



## Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

# White City Planning Commission

## Public Meeting Agenda

### Thursday, April 28, 2022 6:00 P.M.

*Pursuant to Utah Code Ann. § 52-4-207(5), Weston Millen has determined in his capacity as Chair of the White City Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.*

### Location

#### Join meeting in WebEx

Meeting number (access code): 961 841 420

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

#### Tap to join from a mobile device (attendees only)

[+1-213-306-3065](tel:+12133063065), [961841420##](tel:+1961841420) United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783), [961841420##](tel:+1961841420) United States Toll (Phoenix)

#### Join by phone

[+1-213-306-3065](tel:+12133063065) United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783) United States Toll (Phoenix)

Access code: 961 841 420

#### Global call-in numbers

#### Join from a video conferencing system or application

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

**UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.**

**TTY USERS SHOULD CALL 711.**

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

## **BUSINESS MEETING**

- 1) Election of Chair and Vice Chair 2022. (Motion/Voting)
- 2) 2022 Planning Commission Meeting Schedule for Approval. (Motion/Voting)
- 3) Approval of the September 7, and September 23, 2021 Planning Commission Meeting Minutes. (Motion/Voting)
- 4) Overview of annual and periodic training requirements for planning commission members. **Presenter:** Jay Springer, Attorney.

5) Other Business Items. (As Needed)

**LAND USE APPLICATION(S)**

**CUP2021-000498** - Laura Isaacson is requesting a Conditional Use approval for a Home Daycare for the care of twelve or less children. **Location:** 1062 East Turquoise Way. **Zone:** R-1-8 (Single Family Residential). **Planner:** Molly Gaughran (Motion/Voting)

**ADJOURN**

# **Rules of Conduct for Planning Commission Meetings**

## **PROCEDURE FOR PUBLIC COMMENT**

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
  - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant will be allowed up to 15 minutes to make their presentation.
  - c. The Community Council representative can present their comments as applicable.
  - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
  - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
  - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
  - g. Surrebuttals may be allowed at the discretion of the Chair.

## **CONDUCT FOR APPLICANTS AND THE PUBLIC**

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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# White City Metro Township Planning Commission

## 2022 Regular Meeting Schedule

**Meeting Place:** Sandy Library – 10100 South Petunia Way

**Time:** 6:30PM *Unless otherwise posted*

*The Public is Welcome to Attend*

Thursday January 27, 2022

Thursday February 24, 2022

Thursday March 24, 2022

Thursday April 28, 2022

Thursday May 26, 2022

Thursday June 23, 2022

Thursday July 28, 2022

Thursday August 25, 2022

Thursday September 22, 2022

Thursday October 27, 2022

Thursday November 17, 2022

Thursday December 22, 2022

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

**The Public May Attend. Meetings May Be Closed For Reasons Allowed By Statute.**



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### MEETING MINUTE SUMMARY WHITE CITY PLANNING COMMISSION MEETING Tuesday, September 7, 2021 6:00 p.m.

**Approximate meeting length:** 46 minutes

**Number of public in attendance:** 8

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Millen

**\*NOTE:** Staff Reports referenced in this document can be found on the State websites, or from Planning & Development Services.

## ATTENDANCE

### Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Christy Seiger-Webster (V Chair)	x		
Christopher Spagnuolo	x		
Robert Frailey			x
Gene Wilson (Alternate)			x
Antoinette Blair			x
Weston Millen (Chair)	x		
Christopher Huntzinger (Alternate)			x

Planning Staff / Counsel	Public Mtg	Business Mtg
Wendy Gurr	x	
Molly Gaughran	x	
Travis Hair	x	
Paul Ashton	x	

## LAND USE APPLICATION(S)

**Meeting began at – 6:00 p.m.**

**CUP2021-000402** - Google Fiber Utah, LLC is requesting a Conditional Use approval for a Google Fiber Hut to be located on Hilltop Methodist Church property. **Location:** 971 East 10600 South. **Zone:** R-1-8 (Single Family Residential). **Planner:** Molly Gaughran. (Motion/Voting)

The Planning Commission, in its discretion, may request public input on these applications prior to acting on the application. If public input is requested, public comment will be limited to three minutes per person.

