan), and the northern most stall on Main street (a Toyota Rav 4). These stalls seemed to draw concern, deemed as the two likely stalls to cause visibility and traffic problems. These videos show that drivers clearly do not need to go into the "middle of the intersection" as one council member proclaimed on the June 30 meeting, the drivers have fine visibility, even with a setting sun, and drivers can turn left onto main street even with a car in the northern most stall as well as a car occupying the left turn lane on main street.

I hate to think that this may be a "not in my backyard" racist issue, or that someone on the council would personally profit off of rejecting the permit. I have no direct evidence of this and do not want to make any unbecoming accusations, but it's hard to ignore the observations.

Hispanic owners of a daycare adjacent to a mobile home park, serving both white and hispanic (and possibly other races and ethnicities, I don't know) members of the community, wanting to expand near affluent homes. And based on my drive around the neighborhood it is predominantly white. This makes it hard not to draw conclusions or raise an eyebrow at what the motivation for a capricious rejection would be, given that such a rejection is against code and not within the administrative right of the Orem City Council.

Please see my attached material. It is imperative that you do the right thing, support local businesses, support the community, and do your job in approving this reasonable conditional use permit for Smiling Faces to expand this critical need business. Again, this is not whether you like it or not. Your administrative duty is to approve that the applicant has met all conditions laid out and are in compliance with laws and city ordinances. This is regardless of your personal feelings. I expect to see a unanimous vote on Tuesday in the council meeting as it should have been done on June 30, 2020. I also wonder if anything but an immediate unanimous vote could happen as that should have been the case on June 30. If this goes to appeal (if you vote no again) and involves the courts, based on advice from legal counsel the City is 100% in the wrong here, specifically you, who voted with a capricious no.

Background: I was born and raised in Orem, Utah in which I have taught at Timpanogos High School and went on to earn my PhD at BYU as a research scientist. I have lived in Orem most of my life and have settled my family (my husband and 3 children) in a North Orem neighborhood. I have had 2 children attend Smiling Faces (1 currently) for the past year. My entire family is white (not that it should matter but because of my concerns of the racial discrimination aspect to this situation I think it could be important information) **She also provided Pictures in Shared Drive and Copy of ULCT CUP Handbook (too much to attach)**

Rock Belnap

Please let me know as a citizen of Orem why or what was the grounds for denying Smiling Faces Bilingual Daycare their expansion of their business?

Michael Bishop

After listening to the concerns of several council members regarding traffic, safety, and parking

around the proposed location of Smiling Faces Bilingual Center, my wife and I drove over there to take a look. Our conclusion was that there should be no traffic, safety, or parking concerns. We turned around in the parking lot without any issues. There's ample room. Smiling Faces is super safe regarding pick up and drop off of kids. There are never, literally never, kids running around without a parent. And there's never more than a handful of kids being dropped off or picked up at any given time. And I do drop off and pick ups at the current location at least 3 times a week, so I actually know what I'm talking about (it was apparent that some councilmen did not know what they were talking about related to drop offs and pickups with Smiling Faces.) Traffic was not impeded or unsafe when my wife and I parked our cars in the "worrisome" spots. With a car parked on the north and east of the proposed lot, there was even a police officer and fire truck that drove up to turn east onto 400 S, they turned without any issue (without having to pull into an unsafe position in the intersection), and never seemed even slightly frustrated by the situation.

It would be wrong not to approve the conditional use permit for Smiling Faces to move into the proposed location. And anyone who votes "nay" or even "present" on Tuesday probably deserves shame.

I hope, and believe, you will do the right thing and approve this conditional use permit. Not only would it seem unlawful to disapprove, but approving will also be a boon to Orem. Safe, affordable daycare was difficult to find for the past several years, until we found Smiling Faces. Smiling Faces is a safe, affordable daycare. And they are so loving there. The service they provide makes it possible for my wife and I to pursue our family and career goals, with the comfort of knowing that our kids are very well taken care of.

