

Midway City Council
18 June 2019
Regular Meeting

Duncan Preschool /
Conditional Use Permit



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 18, 2019
NAME OF PROJECT: Duncan Preschool
NAME OF APPLICANT: Brooke & Christian Duncan
AGENDA ITEM: Conditional Use Permit
LOCATION OF ITEM: 425 East 600 North
ZONING DESIGNATION: R-1-22

ITEM: 12

Brooke and Christian Duncan are requesting a Conditional Use Permit for an in-home preschool on their property located at 425 East 600 North. The property is in the R-1-22 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Brooke & Christian Duncan is for an in-home preschool that they would like to operate from their home. Their property is located at 425 E 600 N in the Duncan Subdivision on lot 1. The applicant's property is in the R-1-22 zone and primary schools are allowed as a Conditional Use.

Their proposal for the preschool includes teaching children of the ages three and four in a class of 8-12 students. Classes will meet three days a week on Tuesday, Wednesday, and Thursday. Class will be held from 9am to noon. The first day of school will be September 3, 2019 and the class schedule will follow the Wasatch County School District calendar for holidays and days off.

If the conditional use is approved then the applicant will need to apply for a business license and comply with all the requirements of the building code, health department, and the fire district for the business to be approved.

Safety is always a concern when children are involved. The student pick-up and drop-off is an area where accidents may occur. The Duncans have provided a pick-up and drop-off site plan that is attached to this report. The plan includes three cars that can park in the driveway and three or more that would park in the 600 N right-of-way parallel to the road and west of the Duncan's driveway. No cars would be allowed to park to the east of the Duncan's driveway on the 600 N right-of-way to avoid interference with the 600 N and River Road intersection. The applicants have indicated they will encourage carpooling.

If the applicant would like to install a sign, then approval must first be granted by the Visual and Architectural Committee as per Section 16.21.7 of the municipal code. One sign would be allowed, and the sign would be limited to two square feet with a maximum height of four feet.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings. The Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. The Duncans own a half acre lot in a relatively low-density area so it appears there will be minimal impact on the neighborhood. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to have an approved business license with the City. The applicant will apply for the license and it will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements. Staff has also researched the State Code and has not found any requirements that a preschool be licensed with the state. It appears the approval of a preschool is an issue that requires only local approval.*

4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *No issues have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use will create more traffic for the street where the preschool is proposed. The proposal is located on a street that will become busier over time as the surrounding subdivisions are filled with new homes. The traffic generated by the preschool should avoid the peak traffic, which occurs earlier in the morning and in the evening because of the preschool's schedule of 9am to noon. It is the opinion of staff that the added traffic will not have a significant impact on the neighborhood. Staging cars in the right-of-way should not be a safety issue but it is something the City should consider when reviewing this proposal*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for a neighborhood preschool.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Payne: I make a motion to approve a Conditional Use Permit for an in-home preschool on their property located at 425 East 600 North. The property is in the R-1-22 zone. Approve the staff recommended findings with the proposed conditions listed in the staff report and add that second person is required to help with the pick-up and drop off of students, and that they will come back in one year to re-evaluate the conditions.

Second: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the R-1-22 zone.
- The proposal will increase traffic on 600 N.

