ITEM 2 Linda Bounforte requests approval for a Major Home Occupation (Conditional Use) Permit in order to run a preschool for up to 8 students in her home, located at 3035 Mojave Lane in the R1.10 (One-Family Residential) zone. Indian Hills Neighborhood 14-0019CUP

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on November 5, 2014:

APPROVED

Administrative Hearing Officer: Sean Allen

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:
1. That the use complies with Section(s) 14.34.270 and 14.41.060, Provo City Code.
2. That the applicant received approval from the State of Utah.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

NEIGHBORHOOD AND PUBLIC COMMENT
The Neighborhood Chair was not present. Neighbors or other interested parties were not present.

APPLICANT RESPONSE
The applicant was not present.

Administrative Hearing Officer

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report for further detailed information. The Staff Report is a part of the record of the decision of this item.

Administrative decisions may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, within fourteen (14) calendar days of the Hearing Officer's decision (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS
ITEM 2  Linda Bounforte requests approval for a Major Home Occupation (Conditional Use) Permit in order to run a preschool for up to 8 students in her home, located at 3035 Mojave Lane in the R1.10 (One-Family Residential) zone. *Indian Hills Neighborhood* 14-0019CUP

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Linda Bounforte</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Coordinator:</strong></td>
<td>Aaron Ardmore</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>Linda Bounforte</td>
</tr>
<tr>
<td><strong>Parcel ID#:</strong></td>
<td>42:008:0020</td>
</tr>
<tr>
<td><strong>Current Zone:</strong></td>
<td>R1.10</td>
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<td><strong>Proposed Zone:</strong></td>
<td>R1.10</td>
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<tr>
<td><strong>General Plan Designation:</strong></td>
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<tr>
<td><strong>Acreage:</strong></td>
<td>.243</td>
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<tr>
<td><strong>Number of Properties:</strong></td>
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</tr>
<tr>
<td><strong>Number of Lots:</strong></td>
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</tr>
<tr>
<td><strong>Total Building Square Feet:</strong></td>
<td>1,614</td>
</tr>
<tr>
<td><strong>Council Action Required:</strong></td>
<td>No</td>
</tr>
</tbody>
</table>

**Current Legal Use:** Single Family home with a current permit for a minor home occupation.

**Relevant History:** The applicants purchased the home in 2012 and got a business license to run a preschool in June 2014.

**Neighborhood Issues:** Staff has not received any concerns from neighbors or feedback from the neighborhood chair.

**Summary of Key Issues:**
- The property is currently running a preschool of up to six children, aged 3-4.
- The applicant has been licensed for this since June 2014.
- The applicant wants to be able to have more than six children, and needs a conditional use permit to do so.
- The schedule of drop-offs and pick-ups varies and will not create a queue of vehicles.

**STAFF RECOMMENDATION:**
Approve the requested Conditional Use Permit, with the following conditions:

1. That the use complies with Section(s) 14.34.270 and 14.41.060, Provo City Code.
OVERVIEW

Linda Bounforte (the applicant) is requesting a conditional use permit to run a preschool, up to eight children, in her home at 3035 N Mojave Lane. The applicant has a current minor home occupation permit business license to run a preschool for up to six children currently at that address.

The applicant has described her business as an all-day preschool for 3 and 4 year olds that runs from 6am to 6pm. Parents use the property driveway for drop-off and pick-up and come at different times of the day. There have been no complaints in the four months that the applicant has been running her current preschool.

PLANNING REVIEW

1. Compliance with 14.02.040

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. (Responses in bold)

(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.
(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;

Staff believes that the amount of parking at any one time will not cause unreasonable risks due to traffic or parking.

(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.

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

The proposed use will not create any increase in municipal services which cannot be reasonably met.
(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.

Staff finds no other way the use could be detrimental to the health, safety, or general welfare of persons residing in the vicinity.

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

(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.

CONCLUSIONS

Due to the fact the property has been running a preschool business for the last four months without issue, and that the request is only to increase the number of children from six to eight; staff finds that there will be minimal impacts on the neighborhood.

Any issues that could arise from this sort of home occupation should be resolved by the listed conditions of the conditional use permit.

RECOMMENDATION

Staff recommends approval, with the following conditions:

CONDITIONS OF APPROVAL

1. That the use complies with Section(s) 14.34.270 and 14.41.060, Provo City Code.

ATTACHMENTS

1. Property Aerial Image
2. Applicant Statement
ATTACHMENT 1 – AERIAL IMAGE
ATTACHMENT 2 – APPLICANT STATEMENT

From: Linda Partridge
To: Aaron Ardmore
Subject: Re: Plans to Learn
Dates: Wednesday, October 08, 2014 6:34:04 AM

Mr. Ardmore,

Day Care Licensing has approved me for eight children. I am running a preschool for 3 and 4 year olds who need full time care. I am operating the preschool in my basement which has a separate side entrance. Because it’s an all day preschool, I don’t have classes that start and end at a specific time. Parents drop off and pick up their children according to what benefits their schedule. Because those times will differ and vary, there should never be a line of traffic or back up traffic ever in front of my house. I am open from 6 in the morning till 6 at night, although I currently don’t have children who come that early or stay that late. Families have use of my driveway to park while they are dropping off their children.

Linda