West Valley City Utah

I implore the councilmen especially who stated "someone is going to get killed" and "parents drop off their kids 15 minutes early or 15 minutes late" to visit 439 South State Street on any given weekday. Sit and watch for one hour as the parents cross several lanes of traffic, come in and out of the smaller lot, park, walk their children inside, and return to their vehicles in under 5 minutes. Ask the owners for copies of the sign-in sheets. You'll see that almost every single one is consistent in their drop-off and pick-up times. We are the nurses, police officers, teachers, and construction workers that people have been calling "heroes" nationally for 4 months now but apparently can't be trusted to report to work on time as far as the Orem City Council is concerned. We don't have the luxury of setting our own work hours the way that you do. Comparing our schedules to students being dropped off for school is not accurate; those parents may or may not be returning home after dropping their kids off instead of reporting to a place where they need to clock in and out. They're also getting a free (tax-funded) public education. I and the other parents at Smiling Faces pay our taxes, as well as additional hundreds of dollars monthly for daycare. Per child. If you're going to compare our kids to anyone, look at the private schools. Please don't imply we're lazy and uneducated. Mrs. Luz and her staff are the only ones I trust to keep my daughter safe, and just as importantly happy, while I'm out earning my mortgage payments and paying for my own groceries. Thank you for giving them the chance to keep serving all Orem citizens.

Shauna M

I live on 400 S and frequently walk along 400 S and Main St with my small children. I fully support the Smiling Faces Daycare relocation to that site with full understanding that it may increase traffic or parking in the area. Postponing this decision puts quite a burden on a small local business under the guise of exorbitant requirements for vehicles. Why would Orem pay to

maintain public on-street parking and then prohibit people from using it? Smiling Faces is a valuable community asset and the Main St. location will be much safer and comfortable than the present State St. Please approve this conditional use permit.

Talya Huerta

I have been with Smiling Faces daycare center for 5 years. They are amazing and the only center I trust my child with. They are a great benefit to me as well as the city of Orem. I am extremely pleased with their services. I love that I have to walk my child to the door and hand-sign her in (inside the building) - it makes me feel safe knowing she is safely in their care and the same for each child that attends. Same to pick her up - I have to go inside, sign in before picking her up, and walk her out to the car. I have never had problems parking. I have never had issues entering or exiting the parking area.

Matt

I comment here as an Orem resident who has two children who have attended Smiling Faces Daycare for over two years. In addition, my family and I permanently reside near the area under consideration near 400 South, just a little further west. I really hope I am not too late in having another voice heard on this. Having listened to the meeting that took place on June 30th, it appeared to me that you had city planners, engineers, zoning and other city officers on the call who had basically signed off on everything and were essentially just waiting for the blessing of the council. I almost wonder what the point of having the council members voice their personal opinions and concerns at all on this was when it was already determined that the proper permits, research, safety, and planning had already been completed and signed off. But I will admit that this is the first council meeting I have ever listened to or reviewed the minutes for. So, this might be standard. At any rate, I'd like to comment on the concerns that were presented in the meeting. #1. As I mentioned, we have two children, a now four and six year old, who have been attending Smiling Faces for over two years and I can say for a fact that for over two years every single day I have personally walked my kids to and from the front office of the school and had to personally sign off in a detailed log they kept on the exact time that we arrived/departed (both as per the standards/policies set by the school). Not only that, we were ALWAYS greeted by one of the staff within seconds of arriving on the front steps. The image procured during the meeting of a hundred kids running around wildly in and out of the street or parking lot couldn't be further off base. Taking my kids to daycare is exactly like me taking my kids to literally any other establishment and this is further helped by the policies they've established to make the drop off/pickup as seamless and safe as possible. It has never taken longer than 2-3 minutes to drop off or pick up my children and I've always had plenty of parking spots to choose from at the current location (despite that being far less options than the proposed new location). We've lived off of 400 South for the better part of a year and a half. I drive the 400 South road from 800 West to State Street multiple times a day (to the daycare, restaurants, mall, grocery, errands, etc.). I can tell you that the intersection of main street and 400 South is not busy AT ALL. It wouldn't matter if you did a traffic study yesterday, 6 months ago or 6 years ago. It just does not get anywhere near the same amount of traffic that Orem Boulevard or State Street gets. As for the parking space allotment, it appeared from the meeting that that concern was resolved (I hope). As I said, the daycare already currently shares about 11 other spaces with several other surrounding locations and I've never had an issue finding a parking space. Having 26 spaces at the new location, or even a few less than that as per any of the adjustments that were suggested would be more than enough. As for the blind turning onto main street let's be honest...what street in Orem ISN'T a blind turn. People already park way too close to intersections/stop signs and I

don't think it would be fair to make that a deal breaker in this situation when literally everywhere else I go in this city I experience the same thing. The biggest thing I think I can really comment on here is what this business means to me in my life. This is the best daycare I've ever run across hands down. My kids come home each day with a stack of crafts, art, activities, projects, and all kinds of stories about all the cool things they learned about/did that day. If you look at the pictures of 'space day' or 'camping day' or 'shopping day' or any of the other days you can really see how all out they go with everything. I'd encourage you to read the reviews and peruse their facebook posts to observe the pictures of the kids really just loving life and getting the most out of a school experience. I don't speak Spanish myself, but my kids are learning it at the same time as experiencing all of this awesome stuff. Let's encourage dedicated small local business owners like Herman and Luz in pursuit of their dreams of providing an awesome bilingual program by approving this measure. Thank you!