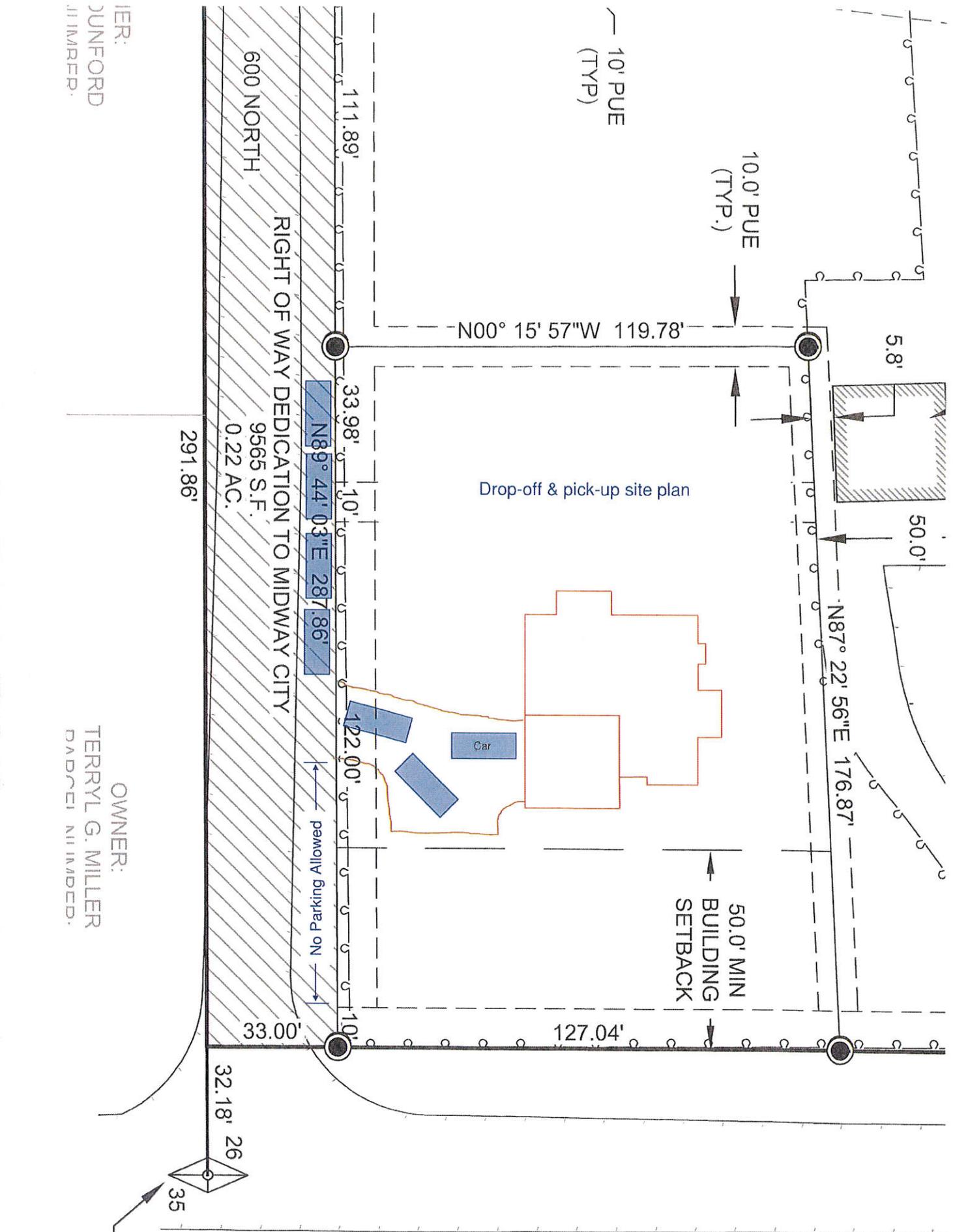
ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council feels the application complies with the requirements of the code and any conditions will mitigate identified issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council feels that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. Any increase in the number of students or classes above what has been proposed will require the Conditional Use Permit be reevaluated and approved by the City Council.
2. All inspections must be completed, and a business license issued before the preschool can hold any classes.
3. If any safety issues are identified after approval is granted then the applicant must work the City to alleviate any issues and if the issues cannot be alleviated then the conditional use permit and business license may be revoked.





10' PUE
(TYP.)

10.0' PUE
(TYP.)

N00° 15' 57"W 119.78'

Drop-off & pick-up site plan

Car

50.0' MIN
BUILDING
SETBACK

127.04'

600 NORTH

RIGHT OF WAY DEDICATION TO MIDWAY CITY

9565 S.F.
0.22 AC.

291.86'

N89° 44' 03"E 287.86'

122.00'

No Parking Allowed

33.00'

32.18' 26

35

OWNER:
TERRYL G. MILLER
DADDCI NIIIMDDC.

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