



Item:

8

Date:

5/12/2022

Applicant:

Stephanie Cooper

Location:

1460 N 1600 W

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

Zone:

RA-2

Attachments

1. Application information.
2. Correspondence.

REQUEST

Consideration of a request for a Home Occupation Permit for a preschool in the existing home located at 1460 North 1600 West in the RA-2 Zone.

BACKGROUND & DESCRIPTION

In 2017, the Planning Commission approved a request to establish the Treasure Tree Academy preschool in a home at 99 West 600 North. The approval included the potential for up to 14 students in two classes per day. The applicant has operated the preschool at that location since that time.

The applicant is now under contract to purchase a new property located at 1460 North 1600 West. This property is developed with a single family residence and a detached garage with a room above. 1600 West is only approximately 25 feet wide with no shoulder on the east side (side of the home) and a very limited shoulder on the west side.

The applicant is requesting approval to relocate the preschool to this location. The proposal includes:

- The preschool would be located in the detached structure located behind the main residence;
- Two separate classes of approximately 17 kids would be held each school day;
- Widen the driveway to 18' and provide 13 parking spaces for pick up and drop offs on-site; and
- Pick up and drop offs can occur 20 minutes before or after class, which helps to stagger the traffic.

EVALUATION

Home Occupations: Mapleton City Code (MCC) section 18.84.380 outlines the requirements for home occupations. The purpose of the ordinance is to allow for a *"modest level of business activity... that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area."* As the Commission reviews this application it must determine whether the proposed business is consistent with this purpose.

Since 2013, the Planning Commission has approved six home occupation permits for preschools. In most cases, the approvals included up to two classes per day. Also, in most cases, the number of students was between 8-10. The only case where more than 10 were approved was for the applicant's business on 600 North, which was approved for 14.

Staff recognizes that preschools provide an important benefit to the community. However, preschools should be allowed only when they are consistent with the intent and standards of the home occupation ordinance.

Staff has outlined the code sections where a conflict may exist with the current proposal, followed by a staff response.

4. *No more than one person who does not reside on the property may be engaged in the home occupation,*

Response: The applicant's original request was to have two employees who do not reside on the property teach the classes. Staff indicated to the applicant that the code would only allow one. If the Commission approves the application, a condition should be included that not more than one employee be allowed that does not reside on the property. Staff's concern with the applicant's original request for two employees is that it demonstrates that the business may be larger in scope than what is intended for home occupations.

7. *No more than 6 cars may be parked at the residence at any one time,*

Response: With previous applications, the Commission has determined that as long as no more than six vehicles remain on the property during the hours of operation, that more cars may be allowed for pick up and drop offs only. This means that there could not be class graduations or other parent events that would result in more than six cars on the site. This should remain as a condition of approval if this application is approved.

The neighbors have submitted written comments and staff has also received several calls expressing concern with the proposal. Most of the concern has to do with traffic and parking. Staff agrees that allowing on-street parking at this location is not an option as there is little or no room along the shoulders of the street. Staff notes that the City has not received complaints regarding traffic and parking for other preschools that currently exist in the City. However, staff also notes in most of the existing situations, the homes are located on either wider streets or there are safer areas for on-street parking.

The applicant is proposing to widen the driveway to allow both ingress and egress from the site. Vehicles will be able to pull into the property, pick up or drop students off, turn around and exit without parking on the street. While this will be an improvement, staff is still concerned that up to 17 vehicles trying to pull into the property, turn around and pull out could be quite challenging and may lead to people still trying to just park on the street, even if not all of the vehicles arrive at once. Staff is also concerned that larger vehicles may also prefer to try and park on the street rather than drive on-site.

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.*

Response: Staff is concerned with the proposed scope of the preschool for the site and the neighborhood. Having up to two classes per day with 17 kids could result in 68 vehicle trips or more to the site every school day. Even if all of the vehicles used the driveway, that still adds traffic to the street and impacts the neighbor to the north that directly abuts the driveway. This seems to be inconsistent with the goal of having only a modest level of commercial activity in residential zones and with being incidental to the primary residential use of the site.

Options: Given that staff has had little to no complaints regarding other preschools in the City, it seems that a preschool could function at some level at this location. However, staff could not support two classes a day of 17 kids each. The Commission should discuss the following options:

- 1) Deny the request. Determine that the applicant is proposing a more intensive use than intended for home occupations and for street on which it is located.
- 2) Approve the application with modifications. The Commission could limit the class sizes and/or limit the number of classes per day.
- 3) Approve the request as proposed.
- 4) Continue the application with a request for additional information. The Commission could request a traffic and circulation study or other information to help with its decision.