*Greater Salt Lake Municipal Services District Planner Molly Gaughran provided an analysis of the Staff Report.*

*Commissioner Millen inquired on natural gas generator just running for the power outage and is this to service White City in relation to sandy. Mr. Brace said gas generator is for emergency backup and regular tests run, in this hut, sandy and surrounding, White City and metro services to bring services. Commissioner Seiger-Webster asked where it was accessing from another parcel and conceptually from another parcel. Harry said agreement with hilltop through the adjoining property to use parking spaces on the property. Christie with emergency generator will have sound baffles. Mr. Brace said they are not on the generator off the fence would be a sound wall baffle and privacy fence sound buffer. Commissioner Spagnuolo asked*

*Mr. Ashton where we are getting service. Mr. Ashton said going through the contracts and google fiber signed a non-disclosure and may be get a franchise agreement with White City and will get permission to come in and finishing up working in Millcreek. Commissioner Spagnuolo said service extended, would they need to expand the site. Mr. Brace said will work with White City and hut structure would not expand in size, design out to serve well beyond sandy and White City with ample capacity. Robert Vaccaro, Engineer said agreements in place can serve up north with less damage taking down the network with access north and south.*

*Commissioner Seiger-Webster motioned to open the public meeting, Commissioner Millen seconded that motion.*

## **PUBLIC PORTION OF MEETING OPENED**

### **Speaker # 1: Applicant**

**Name:** Harry Johnson

**Address:**

**Comments:** Mr. Johnson said they are excited to come into the hut. Construction is important, serves 10,000's and this is the second hut this year., received cup from cottonwood heights and committed with working with landowners. Complying with rules and regulations and consistent with conditions allowed.

### **Speaker # 2: Applicant**

**Name:** Jacob Brace

**Address:** Not provided

**Comments:** Mr. Brace said the gas generator is for emergency backup and regular tests run.

### **Speaker # 3: Church President**

**Name:** Douglas Orr

**Address:** 971 East 10600 South

**Comments:** Mr. Orr said the presentation on behalf of Hilltop presented the basic plan and recommendation is to approve and thankful for that. Taken great care in discussions with google and part of a community and impact positive providing service and negative with noise and believe this is a good viable plan, location is central and will limit or mitigate potential negative impacts on the neighbors.

### **Speaker # 4: Church Trustee**

**Name:** Bob Bolds

**Address:** Not provided

**Comments:** Mr. Bolds said White City still in agreements. Lease stipulates until White City gets service, they won't have service. Had to review the lease four times and mistakes were made and repetitive, but all comes down to the lease. Concerned with privacy fence and wood box and unresolved issues. This is White City standpoint because of the number of reviews done on their lease.

### **Speaker # 5: Applicant**

**Name:** Jacob Brace

**Address:** Not provided

**Comments:** Mr. Brace said negotiations with 8-foot privacy fence, plan to be good neighbors. Here to bring quality service, come to conclusion with majority of the board and move forward.

### **Speaker # 6: Citizen**

**Name:** Greg Shelton

**Address:** 1224 East 10600 South

**Comments:** Mr. Shelton said he is excited and could bring and make sure due diligence and frustration up front is worth it down the road.

**Speaker # 7:** Pastor

**Name:** Reverend Lynn Miller Jackson

**Address:** 971 East 10600 South

**Comments:** Ms. Jackson said she was present through negotiations and have gone through and good working relationship, glad to be in partnership and attracted to the project is because the impact on the neighborhood to get fiber network in.

*Mr. Ashton said needs to be judged on its own merits and shouldn't concern yourself with the city.*

**Speaker # 8:** Church Trustee

**Name:** Bob Bolds

**Address:** Not provided

**Comments:** Mr. Bolds said White City representative living in Millcreek. What's happening to encounter to the neighborhood.