Lindon Utah

I am a resident of Orem with no children therefore no need for a daycare or to know about the daycare facilities within our city, however within the span of 5 minutes I was able to understand not only the need for the expansion of Smiling Faces Bilingual Childcare Center but also the thorough, thoughtful and immense planning that German Pardo has taken to ensure this new building is the safest and has every child in mind. The facility has a specific policy in place that requires all children be walked into the building with an adult to be sign in/out meaning the adult doing the drop off must park and escort the child inside/outside. There are no safety factors regarding "100 child running out willy nilly". In addition, parents sign up for a schedule to stagger pick up/drop off times which allows for a few amount of children coming and going at one time. The concerns proposed by the council regarding child safety surround the public street and parking lot were addressed several times and factually dispelled, however they continued to be a point of discussion. Why? The planning commission and engineers for the building have reiterated that there is NO LEGAL reason to deny this permit and have agreed it is a safe place to put a daycare. I was extremely disappointed to hear about the behavior exhibited by Jeff Lambson, Tom MacDonald, Terry Peterson, David Spencer and Brent Sumner. The comments from the first council meeting regarding this daycare showed a willful ignorance to the information being presented as all safety and legal measures are being met and a tone of prejudice by attempting to grasp for any reason to dismantle and discredit the work German and the engineers have done to ensure the permit is not approved. Why are we not in support of cleaning up our city by approving for a daycare to reside in a space that has long been abandoned and overgrown with weeds? Why are we not in support of a small business run by a person of color in our city? German Pardo has clearly gone to great lengths and done what no one was willing to by choosing a building in need of repair to not only beautify the city of Orem, but to also expand his heart and time into the community through our children. There is no greater sacrifice than that and this should be unanimously approved by the City Council on behalf of the families you represent. Thank you.

Sam Johnston

As an Orem citizen I believe moving the daycare away from State Street makes perfect sense. There is more parking at the new location, and the daycare has done more than enough to prove that the new location is better for everyone involved.

I feel that a denial of this relocation is a direct message from our city council that its residents and their desires are not a priority

Rebecka Wright

As city engineers have already confirmed that the facility meets city codes the only reason, I can see for the request to be denied is some prejudice of council members or a personal benefit they may have by denying the conditional use request. As I'm sure this is an appearance the council wants to avoid please approve the conditional use request and allow the daycare to continue offering its services to its satisfied clients at the new location.

United States

1. How much do you consider our services, or childcare services in general a benefit for yourself and the Orem city community? Childcare services are of the utmost necessity nowadays. With how much the housing prices are and the inflated cost of living it is very difficult to make ends meet with just one parent in the household working. For me I don't have family close by to help watch my kids so having a daycare, especially one that is as high quality and professional as the Smiling Faces, it makes it a little easier for me to leave my kids every day. I believe our community strongly benefits from daycares, especially ones with such great educational programs, by building up these young children to have such a head start, it is literally investing in the future of our community.

2. How would you describe your experience with our services as far as dropping off and picking up your children from our facility?

I am usually the only one in the center when I'm picking up my kids. There has never been a time that I can remember of my years and years of using Smiling Faces where there were more than two different people picking up a child at the same time.3. How would you describe your experience with accessing our facility, parking and the space currently provided as a parking lot? #3 answer: As of right now, the hardest part of the current location is picking up and dropping off. Turning left on state street right after a stop light is challenging, but that's just the start. Smiling Faces shares a small parking lot with a small restaurant which always has a few cars occupying the only spots available. On top of that, there is a trailer park that also has a few residents using the parking lot. With all that, there is usually at least four or five spots available whenever I am there to pick up my kids.

Jeff Hilton

I reside at 441 South 60 West, adjacent to the proposed property.

I have serious concerns about the safety of 100 children being dropped off and picked up in a parking lot that is barely large enough for the employees of the proposed facility usage.

Parking alongside Main Street and 400 South would not be safe for the loading and dropping off of children, due to the width of the roads and the volume and speed of traffic along those roads.

I feel that if this proposal is passed without a serious safety study and proper alleviation of these safety concerns, the Council will be responsible for accidents or deaths that may occur.