RECOMMENDATION

Determine whether the use should be allowed at this location. If the Commission approves the request, staff would recommend at least the following conditions:

1. Establish a maximum number of students and classes per day.
2. No more than one employee that is not a member of the residing family may work at the home occupation.
3. The business shall not begin operation until the driveway has been widened as proposed.
4. No onstreet parking shall be allowed.
5. No more than six vehicles shall be parked on site during the school classes. No special events shall be allowed that would result in more than six vehicles on site.

Attachment "1" Application Information

Hi Sean,

Thank you for your help with progressing towards a home occupation permit at 1460 N. 1600 W. I appreciate you sending the code information as well as the letter from the Butterfields. I have numbered the paragraphs for ease of reference in two different sections.

In answer to your questions:

1-We love the quiet feel of Mapleton and do not intend to "adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area" which is why we are interested in the location. On the contrary, we believe that this home occupation permit will greatly enhance the character of the area providing access to high-quality child care services. In our current locations, we have enhanced and added to the charm and quality of life of the residents in the area of our classrooms. We have done this beautifying each location aesthetically and by creating and improving important connections in our community. By providing high-quality preschool, we better educate our young children thus preparing them for future success and increasing the odds that they will graduate from high school and go on to pursue higher education. Preschool also helps children develop vital social skills by learning empathy, connection, and emotional regulation. The way the lot is laid out currently provides for up to 14 total parking spaces (1 for an outside employee and 13 for parents dropping off and picking up their preschoolers). In my initial email, I had proposed a crescent driveway in front of the home. After having a cement contractor visit the property, we have decided on expanding the existing driveway instead for the following reasons:

- Making the entrance and exit further from the concerned neighbors.

- The expanded driveway would be an 18 foot, double-wide driveway so that there could be 2-way traffic. Once the parents are up the driveway they can access the 13 parking stalls that are all off of the street. Due to the narrowness of the road, we do not plan to have any of our preschool families parking on the street. (See attached layout of how the parking would be handled). I'm sure the parents would rather park next to the preschool rather than walk 75 yards from the road up to the preschool entrance. It is also important to note that parents will only be using those parking spots for 5 minutes at a time and they do not come all at once. We have a 20 minute window for drop-off and pick-up. The most cars we have had a time outside of our current Mapleton location is 6-8 and they are there for 5 minutes at a time.

2-Since the code is 1 outside employee, I will change my proposal to having 1 outside employee. That way I can teach in that classroom and have an extra teacher to keep our student to teacher ratio low in order to provide high-quality preschool. The children at our preschool in Mapleton only come 2 or 3 days/week (TTh or MWF).

3-"The code requires that if a home occupation takes place in an accessory building, that the accessory building must be setback at least 15' from the main residence. What is the setback of the detached garage?" The measurement from the outside wall of the home to the outside wall of the garage is 20 feet.

In response to the concerns from the neighbors:

1-The neighbors are referencing our commercial preschool in Springville as well as our current preschool location in Mapleton. We would be selling our current Mapleton location in order to

purchase and move to the proposed address. The commercial preschool in Springville is a commercially licensed preschool, in a commercial building, in a commercial zone. Yes, in Springville, we offer a lot of great childcare and educational opportunities. We have classes year round with cooking classes and math classes and summer camps as well as childcare for parents to be able to drop off their children while they go on a date on Friday nights. Our Mapleton location is different.

2-We have operated in Mapleton for 5 years and have not nor do we plan on offering summer camps, cooking classes, math classes, or Friday night care, or any other commercial services that are offered at our commercial location in Springville. The Mapleton location follows the Nebo School District calendar for kindergarten so we will only have preschool when Nebo School District has kindergarten classes. When Nebo has holidays, so do we. There will not be a "steady flow of vehicles coming and going from this home all day long and all year long." It is important to note that parents only spend an average of 5 minutes dropping off and picking up their children from preschool. We have a 20 minute drop off and pick up window so the parents do not all arrive at the same time.

