

ITEM 1 Lisa Boyce requests a Conditional Use Permit for a Family Group Day Care with up to twelve (12) children, located at 4540 Brookshire Dr. Sherwood Hills Neighborhood. Javin Weaver (801) 852-6413 jweaver@provo.org. PLCUP20220135

Applicant: Lisa Boyce
Staff Coordinator: Javin Weaver
Property Owner: Boyce, Dave & Lisa
Parcel ID#: 52:144:0083
Current Zone: R1.10
General Plan Designation: Residential
Acreage: 0.60
Number of Properties: 1
Number of Lots: 2
Total Building Square Feet approx.: 5128
Council Action Required: No

ALTERNATIVE ACTIONS

1. **Approve** the requested Conditional Use Permit. *This action would be consistent with the recommendations of the Staff Report.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 18, 2022, 5:00 P.M.*
3. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report. The Hearing Officer should state new findings.*

Note: If recommending denial, then modify the wording in Number 1 and 3 to reflect this.

Current Legal Use:
Single Family Detached Dwelling

Relevant History: None

Neighborhood Issues: Traffic Circulation.

Summary of Key Issues:
A major home occupation is needed in order to teach up to 12 children at the subject property

Staff Recommendation:
Staff recommends the item be approved subject to the following conditions.

1. A business license is applied for and issued.

OVERVIEW

The applicant is requesting a Conditional Use Permit to operate a family group day care Garden Gate LLC (Garden Gate Preschool and Garden Gate Speech Pathology) at 4540 N Brookshire Ln. The applicant's preschool will operate Monday through Thursday between the hours of 9:00 am-12:00 pm. The applicant's speech pathology business operates during weekday daytime hours. These are lessons taught individually to each child who is enrolled.

Drop off for children who are attending the preschool will occur in front of the property. The parents and/or guardians will enter the neighborhood off Foothill Dr and drive in a one-way fashion down Redford Ln, turn right onto Brookshire Ln, and then stop in front of the subject property where they will be uploaded and guided to the rear-yard which is fenced and secured. When the children are to be picked up the same circulation pattern will occur. Children who are attending speech pathology will be dropped off/picked up in the driveway.

The applicant applied for a business license and was informed that a Minor Home Occupation only allowed up to six children. A Major Home Occupation permit—through applying for and obtaining a Conditional Use Permit—would be needed in order to teach up to twelve children at the home.

FINDINGS OF FACT

1. The subject property is zoned One Family Residential (R1.10)
2. The applicant has a Division of Occupational & Professional Licensing from the State of Utah.
3. There was a neighborhood meeting held on April 19, 2022, at 7:30pm at the subject property.

STAFF ANALYSIS

1. Conditional Use Permits are subject to compliance with 14.02.040. Responses are in **bold**.

The ordinance, in part, is as follows:

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.

(2) The following standards shall apply to any request for a Conditional Use Permit:
(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

As evidenced below, the proposed Garden Gate LLC will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity:

(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

The proposed operation will not cause unreasonable risk to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes.

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

The proposed use will not unreasonably interfere with the lawful use of surrounding property. The applicant's property is sufficient for the operation.

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met;

The proposed use will not create a need for essential municipal services which cannot be reasonably met. The applicable City departments have reviewed the application and have not indicated any concerns with municipal service need.

(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

The proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity. The operation will be kept within the rear-yard and basement of the subject's property.

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

The proposed use will not likely affect the market value of real estate in the vicinity.

(d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative

measures which will make the proposed use not contrary to the standards described in this section.

The proposed use is not contrary to the standards described herein.

RECOMMENDATION

Based on the foregoing Findings of Facts and Staff Analysis, staff recommends approval of the requested Conditional Use Permit for Garden Gate LLC with the following conditions:

1. A business license is applied for and issued.

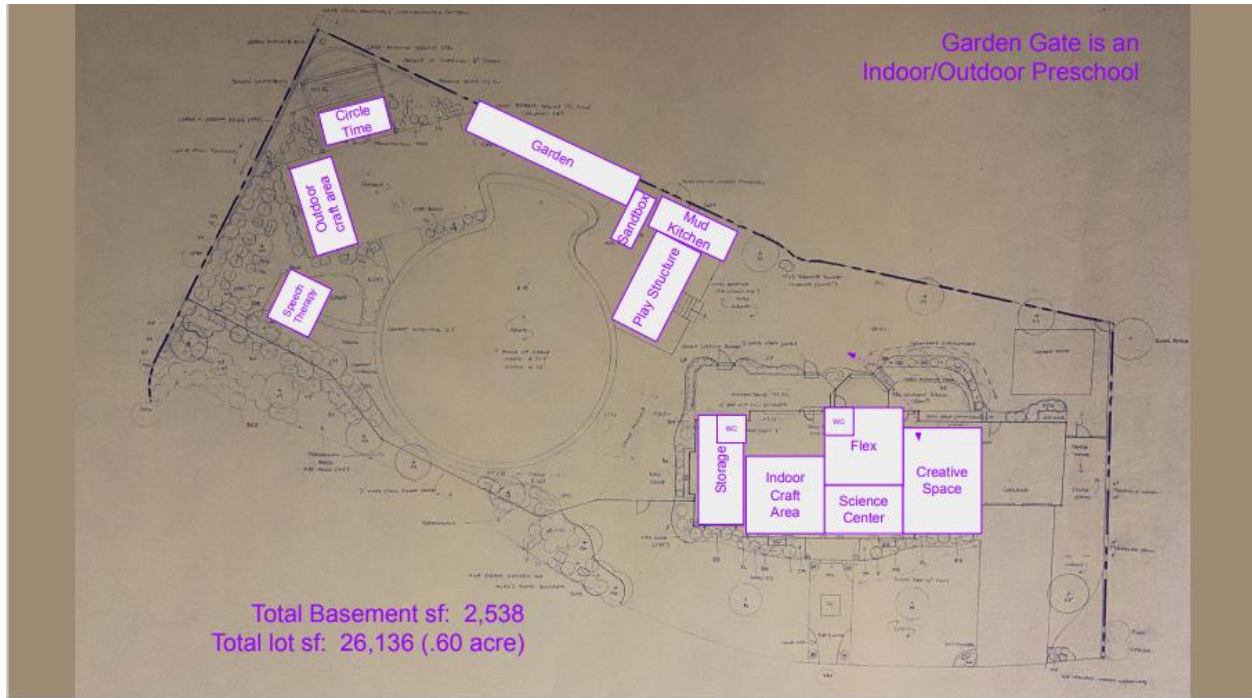
APPLICANT AGREEMENT TO CONDITIONS

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) _____ Date _____

ATTACHMENTS

1. Site Plan



2. Circulation Plan