Jason Dodge

Dear Mayor and City Council Members, I have lived in Orem City for all of my life and love this community. Orem truly does things differently than most other communities that struggle with being fair. I am writing to the Orem City Council to strongly ask that they approve Smiling Faces Day Care without tying their hands any more than has already been done. I have spent my professional career in commercial real estate brokerage and development, and it is with this background that I sit here in amazement at the level of scrutiny that a simple day care center is receiving from much of the council. This is a location that could easily be a sober living center or a drug rehabilitation center which are approved uses in the current zone. It appears as though

Orem City is doing all that it can to prohibit this day care center from occupying this building. I have only one question: Will each intersection in Orem City be revisited with the same level of scrutiny when determining the appropriate line of sight angles in order to make each intersection safe? If so, it is time to purchase a bunch of red paint. After reviewing the traffic study prepared by a traffic professional and viewing the new line of sight triangles prepared by Orem City traffic engineers, most intersections in Orem City have traffic triangles that are much more steep and dangerous than what you are requiring Smiling Faces Day Care to accept. It really appears as though some of the Orem City Council members are doing all in their power to find reasons to not approve the sight or at least make it so restrictive that the day care cannot successfully operate hoping that they will just go away. Main Street and 400 South are not high traffic streets. In my professional opinion, it would be difficult to find a better location for this type of business within Orem City boundaries. I respectfully ask that each of you councilmembers vote to allow this business to run in this location without limiting their daycare numbers below 100 children.

Brenda Eyring

My name is Brenda Eyring and I am a former user of the Smiling Faces daycare on 400 E in Orem, near Sharon Elementary School. We live in that neighborhood and my then 7-year-old daughter attended their daycare before and after school. I appreciated their services and I loved that they were located so close to our home and our school. I was impressed with their professionalism and organization. Paperwork was always organized, the children encountered predictable routine, the premises were always neat and tidy, etc. They were a real asset to our neighborhood, and we were grateful for their services at that time. I understand they are currently using facilities located on State Street. Honestly, I have missed having them in the neighborhood. I had referred several friends to them when they were so close. I understand that traffic patterns are always things to consider when a business wants to operate in a residential area. This is a worthy thing to consider, and I am grateful that our Orem City takes care to keep our residential areas as quiet as possible. When my daughter attended Smiling Faces, I would drop her off around 8am and pick her up around 5pm. I rarely encountered another parent there at 8am. My car would be the only one outside. So I don't feel there was ever a traffic issue in the mornings. At 5pm, I would often be there to pick up at the same time as one other family, but really, that was it. So only 2 cars outside around 5pm. I really didn't notice a traffic or parking problem. And when they left their 400 E location in favor of their State Street location, I also did not notice a decrease in traffic in the neighborhood. So in my experience at least, the business did not affect traffic patterns in our neighborhood to any noticeable extent. Smiling Faces is a good neighbor and would be a valuable resource in any community.

Mary Street

My husband and I were residents of Orem 20 years. I am a former member of the Orem City Planning Commission and the Orem City Council. I am also a commercial real estate agent, but I am not personally involved in the sale or leasing of the subject property and have no relationship with Smiling Faces Daycare. I do not work at the same company as the real estate agent representing the property and have no personal or financial interest in this property. I am writing as a citizen who is concerned about the City Council discussions and actions taken at the City Council's last hearing on this item on June 30th. Before going into the specifics on these topics, however, I want to review the rules of Conditional Use Permits. Utah State Code, section 10-9a-507, states: (2)(a)(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to

mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects. The Office of the Property Rights Ombudsman for the State of Utah explains that “Conditions may be imposed to mitigate, or lessen, the detrimental effects of the proposed use. The conditions must be reasonable, must address the identified effects, and must refer to the applicable standards already identified in the land use ordinance.” At both the Work-session pre-meeting and during the City Council Meeting on June 30th, City Attorney Steve Earl, read this section of the Utah State Code to the Council as a point of reference for how the Council should consider the application, and what their powers and obligations are in this legislative action. The question, it seems, is whether the applicant can “reasonably mitigate anticipated detrimental effects.” From viewing the video of the Council’s Zoom meeting, it appeared that the primary concerns about “detrimental effects” were safety of the children as they arrive at the daycare and leave the daycare, and parking inside the existing parking lot and along the street adjacent to the property on the North and East sides. When the Planning Commission forwarded a unanimous recommendation for approval of the Conditional Use Permit, they stipulated the following conditions: 1. That all visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility be legally parked on the on-site parking lot or on that part of the street immediately abutting the site. 2. That signage be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls. 3. That one stall in the parking lot be used as a vehicle back-up area. 4. That the facility be limited to a maximum occupancy of one hundred (100) children for both buildings combined. 5. That two ADA stalls be provided in the parking lot. 6. That all children must be picked up and dropped off within the existing parking lot. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period. 7. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period. Applicant has agreed to comply with these conditions to assure the safety of the children and to mitigate the possible “detrimental effects” of the drop-off and pick-up. Applicant demonstrated that they have scheduled times for parents to drop-off children, and that all children must be walked into the building by an adult and signed in upon arrival. When picking children up from Daycare, parents are required to park and go inside the building to sign their children out and then walk them to their vehicle. Council Member Peterson, in his discussion of potential “detrimental effects” said – I’m paraphrasing – “Parents don’t follow rules” and “children run around.” I interpreted this to mean that he felt the proposed conditions would not mitigate the possible “detrimental effects.” State Law specifically states that reasonable mitigation does not require the elimination of the detrimental effects. Parents may very well choose to disobey rules, but if they do, it is the parent putting children at risk, and this could happen at any legally operating business in the city. It could happen at City Parks, at the Scera Pool, at the grocery store. I submit that Utah Law does not give the City Council power to deny a Conditional Use Permit based on the fear of what a parent may do. It is merely incumbent upon the City Council to apply reasonable conditions so that the business can establish operating procedures to meet these conditions. I am convinced that the Applicant has demonstrated their capacity and willingness to do so. Council Member Sumner repeatedly requested that the Applicant consider removing the 5 parking stalls in front of the South building to increase vehicular capacity to turn around to exit the parking lot. Both City Attorney Earl and Traffic Engineer Sam Kelly pointed out that the existing parking lot is a legal parking lot. In other words, as

it is currently constructed, it meets the legal requirements of a parking lot and is in compliance with Orem City's Development Code which has specific requirements for the size of parking stalls and the distance between parking rows. Because the Daycare drop-off and pick-up model requires parents to park their car and come inside the building, removing parking stalls to accommodate the perceived need for additional turn-around space would severely limit the number of parents that can be legally parked to accomplish the drop-off and pick-up. Additionally, removing stalls would be requiring the Applicant to construct a parking lot configuration for their business that exceeds the legal requirements for a parking lot. Utah State Law specifically states that conditions must be reasonable, and must refer to the applicable standards already identified in the land use ordinance. I believe the request to eliminate legal parking stalls, both in the existing parking lot and along 400 South and Main Street, violates the requirement in Utah State Law that the conditions must be "reasonable" and "must refer to the applicable standards already identified in the land use ordinance." Finally, Council Member Spencer suggested that the City restrict parking on 400 South and Main Street – parking that is currently legal on-street parking. He also stated that he didn't think [the use] was safe

and just didn't like it. Regarding on-street parking, again referring to the Utah State Code, the current on-street parking is legal under the ordinances of Orem City. This business's ability to use these parking spaces should be assured by the applicable standards already identified in Orem's Land Use Ordinance. Any other business that was a permitted use in this property (ie: Residential Treatment Center for Youth, Therapeutic School, Assisted Living, Sober Living Home, or a Residential Facility for Disabled Persons) would not be asked to remove legal parking spaces because they are not subject to "conditions" for their approved use. I believe the conditions recommended by Staff and forwarded to the City Council by the Planning Commission with a unanimous recommendation for approval address to the extent possible "reasonable conditions" to assure the safety of the children and the neighborhood. Throughout Orem, we have many places where there are vehicles and children – Public Schools, parks, the City Center Baseball Fields, the Library, the SCERA park pool. When using these facilities, we should all exercise care – even if there aren't designated parking spots for dropping our kids off, and even if we don't have a drop-off schedule to abide by. This business has agreed to take these extra measures to assure safety and to comply with conditions to obtain their Conditional Use Permit. I encourage you to approve the Applicant's Conditional Use Permit with reasonable conditions as directed by Utah State Law and in conformance with the legal standards already outlined in the Orem City Municipal Code.

Debbie Hong

I grew up in Orem, just down the street from the location that Smiling Faces Daycare is trying to occupy. I have talked to members of the neighborhood and they have no problem with the daycare being there. I have also read comments and watched video of council meeting. Zoning for that area allows for a daycare. 13 requirements have been met, including a costly parking study. Parking is more than sufficient for the daycare requirements, children are not left to run through the parking lot, and there are staggered drop offs. I have used daycare services before, and it does not take 15 minutes to drop off or pick up a child, that is a very generous time slot.