3-The Butterfields mentioned that there is not a sidewalk and that the road is narrow. By widening the driveway and providing parking on the property, we will make it very safe for the preschool children as well as the neighborhood. Parents are required to sign-in and sign-out their preschoolers which means that after the parents drive up the double-wide, 2-way driveway, the preschoolers will be escorted to the preschool entrance by their parents or caregivers both at drop off and pick up so there is not a concern for their safety. If parents prefer to walk to the proposed location, they can walk up the existing stairs and walking path on the South end of the front yard with their preschooler. Our own children attend Sage Creek Elementary and will be walking from that home to their school at the same time as parents are arriving, so no one is more concerned about the safety of that road and keeping traffic off of it than I am. We have planned for all of this so that all of the preschoolers and residents of the area will be safe.

4-I know that the neighbors referenced their own experience with preschools with crescent driveways for drop off and pick up. I appreciate their concern. The more we looked into a crescent driveway the more we felt that would be too chaotic. This is why we will be widening the existing driveway so it will be double-wide and allow for 2-way traffic. We already have a bid from Landmark Concrete for this project.

5-We have been successfully operating this preschool classroom in Mapleton for 5 years and have had a very positive response from the community. We have not had complaints about traffic from our current neighbors and we know that with on-site parking, it would be a better setup than even our current location which uses street parking and still has had no complaints from neighbors. This is how minimally the short drop off and pick up times affect the function of the quiet Mapleton street.

If you dispute any of this or are concerned, you are welcome to come see how the drop off flows Monday, Wednesday, or Friday mornings from 9:20-9:40. Please keep in mind that at the proposed location, we would not have any parents or employees parking on the street.

*The parking stalls are 9x12 feet standard parking with 25 feet backing space. We are willing to move the existing shed to allow the 3 furthest East parking stalls to have enough backing room if the city requires that we have 13 parking stalls for parents.

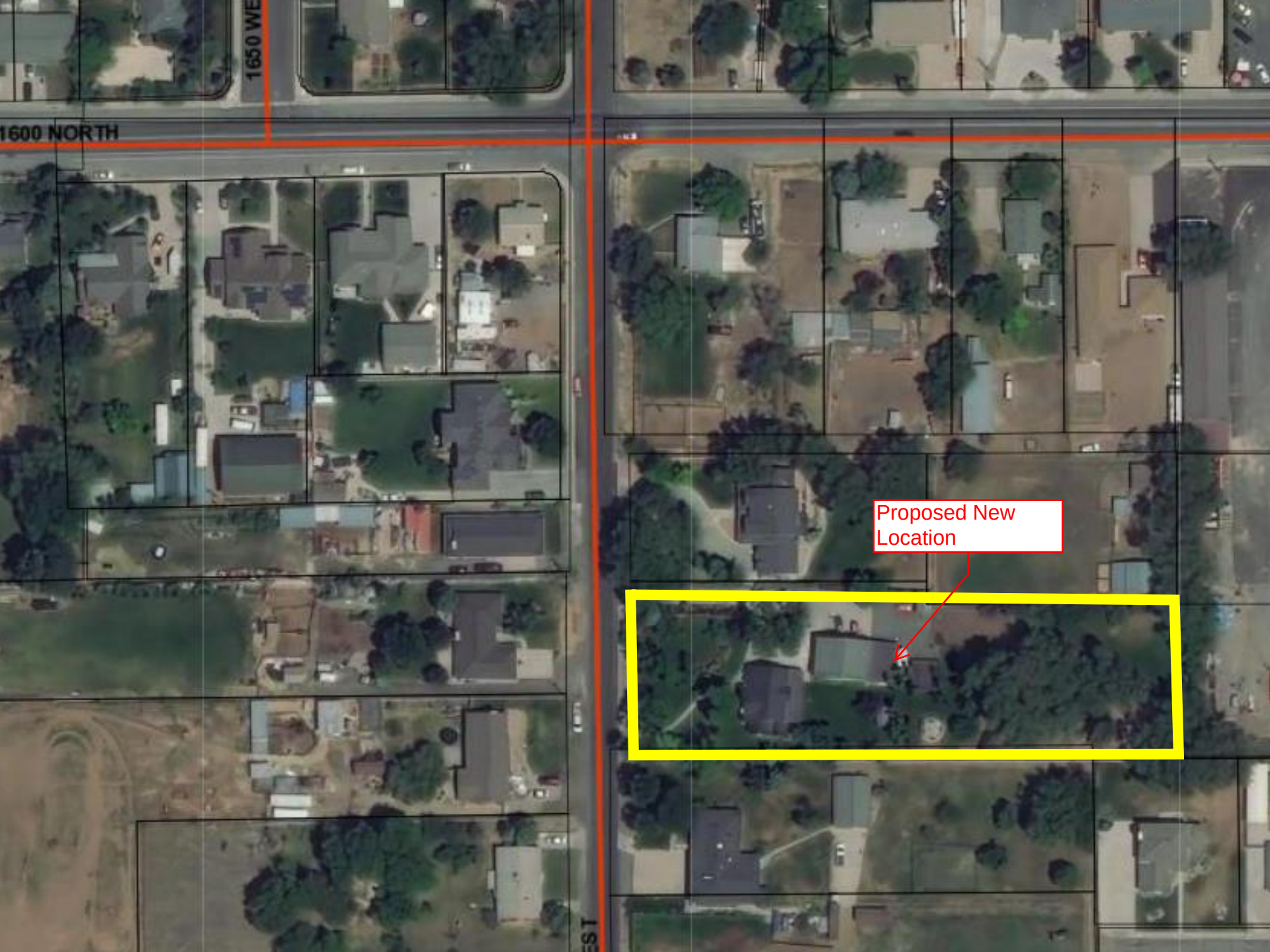
Thank you for your time and assistance!

