

File # CUP2022-000608

Conditional Use Application—Home Daycare/Preschool

Public Body: Salt Lake City Planning Commission

Meeting Date: June 15th, 2022

Current Zone: R-1-8 (Single Family Residential)

Property Address:

4915 S ESTHER CIR

Request: Conditional Use Approval for a Home Daycare (8-10 Children)

Planner: Morgan Julian

Planning Staff Recommendation: Approval with Conditions

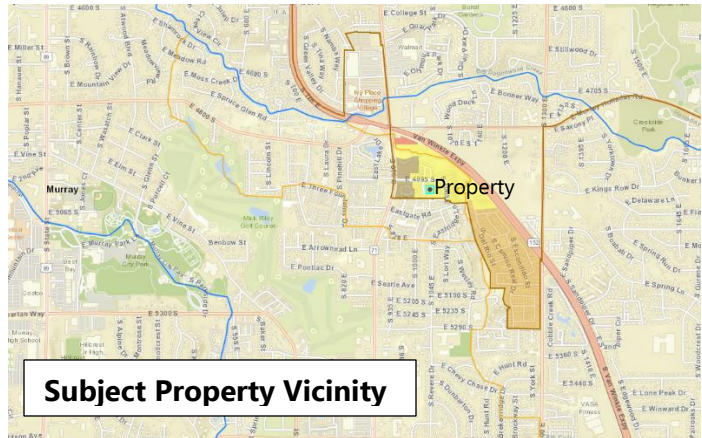
Applicant: Michelle Johnson

PROJECT DESCRIPTION

The applicant, Michelle Johnson, is requesting conditional use approval for a Home Daycare for eight (8) to ten (10) children to be located at her home. The daycare shall have two (2) caregivers, including the applicant.

SITE & VICINITY DESCRIPTION

The subject property has an address of 4915 S Esther Circle, Unincorporated, 82117. The neighborhood is zoned R-1-8, a single-family residential.



ISSUE OF CONCERN/PROPOSED MITIGATION

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

REVIEWING AGENCIES RESPONSE

The reviewing agencies for home daycares/preschool 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 building inspection at the time of business licensing.

PLANNING STAFF ANALYSIS

Home Daycare Standards and Findings

Salt Lake County 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 ft²).

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 19.84.060

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

Based on the findings in this report, planning staff recommends that the Salt Lake County 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.

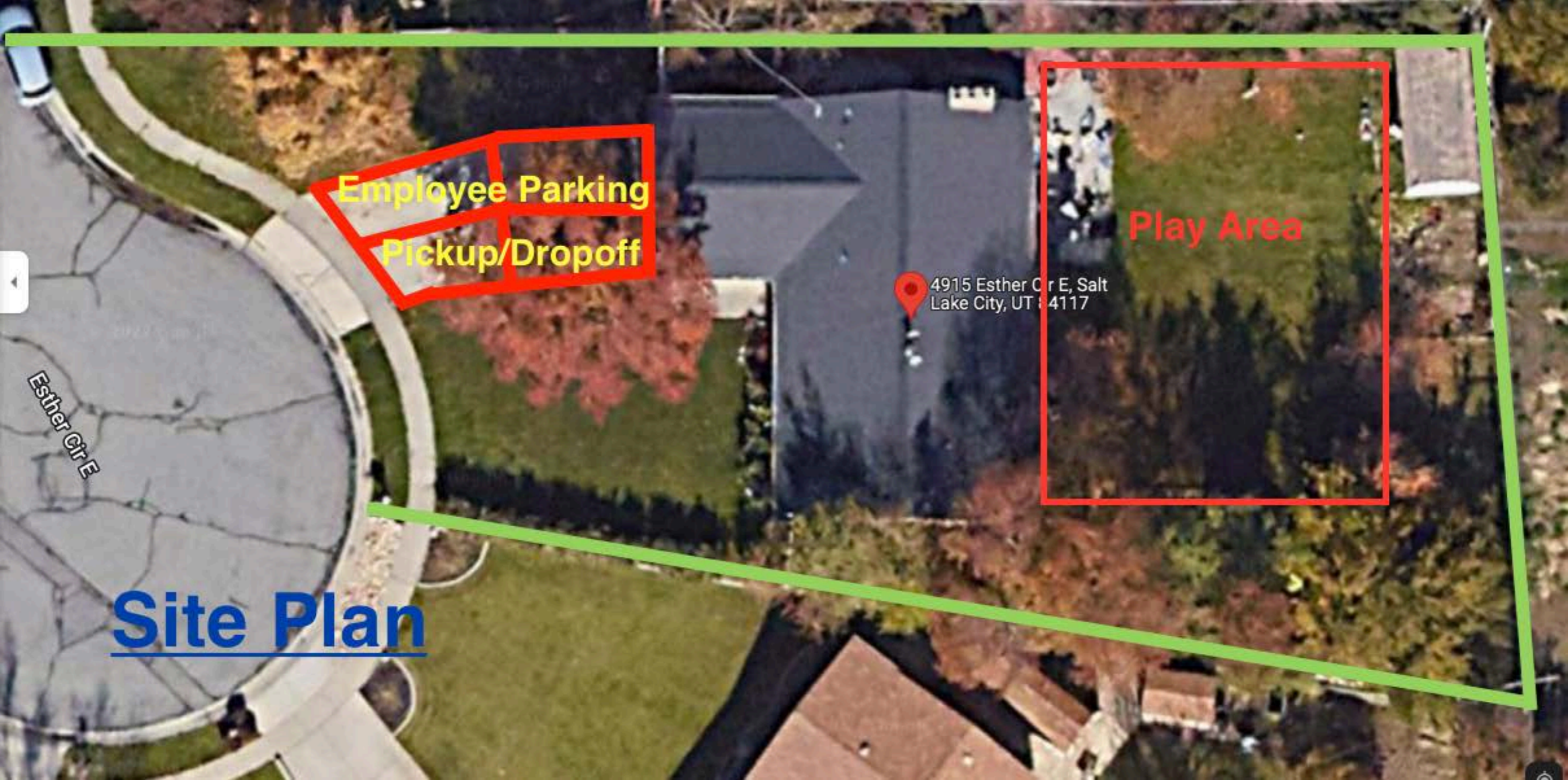
9. A three-square-foot (3 ft²) name-plate sign is allowed. It must be attached to the house.

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:

1. Site Plan



Employee Parking

Pickup/Dropoff

Play Area

4915 Esther Cir E, Salt
Lake City, UT 84117

Esther Cir E

Site Plan