As I listened to comments from the council, it felt like the council was trying to find reasons for not allowing the business. I have parked in thousands of parking lots, and not had an issue with backing out of a parking space that has the same amount of space. That seems like a

reach. Also, a Daycare/preschool is very different from an elementary school drop off, parents have to walk the children into the building, they don't let them loose. I guarantee that there is plenty of time in a day for 100 cars to go through that area and I doubt they will be filled to capacity every single day. People also carpool for preschool which are the busiest. The opinion of some of these council members are very narrow. It is disappointing. As far as having a daycare in the neighborhood, there is nothing more beautiful than the sound of children playing. As far as safety, there is very little deviant behavior (if any) that comes from a daycare, and would not be much different from a senior living center. I feel that the presenters proved the safety concerns were taken care of.

As far as the play area, fences are easy to build. You do not need a lot of space for kids to play outside and times are staggered again. Daycares have indoor play space. Neighbors, only two commented, and to be honest, zoning allows for this. Meetings were noticed, sometimes neighbors just don't pay attention. Not a valid complaint. You have to have a legitimate reason to deny. I am sure the neighborhood would rather have a daycare than a drug treatment center. There have been no complaints about this facility. They are well respected in the community. It fills a need within the community. I am disappointed in the comments about this being a "hispanic business". The planning commission has already approved the plan (with all the traffic "concerns").

I encourage you to approve this permit. Make Orem a better place by allowing this business to function and add to the community. Don't give Orem a black eye by not supporting small businesses and people doing their best to improve the community. They are hardworking people that have bent over backward trying to meet the requirements. This business would be an asset and it is a needed business. They have met all the requirements, approve the permit. Legally, you need to do that.

I will reserve my personal opinion, but I am concerned about the reasons that some council members are being difficult on this decision. It is disappointing.

Courtney Bulsiewicz

I am writing to share how essential Smiling Faces is to the Orem community and what an asset it would be for Orem should the proposed location on 400 South and Main Street be approved. I am an adjunct professor at Brigham Young University, and my husband works full time as a marketer. We have lived in Utah County the last 12 years. We have had our two children enrolled in care at Smiling Faces for 3 years now. We have utilized childcare services from 3 other businesses, until we found Smiling Faces and found it superior in every way: the safety precautions they take, the curriculum they practice, and the love they give to the families they serve is unmatched. My children have grown immensely since being enrolled at Smiling Faces: intellectually, emotionally, and socially. Smiling Faces is helping my children become citizens that Orem would be proud of, citizens that respect, honor, and care for each other. During a time when people are calling for equality and diversity in business, I am grateful for the opportunity to choose Smiling Faces, because my sons are learning it doesn't matter the color of your skin; everyone deserves love and opportunity.

Childcare is hard enough to find, without the extra difficulties COVID-19 has added to parents' troubles in finding not just adequate care for their children, but care they are happy about, care they know matches the care they give to their children in their own homes. We found it particularly difficult to find a childcare facility that offers part time care, and we previously paid full-time fees for part time service, at another Orem facility that had a worse parking situation than the more than adequate parking at the proposed site of 400 South and Main Street. We settled for a less than desirable situation so our family could have our basic childcare needs met.

No parent should be in that situation. Smiling Faces was literally our solution and saving grace, and it is that same answer for so many other families and could be that answer for many more if Smiling Faces is allowed to move to the proposed location. If the council denies Smiling Faces the opportunity to grow their business, they are denying their community the opportunity to grow, removing the possibility of work for many families.

In regard to some of the concerns brought up in the previous council meeting; I would like to share my experience. I drop off and pick up my children from Smiling Faces Monday through Friday. I make numerous left-hand turns (and right hand turns for that matter) from the moment I leave my home. Many of them have reduced visibility due to parked cars, large fences, greenery, other homes, etc. But they are legal—just as the intersection and driveway at the proposed site is legal. Are you willing to revoke business privileges wherever there is a turn with less than ideal visibility? If so, you would be stunting Orem immensely, needing to close nearly every business that finds itself on the corner of an intersection.

Regarding the concern of crowds and crowds of children and families all arriving at the same time, causing a backup in traffic: Again, during the 700+ times I have dropped off or picked up my children during the last three years, I have never seen 100 children in 100 cars piled up on state street, all trying to enter Smiling Faces at once. In the mornings, it is rare when I see another parent dropping off their child. During the afternoon pickup, I see one, maybe two other parents for a total of 3 families at once. Smiling Faces runs a tight ship, their protocols are well-thought-out and executed because they know that's what it takes to keep the children they care for safe. If you could see the way Smiling Faces is handling the current pandemic, guiding children through temperature checks, hand washing/sanitizing, providing facemasks for all children (and getting them to actually wear them), there would be no doubt in your mind that this is a company that exceeds expectations and requirements and serves their community in every possible way. I am baffled that the council seems more concerned with comments coming from a person currently residing in Wyoming and a person currently residing in American Fork than they are for concerns raised by persons in the community the council actually represents, like my family and Orem business. Are you willing to put the desires of the small number of homes surrounding the property above the actual needs of so many more families? Please reconsider, take these facts into account when making your decision tonight and approve the request Smiling Faces has made.