Stephanie Cooper, 801-309-0908

*The attached drawings are drawn to scale. One is on grid paper and the other is an overlay of the grid-paper drawing.

Typical morning traffic at existing location
99 W 600 N





1650 WEST

1600 NORTH

Proposed New Location

1650 WEST

1600 West Street

Limited off-street
parking







Existing driveway
to be widened

School upstairs

Areas for parking,
drop offs/pick ups



Attachment "2" - Correspondence

Dear Sean Conroy,

We received a letter informing us that there is a request for a home occupation permit for a preschool for the home at 1460 North 1600 West. This home is across the street from our home. At first we weren't too concerned about it but then we started looking more into it.

We've looked up their current business and they have 2 locations where they have other preschools. Their schedule allows them to have up to 17 kids at the school Monday-Friday and the class times are 09:30 am-12:00 pm and also 12:30 pm-3:00 pm. This schedule goes all year long with the preschool classes during the school year and then they offer summer camps along with math classes and kids cooking classes during the summer. They also have a kids night out every Friday that goes from 5:00 pm-9:00 pm. There would be a steady flow of vehicles coming and going from this home all day long and all year long.

The road between our house and this home is very narrow. If vehicles are parked on either side of the road, it is difficult to have 2 cars passing, going in the opposite direction. There also is no sidewalk on the west side between approximately 1400 North-1500 North and on the east side between 1300 North-1600 North. We also feel like our road has a fair share of drivers that are going way too fast that could be dangerous for the preschool kids.

We can't even imagine what the traffic situation would be like with the potential of 17 different vehicles dropping off and picking up kids 4 times a day if not more. Even if they add a crescent driveway to help with the congestion it will still be a huge problem.

We personally have taken several of our children to local preschools and the drop off and pick up was always complete chaos. Each of them had crescent driveways and were located on wider roads with much more parking available. The classes were also much smaller than 17 kids.

We have several concerns with this home becoming a preschool as we have explained above. We would like to ask that the city not issue this home a home occupation permit for the preschool. Feel free to contact us if you have any questions by responding to this e-mail or by phone. Jared's number is 801-369-0039 and Brenda's number is 801-362-6012.

Thanks,

Jared and Brenda Butterfield
1457 N 1600 W

Good Evening Sean,

It has been brought to our attention that a home occupation permit has been submitted for 1460 n 1600 w, a home in our neighborhood, for a preschool. Although I think another preschool would be great in the area, this location would not be a good fit. The road is already too narrow for current traffic that is already going too fast. There is not a side walk on either side of the road for people to walk safely through this area. Some residents already park personal vehicles on the side of the road in this area, which makes it difficult to drive through on a normal day without the significant additional traffic that would be present with a preschool there. Having additional vehicles as a result of the preschool would be very dangerous under the current road conditions. Our kids occasionally need to walk/ride bikes to and from school and this area already makes us extremely nervous. The neighborhood has already started a petition to stop this occupation permit and we signed that petition but I felt strongly enough that I wanted to send an email voicing our families specific concerns. Please feel free to contact me with any questions.

Thank you,

Josh

Josh Quarnberg
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