*Mr. Ashton said google relies on a lot of subs to do work, exercise on agreement, and google fiber needs to be responsible for their subs.*

*Commissioner Spagnuolo motioned to close the public meeting, Commissioner Seiger-Webster seconded that motion.*

### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners had a brief discussion regarding infrastructure buildout, met requirements and allowed conditions.*

**Motion:** To approve application # CUP2021-000402 for a Conditional Use approval for a Google Fiber Hut to be located on Hilltop Methodist Church property with staff recommendations.

**Motion by:** Commissioner Seiger-Webster

**2<sup>nd</sup> by:** Commissioner Millen

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

*Commissioner Seiger-Webster adjourned.*

### **MEETING ADJOURNED**

**Time Adjourned – 6:46 p.m.**





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### MEETING MINUTE SUMMARY WHITE CITY PLANNING COMMISSION MEETING Thursday, September 23, 2021 6:00 p.m.

**Approximate meeting length:** 58 minutes

**Number of public in attendance:** 25

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Millen

**\*NOTE:** Staff Reports referenced in this document can be found on the State websites, or from Planning & Development Services.

## ATTENDANCE

### Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Christy Seiger-Webster (V Chair)			x
Christopher Spagnuolo	x	x	
Robert Frailey	x	x	
Gene Wilson (Alternate)			x
Antoinette Blair	x	x	
Weston Millen (Chair)	x	x	
Christopher Huntzinger (Alternate)			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Erin O'Kelley	x	x
Kayla Mauldin	x	x
Lupita McClenning	x	x
Jay Springer	x	x

## BUSINESS MEETING

**Meeting began at – 6:02 p.m.**

- 1) Approval of the August 26, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

**Motion:** To approve the August 26, 2021 Planning Commission Meeting Minutes as presented.

**Motion by:** Commissioner Spagnuolo

**2<sup>nd</sup> by:** Commissioner Millen

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

Approval of the September 7, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

**Motion:** To continue the September 7, 2021 Planning Commission Meeting Minutes to the next meeting.

**Motion by:** Commissioner Spagnuolo

**2<sup>nd</sup> by:** Commissioner Millen

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 2) Other Business Items (as needed)

*No other business items to discuss.*

*Commissioner Spagnuolo motioned to close the business meeting.*

## **PUBLIC HEARING(S)**

**Hearings began at – 6:06 p.m.**

**The Planning Commission will hear a proposal to recommend adoption of the 2021 White City General Plan.** The drafted General Plan is the first Plan prepared for White City since its incorporation in 2017. By state code, General Plans are required to include considerations for land use, transportation, and moderate income housing (White City adopted its Moderate Income Housing Plan in 2019). This Plan additionally considers Lifelong Communities, a chapter dedicated to helping residents age in place.  
**Planner:** Erin O’Kelley (Motion/Voting)

The public may view the draft General Plan prior to the hearing at: <https://bit.ly/whitcity-generalplan>.

The Planning Commission will act on the proposed public hearing item after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission’s rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

*Greater Salt Lake Municipal Services District Long Range Planner Erin O’Kelley provided a presentation regarding the process and timeline.*

*Commissioner Spagnuolo motioned to open the public hearing, Commissioner Millen seconded that motion.*

### **PUBLIC PORTION OF HEARING OPENED**

*Ms. Gurr read two emails received under public comment (attached).*

**Speaker # 1:** Citizen

**Name:** Scott Little

**Address:** 854 East Hollyhock Avenue

**Comments:** Mr. Little read from a letter submitted after the meeting and attached to the minutes.

*Commissioner Spagnuolo said when broke off from Unincorporated County, the code copied Salt Lake County Code.*

**Speaker # 2:** Citizen

**Name:** Daniel Herbert-Voss

**Address:** 974 East Platinum Way

**Comments:** Mr. Herbert-Voss said concern is something addressed. Pocket where houses look like dumps and communicated with Salt Lake County and sent code enforcement with no changes and how do I know the proposed will make changes.

**Speaker # 3:** Citizen

**Name:** Andrew Neilsen

**Address:** 1019 East Serpentine Way

**Comments:** Mr. Neilsen said concerns everything listed is generalized and high level. Seem to be in conflict and hard to know what the plan will do for the community without specifics listed. Talks about bringing tax base back in. general plan is too general and how goals are achieved.