Carol Belnap

My husband and I have lived in Orem over 40 years & have raised our children here. We are now assisting raising some grandchildren who have been attending Smiling Faces. Here are our observations:

1. The facilities are spotless & the staff is wonderful with the children.
2. The drop off/pick up policy prevents any children from “running around unattended” in the parking lot. You have to go in & sign the children in & out. Every time. They have staggered the times so well that I have never encountered more than 2 other parents picking up or dropping off. The current parking situation is tight (but they have made it work with the staggered times) and I hate trying to get back out on State Street especially with other cars parked on the sides of the roads. The proposed location has a slower speed limit & much less traffic.
3. Any question of excess neighborhood traffic is ridiculous. We had a halfway house put in near our neighborhood a few years ago & the neighbors displeasure at possible increased traffic had no bearing on them getting the permit. The visibility coming out of the proposed location is fine- I checked it out myself.
4. It is evident that the owners have made every effort to comply with the laws and requirements.

Why are they being made to jump through hoops that hint at discrimination? Is it because this is an affluent area? Or the fact that they are minority owned? There is a great need in Orem for quality licensed day care and this business has a proven track record. We should be helping them expand not hindering them. The fact that they incorporate bilingual teaching is such a plus. We need to be encouraging great minority owned business not trying to eliminate them.

5. The difficulty you are putting them through makes me wonder if there is some hidden agenda present. Or at least as I stated before possible discrimination. I certainly hope that is not the case. Orem is better than that.

Natalie and Bryan Laird

I would like to respectfully ask you to reconsider your current stand on the issue regarding a new location for Smiling Faces Daycare. My son has been attending Smiling Faces for about 2.5 yrs. I can say with 100% certainty, they have boosted his knowledge and fostered his intelligence more than I would've thought or expected. He loves going to school everyday and is excited to see his teachers and friends. Even after moving 20 min south of Orem due to buying a house, we have decided to keep our son (4) at Smiling Faces because of the incredible impact Luz and her employees have had in our lives. Luz and German Pardo have always handled business with honesty and integrity, which as working parents, is immensely appreciated. They teach the kids everything from basics like the alphabet to important current social climate issues. They're an incredible asset to not only the community of Orem but to the future of Utah, for our kids are the future of the world. In conclusion, this expansion and relocation of Smiling Faces is a much safer choice and provides better opportunities for their students than the current location. There is more parking, more space, and less overall traffic. Remember they are currently operating successfully on a busier road, with fewer parking spots, which they share with a trailer park and a restaurant. If anything, Smiling Faces has proven they can make the best of any situation and meet a high standard set in less than fantastic conditions. They should not be punished for wanting to give their clients better services. Please reconsider the conditions placed upon this small locally-owned and reliable business while remembering our claim that Orem is the best place to raise a family.

Tara Bishop

I would like to voice a concern I have raised through things that I have been made aware of recently.

I know that public comment without factual evidence has no bearing on approving a Conditional Use Permit. And while my comment now is connected with my previous letter, this is not necessarily to be used in determining the CUP. My comment now is to raise public concern about the intention and underlying principles of the City Council in making decisions for the city.

I recently had a conversation about the neighbors surrounding the proposed new Smiling Faces Bilingual Center. It turns out that conversations questioning the owners citizenship status happened when the owners were introducing themselves to the neighborhood. Why would that even come up in a conversation when owners are introducing themselves and trying to be "good neighbors" as the city ordinance requires (and is just common decency)? When I have introduced myself to new people, not once have I been asked if I was a citizen of the United States. Given that "public outcry" from the neighbors is likely why Councilmen Lambson, Sumner, Spencer, Peterson, and MacDonald rejected the CUP is deeply concerning. Those Councilmembers should rethink who and what they are supporting in our city. I will not tolerate racist sentiments from my city leaders. I have higher expectations of our great community than to accept that these

types of conversations are appropriate.

Thank you for your time. I appreciate this great city and the opportunity I have had to continue living here and raise my family.