**Speaker # 4:** Citizen

**Name:** Randy Hoggan

**Address:** 9930 South Poppy Lane

**Comments:** Mr. Hoggan said noticed Sego Lily Drive, only people have been notified not notified. He has asked about sidewalks and asked about it and would be nice if they received a heads up if the grant received. Neighbor across the street is a duplex and the owner owns additional houses, now is an Airbnb and effects the neighbors. Asked if it is legal to have an Airbnb or still illegal. Wants to allot the remainder of his time to Mr. Little to finish.

**Speaker # 5:** Citizen

**Name:** Scott Little

**Address:** 854 East Hollyhock Avenue

**Comments:** Mr. Little continued reading from his litter submitted after the meeting and attached.

**Speaker # 6:** Citizen

**Name:** Leonard Peterson

**Address:** 10352 South Crocus Street

**Comments:** Leonard said how does he get no parking signs in front of his house now that the new school is built. He's spoke to engineering and the mayor and informed he has to go back to the law enforcement and he gets a ticket if he parks there.

Commissioners advised code enforcement and provided contact information.

*Commissioner Spagnuolo motioned to close the public hearing, Commissioner Blair seconded that motion.*

**PUBLIC PORTION OF HEARING CLOSED**

*Commissioners had a brief discussion regarding general goals, land use codes, and zoning ordinances.*

**Motion:** To recommend the White City General Plan to the White City Council for adoption as presented, with language inserted recommending a revision of land use codes and zoning ordinances.

**Motion by:** Commissioner Spagnuolo

**2<sup>nd</sup> by:** Commissioner Millen

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

*Commissioner Spagnuolo motioned to adjourn, Commissioner Millen seconded that motion.*

**MEETING ADJOURNED**

**Time Adjourned – 7:00 p.m.**

**From:** [Weston Millen](#)  
**To:** [Wendy Gurr](#)  
**Subject:** Fwd: Council Comments  
**Date:** Thursday, September 23, 2021 5:01:14 PM

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Hey Wendy!

Here's a public comment from a neighbor who can't make it to the meeting tonight.

-Weston

----- Forwarded message -----

**From:** **Property Management** <>  
**Date:** Thu, Sep 23, 2021 at 4:52 PM  
**Subject:** Council Comments  
**To:** <>

As an airbnb landlord, there are a few things I want to contribute.

1) It is my goal to preserve the local/community feel that exists within White City. As a traveler, the options to stay in local communities are both highly sought after, and extremely difficult to find. There is a very high demand to get out of the commercial centers where hotels and most short term rentals are typically found. Having a rental encourages me to make constant improvements to the property which also improves the overall community.

2) I try to appeal to longer term renters. Typically, in a given year, my rental will have at least half of the year booked with guests who are staying longer than 30 days. Technically, this means they do not fall under "short term" renters anyway, and would be unaffected by a restriction placed on short term rentals. Longer term renters helps to establish a bit more community in that there is not a large amount of motion. I have hosted a number of people who are planning to move to the area and simply want to get a feel for the area first, or who wish to book a short term rental while they search for and close on their final home. I have also hosted a number of traveling nurses during the entirety of the Covid pandemic.

Given these points, I think that it is far more important to find ways to work together in allowing creative use of properties rather than flat out banning short term rental uses. I am willing to be a part of the community and uphold community standards while continuing to operate a rental. It is imperative that I stay on good terms with both the community and specifically my close neighbors, so I would much rather operate with candidness so that we can all continue to make improvements and showcase this community as both traditional and progressive.

Michael Madsen

**From:** [Tyler Huish](#)  
**To:** [Wendy Gurr](#)  
**Cc:** [Allan Perry](#); [Weston Millen](#)  
**Subject:** White City public hearing tonight  
**Date:** Thursday, September 23, 2021 9:09:55 AM

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My comment:

“As the chair of the Steering Committee tasked with drafting our General Plan and a resident of White City, I want all residents to know that this document was crafted by White City residents. It strikes the correct balance among the varying opinions we all may have regarding what we want our community to be. As you read the document you will find that it clearly states that there are no zoning changes happening. In fact, the plan asks for many zoning options to be removed so they can never be an option in White City. This includes commercial, industrial, and others. The plan even calls out to ensure Big Bear Park is zoned as a park instead of residential so no one can ever come and try to build housing in its place.

“You will read in the plan a term called “Mixed-use” residential. This refers to you, as the homeowner, the ability to run your small business out of your home. If you are one of the many residents who already has a small bakery, or do child-care, or run a salon, you can officially do this *in your home* with this plan. This does not mean the property is converted to commercial. Your house is still your home and residence, but you now have the ability and public support to take a part of your home and run your business out of it. Again, this does not change the integrity of the neighborhood. It encourages opportunities for our residents and strengthen our community. It recognizes what is already being done in dozens of homes.

“You will see that the plan covers the need to age with the community. This means that walking, and biking are important. Sidewalks and activity zones through the community are important. The plan also covers beautification ideas, ways to help those who may not be able to help themselves, and how we walk to expressly maintain the existing character of the community.

“Please read the plan and see that we are securing the small feel, quiet atmosphere, and residential nature of White City and I am confident you will see that this is a plan we can all agree with. Anyone who has questions about the plan is welcome to reach out to me via email at [tlhuish@hotmail.com](mailto:tlhuish@hotmail.com).”

Tyler Huish

White City General Plan Steering Committee Chair

Thank you, Wendy! Forgive me if there are any typos .

**tyler huish**

Scott Little  
854 E Hollyhock

Tyler Huish, the Chairman of the Steering Committee submitted a comment for the Public Hearing that will/has been read by Wendy Gurr. He tells you that *"This [mixed use] refers to you, as the homeowner, [being able] to run your small business out of your home. He goes on, "This does not mean the property is converted to commercial."*

You can already run many small business (including all of those mentioned by Mr. Huish) out of your home. You cannot convert or redevelop your home into apartments or condos with commercial space below as contemplated by mixed use zones.

Mr. Huish either does not understand the concept of Mixed Use or he is trying to mislead this body.

The Utah Code says, UCA 63N-3-602 (15) "Mixed use development" means development with a mix of multi-family residential use and at least one additional land use.

Most of the Mixed use developments in this part of the valley are essentially apartment houses and condominium projects. To qualify as mixed use, a development only has to set aside room to integrate a small office, salon, club, or coffee shop somewhere in the multi family development.

Look at the Mixed Use development on 700 East just South of the Sandy City Cemetery for an example. It is basically an apartment building with an small H&R Block office on the bottom floor.

There are several other areas where the proposed General Plan deserves a second look.

Page 32 of the Proposed Plan includes a Key Recommendation to *"Update land use codes to be tailored to White City's specific wants and needs."*

The key here is that the Proposed Plan calls to *"update land use codes."* This means re-zone. I believe that most of our residents expressed that they do not want any of our neighborhoods to be re-zoned from the current R-1-8 designation encompassing about 95% of our community.

Page 32 of the Proposed Plan sets out land use goals for our Township. Including the following:

*LU1: Ensure that effective land use planning is kept in balance with preserving the freedom and rights of individual landowners.*

By focusing this goal entirely on the rights of "landowners", the Proposed Plan would support the right of a non-resident developer who buys houses (thus becoming the landowner) to re-develop the land, over the objections from neighbors. The Proposed Plan says little or nothing about protecting the rights of Residents to live peacefully in the type of neighborhood that they have chosen to live in. Rather than supporting only the rights of "landowners," to re-develop their property, the General Plan should also support the rights of "Residents" who live here and care about White City.