Claire Johnson

I live directly south of the proposed daycare center at 468 South Main St. I am grateful for the opportunity here to share some concerns. My largest concern is with the increased traffic that the daycare would bring - both the safety and inconvenience of this traffic. Although the cars parked on the two roads are legally allowed, visibility is very poor when there are cars parked in these areas. The intersection just east of 400th south and Main has gotten busier and busier with UVU, Midtown, State Street, Orem Elementary, and Noah Webster, and will just get busier. With 100 kids being dropped off and picked up daily, I can only imagine that cars would end up backed up into and through that (Orem Boulevard) intersection, as well as down 400th south and Main Street which are both single-lane roads. I imagine this will be happening at its worst between the hours of 8 and 9:30 am, which is the time I need to be backing out of my own driveway on Main Street to head to work myself. After backing out of my driveway, I would then have to wait in the line of daycare dropoff cars going north on Main Street before I could get out onto 400th South and State Street. Where this is a residential district, having this traffic every single day would greatly diminish the quality of life of those living in close proximity to the daycare on Main Street. Lines of waiting cars in the street with engines running is a safety concern, a health hazard for us and our neighbors, and an unpleasant residential experience. I understand that there may be a need for a daycare in Orem City, however, it is obvious to me that a business of this size is not suited to this property. There are no other businesses near this size along the entire length of Main Street or 400th South. This is a residential area that should be preserved as such.

Orem Utah

I would like to add my support to the approval of the conditional use permit for Smiling Faces Daycare. I am the parent of two young children living in Orem, and finding childcare is so tough! Smiling Faces has proposed great measures to keep kids safe on the property. By the planning commission's review, it seems parking and traffic control is adequate. Please support great childcare businesses like Smiling Faces in thriving in Orem so that families have adequate choices when finding care for their kids! Also, latinx business owners provide critical services to all of Orem, not just fellow latinx residents. Thank you

Karen Larsen

I know the board is considering a request of the Smiling Faces Child Care Center to move into a new bigger building. I used to work for Workforce Services who does licensing for child care in Utah. Orem always had a shortage of good child care centers. This center has been in Orem for awhile and is highly recommended. I feel it would be in the best interest of the council to approve this request. The city needs the increase in capacity that this move would allow. Currently I don't have a need for childcare, but my children do, they have had a hard time finding good options for childcare in Utah county. This new location will give citizens more options and will allow for more children to be cared for by licensed providers.

Aaron Lewis

I live just south of the proposed daycare. I travel on 400 South and Main Street regularly, including commute to work (pandemic permitting). I'll keep my comments brief but in sum I am opposed to the daycare in this location. Here are my concerns:- The location in question is not

well suited for that amount of traffic. Two weeks ago when this was discussed the phrase “10 cars in 10 minutes” was thrown around and considering the fact that each car needs to park and walk their children into the building, along with the size of the parking lot leads me to believe that it will take much more than one minute per car to enter and exit that small parking area.

- The length of time it will take for a car to pull in, park, unload children (sometimes several), pull out (at least a 3-point turn, if not more) and exit the parking lot will cause backups that extend into both Main Street and 400 South.

- The left turn lane on Main Street to turn west onto 400 S makes the lanes even narrower, further congesting the intersection. Also the addition of the employee parking on both streets will make for very narrow lanes and higher chances of accidents.

- This is a residential neighborhood with multiple driveways surrounding the facility. I can't imagine what it would be like for my family and neighbors to have to wait for extended amounts of time to enter or exit their homes. I have spoken personally to both husband and wife of looking to start the daycare and they are very nice people. I do not have a bad word to say about them or their business and I hope they are able to expand as they hope- Orem needs more daycares, especially run by people of every race. That would create a stronger and more diverse community. But I also hope to have the residential experience that we expect by living in this wonderful neighborhood. I do not think having a daycare in this location will provide us with such.

Taylor

Let smiling faces daycare open! They have done and passed every task you made them do. You are discriminating against them for no reason. Orem needs to do better

Darrin Vandenbos

Over the course of the Planning Commission meeting and two City Council meetings, multiple people have mentioned that Orem needs more daycare and that this business is well-managed and a valued contributor to the Orem community. I'm not questioning those assertions but they are not pertinent to this issue. The issue is whether this location can support the business at its requested client capacity without affecting the safety of the neighbors, daycare clients, and pass-thru traffic. Nothing I've observed during this two week continuation period changes the parking, traffic, and safety concerns previously expressed to the Council. These concerns are based on 30 years of experience living in my current home (411 South 60 West) directly west of the property. In short, this is an increasingly traveled and congested area with poor visibility that has already been negatively impacted by the Midtown Village development and overall traffic increases; adding parking and traffic from a business that marginally meets the requirements only escalates the safety hazards in the area. I ask you not to ignore these safety concerns voiced from the experience of multiple longtime neighbors by shoehorning this business into this location.