*LU goal 2: Maintain and promote White City's neighborhood-scale housing character (primarily detached residences) while also promoting a quality of life that attracts and sustains new families and **the housing needs of the Salt Lake Valley.***

This goal really has little to do with preserving the R1-8 single family housing zone making up 95% of White City, but rather, it focuses on maintaining "*neighborhood-scale housing **character**,*" "*attract[ing] and sustain[ing] **new families, and the housing needs of the Salt Lake Valley.***" Preserving "*neighborhood-scale housing character*" can be consistent with re-developing neighborhoods into high density housing. *[A]ttract[ing] and sustain[ing] new families and the housing needs of the Salt Lake Valley,*" means that we are setting a goal to substantially increase the number of housing units in White City. This can only be done by re-developing into higher density housing. Do we really want this as a primary goal for our community?

White City is zoned based on the concept of Euclidean Zoning. This designates different areas for different uses (ie. Commercial, Single-Family Residences, Agricultural, Industrial etc.). On Page 40, the Proposed Plan talks about the difference between Euclidian Zoning and Form Based Zoning. It makes the point that Form Based Zoning regulates the "built environment" (ie design, materials, setbacks, height, etc). "**[L]and use is not dictated.**" Form Based Zoning allows multiple types of residential, commercial, and high density uses, all in the same area (as long as structures meet designated design standards).

On page 41, of the Proposed Plan, the Planners suggest that, "the demand for housing outstrips supply of housing in the Salt Lake Valley" is a factor to be considered in our zoning ordinances.

The Proposed Plan divides our community into "*Character Areas*" which are defined as follows:

*"Character Areas" are specific geographic areas that have unique or special characteristics, have **potential to evolve into a unique area** when provided specific guidance, or require attention suitable to its uniqueness. Character can be thought of as the look, feel and history of a place – those factors which set it apart from other areas. By understanding the various Character Areas of a community, land use ordinances can be tailored to uphold the vision of each Character Area. "*

This opens the door for re-zoning our neighborhoods to accomodate the, "demand for housing in the Salt Lake Valley." The Proposed Plan calls for allowing higher density housing in all of our neighborhoods.

Most notably, the Proposed Plan calls for the entirety of 106<sup>th</sup> South to become a "*Mixed Use*" area as follows:

*"small-scale mixed uses (residential plus commercial or institutional) following*

*strict guidelines could be introduced (per property owner's desire and following proper administrative and legal channels)." Page 54*

Again, we are back to allowing a property owner to trump the wishes of Residents. Under this language, developers and speculators purchasing properties become property owners who can re-develop under the terms of the Proposed Plan. Once opened to Mixed Use Zoning, developers can obtain variances for projects that we never even considered.

There are two areas that may be of particular concern to the Agricultural community:

1. The Proposed Plan anticipates a conversion from Agricultural to mixed use for the properties bordering the south side of 106<sup>th</sup> South. and
2. On page 64, the Proposed Plan anticipates that, "properties along this area could appeal to the Planning Commission to become other uses if the area ceases to be characterized by agricultural roots WHICH IT DEFINES AS (LESS THAN 66% USE). It seems to me that we may already be there if we count all of the properties that are zoned agricultural. This would effectively allow 1/3rd of the property owners to dictate a change of the Agricultural designation.





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

File # CUP2021-000498

## Conditional Use Application—Home Daycare/Preschool

**Public Body:** White City Planning Commission

**Meeting Date:** April 28, 2022

**Parcel ID:** 28-08-404-006-0000

**Current Zone:** R-1-8

**Property Address:** 1062 East Turquoise Way, White City, 84094

**Request:** Conditional Use approval for a Home Daycare (7-12 Children)

**Applicant Name:** Laura Isaacson

**MSD Planner:** Molly Gaughran

**MSD Planning Staff Recommendation:** Approval with conditions

### PROJECT DESCRIPTION

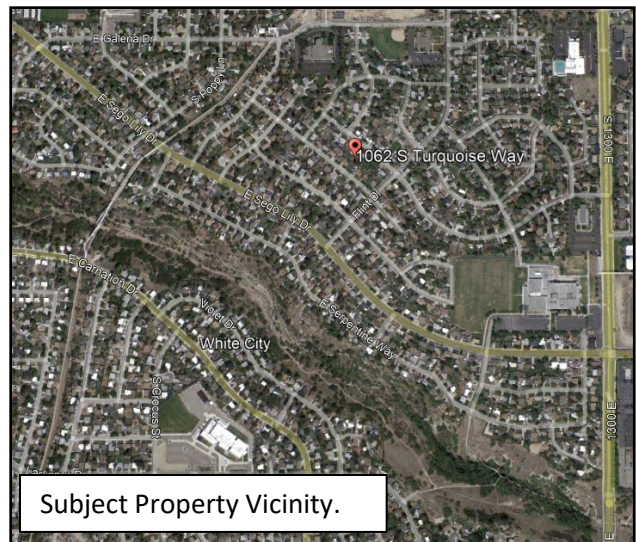
The applicant, Laura Isaacson, is requesting conditional use approval for a Home Daycare for the care of seven (7) to twelve (12) children to be located at her home. The daycare shall have two (2) caregivers, including the applicant.

### SITE & VICINITY DESCRIPTION (Attachment A)

The subject property has an address of 1062 East Turquoise Way, White City, 84094. The neighborhood is zoned R-1-8, a single-family residential neighborhood. The attached document shows the Site & Parking Plan.



Subject Property Site.



Subject Property Vicinity.

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## GENERAL PLAN CONSIDERATIONS

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The recently adopted White City 2022 General Plan lists home daycares and preschools as an appropriate future use for residential neighborhoods (page 50). The General Plan also recommends supporting home-based businesses through resources and land use ordinances as a way to achieve lifelong communities (page 98).

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## ISSUES OF CONCERN/PROPOSED MITIGATION

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No issues of concern have been identified by MSD staff or reviewing agencies.

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## REVIEWING AGENCIES RESPONSE

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The reviewing agencies for home daycares/preschools include the MSD Building department and Unified Fire Authority. These agencies have reviewed the application and have given approval for the use with conditions that are standard for home daycares, including a required building inspection at the time of business licensing.

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## PLANNING STAFF ANALYSIS

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### Home Day Care Standards and Findings

White City Zoning Code Section 19.14.030 states that "Home Day Care/Preschool" is allowed with Conditional Use approval in all Residential (R-1) zones, subject to Section 19.04.293. Therefore, the proposed home daycare may be considered through this conditional use review process. The standards under Section 19.04.293 are addressed immediately below.

#### 19.04.293 Home Day Care/preschool

"Home day care/preschool" means the keeping for care and/or preschool instruction of twelve or less children including the caregiver's own children under the age of six and not yet in full day school within an occupied dwelling and yard. (State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.) A home day care/preschool must meet the following standards:

Standard A. When allowed as a permitted use there shall be a maximum of six children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve children with not more than one employee at any one time not residing in the dwelling.

Finding. The proposal is for a home daycare for up to a maximum of 12 children. Based on the information provided by the applicant and as included in the MSD staff's recommended conditions of approval, no more than one employee shall reside outside of the home used for the home daycare.

Standard B. The use shall comply with the health department noise regulations.

Finding. Compliance with the health department noise regulations is included in the MSD staff's recommended conditions of approval.

Standard C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.

Finding. Per MSD staff's recommended conditions of approval, play shall not occur in the front yard and shall be limited to the designated hours.

Standard D. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the development services division director to ensure that the parking is functional and does not change the residential character of the lot.

Finding. The subject property has parking for at least three (3) vehicles, plus an additional area of the driveway available for drop off and pick up, complying with home daycare parking standard.

Standard E. No signs shall be allowed on the dwelling or lot except a nameplate sign.

Finding. Per MSD staff's recommended conditions of approval, signage for the daycare is limited to one (1) nameplate sign attached to the house that does not exceed three square feet (3 ft<sup>2</sup>).

Standard F. The use shall comply with all local, state, and federal laws and regulations (the Life Safety Code includes additional requirements if there are more than six children).

Finding. Review of the application has found no conflict with local, state, and federal laws and regulations. MSD staff's recommended conditions of approval include compliance with such code, laws, and regulations.

Standard G. Upon complaint that any of the requirements of this section or any other county ordinance are being violated by a home day care/preschool caregiver, the county shall review the complaint and if substantiated may institute a license revocation proceeding under Section 5.14.020.

Finding. The license revocation process in the case of a substantiated complaint is included in MSD Staff's recommended conditions of approval.

Standard H. The caregiver shall notify in writing, on a form provided by the development services division, all property owners within a three hundred foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.

Finding. Per MSD Staff's recommended conditions of approval, such noticing shall be verified by MSD Planning Staff prior to final approval.

### **Conditional Use Standards and Finding**

Standard A. The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

Finding. No changes to structures on the property or to the site plan of the property are proposed or required to meet this standard; therefore, this criterion does not apply.

Standard B. The proposed use and site development plan shall comply with all other applicable laws and ordinances.

Finding. Review of the application has found no conflict with local, state, and federal laws and regulations. MSD staff's recommended conditions of approval include compliance with such code, laws, and regulations.

Standard C. The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the county transportation master plan.

Finding. The proposed home daycare use is a low-intensity land use that is compatible to operate out of existing dwellings within residential neighborhoods. As such, the proposed use does not present a serious traffic hazard or increase traffic on the nearby road system which exceeds the amounts called for under the county transportation master plan.

Standard D. The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents

or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high groundwater, environmental health hazards, or wetlands.

Finding. The proposal does not include new development because the home daycare will operate out of an existing dwelling within an existing residential neighborhood. The reviewing agencies for home daycares/preschools include the MSD Building department and Unified Fire Authority. These agencies have reviewed the application and have given approval for the use with conditions that are standard for home daycares, including a required building inspection at the time of business licensing. Therefore, the proposed home daycare use does not pose a threat to the safety of persons who reside in or visit the dwelling, or residents in the vicinity of the property.

Standard E. The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Finding. No changes to structures on the property or to the site plan of the property are proposed at this time. With MSD staff's recommended conditions of approval, the proposed use of home daycare is found to comply with the standards for conditional uses and impacts on the neighborhood to be appropriately mitigated.

## PLANNING STAFF RECOMMENDATION

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**Based on the findings in this report, planning staff recommends that the White City Metro Township Planning Commission approve the Conditional Use application for a Home Daycare, subject to the following conditions:**

1. The applicant shall obtain a "Family Child Care License" from Utah State, Child Care Licensing Division.
2. The applicant shall obtain a business license with the Municipal Services District.
3. The use shall comply with all local, State, and Federal laws and regulations, including the Life Safety Code.
4. The use shall comply with Salt Lake Valley Health Department noise regulations.
5. The play yard area shall not be in the front yard.
6. The play yard area shall be enclosed with a fence and only used between 8:00 a.m. and 9:00 p.m.
7. No on-street parking is allowed for or because of the use. One on-site parking space must be kept available for drop-off and pick-up, not including any required employee parking. The parking space shall not change the residential character of the lot.
8. The applicant shall comply with all Fire Department regulations including:
  - a. A Smoke Detector
  - b. A 2A10BC fire extinguisher
  - c. All electrical outlets must be covered
  - d. A Telephone
  - e. A Whistle or bell (for fire drills)
  - f. No double locks on doors
  - g. No children permitted on a second story
  - h. Two exits are required from the facility, 50 percent diagonal from each other
  - i. Children are permitted in basements only if there is an exit directly to the outside, with vertical travel not exceeding eight feet.
9. A three-square-foot (3 ft<sup>2</sup>) name-plate sign is allowed. It must be attached to the house.

10. The applicant shall notify in writing all property owners within a three-hundred-foot radius of the proposed home daycare of the applicant's licensing at the subject property. The applicant may pay fees for the Municipal Services District to send out written notices or send out the notice on a form provided by the planning and development services division.
11. Upon complaint that any of the requirements of this ordinance or any other county ordinance is being violated by a home daycare/pre-school caregiver, MSD staff shall review the complaint and if substantiated, may institute a license revocation procedure.

**Attachments:**

- A. Site Plan

Attachment A. Site and Parking Plan.

