

Board of Zoning Adjustments Agenda

2267 North 1500 West, Clinton, UT 84015
Phone (801) 614-0700 www.clintoncity.net

March 3, 2020
6:00 pm

I. Call to Order

- a. Pledge
- b. Invocation or Thought
- c. Roll Call

II. Business:

- 1) Review and action on a request by Shelly Bailey and Julie Lindner for a variance to reduce the minimum number of parking stalls from 44 standard-sized (20' X 9') stalls to 29 standard-sized stalls to accommodate a proposed pre-school and daycare center located at 1387 W 1800 North (Parcel No. 14-004-0050).

III. Other Business

- a. *Board of Zoning Adjustments Training: Utah Open Meeting Law*

IV. Adjourn

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the City at (801) 614-0740 at least three days prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated.

CLINTON CITY

Board of Zoning Adjustments

AGENDA ITEM

<p>SUBJECT: Review and action on a request by Shelly Bailey and Julie Lindner for a variance to reduce the minimum number of parking stalls from 44 standard-sized (20' X 9') stalls to 27 standard-sized stalls to accommodate a proposed pre-school and daycare center located at 1387 W 1800 North (Parcel No. 14-004-0050).</p>	<p>AGENDA ITEM: 1</p>
<p>PETITIONER: Shelly Bailey, On My Way Preschool Julie Lindner, Current Property Owner</p>	<p>MEETING DATE: March 3, 2020</p>
<p>RECOMMENDATION: To approve with conditions, the request for a reduction in the number of parking stalls from 44 to 27 full size parking stalls with 180 children as the maximum number to be licensed at the facility and estimated 12 staff members, based on the analysis and findings discussed in the staff report and parking survey.</p>	<p>ROLL CALL VOTE: YES</p>
<p>BACKGROUND: Refer to the September 17, 2019 Board of Adjustments Staff Report for full background. In consultation with the City Attorney it was determined that a second request before the Board of Adjustments would be appropriate because additional materials (a stamped Parking Study) had been submitted to the City that was not previously submitted or available for consideration.</p>	
<p>PROJECT PROPOSAL The request is for a daycare center licensed for up to 267 children in an existing building, with existing site improvements. The site proposes to undergo minor changes with the widening of the driveway entrance to just over 26 feet¹, and the removal of landscape, grass, external stairs and sidewalk toward the northern end of the parking lot to accommodate 27 full size (9 ft by 20 ft) parking stalls. There are no anticipated changes to the exterior of the building. The interior of the building does require a number of updates to change the building occupancy, from fire sprinkling to ADA compliance items. In addition, electrical, HVAC, and roof improvements are also proposed to be completed.</p>	
<p>ANALYSIS: <ol style="list-style-type: none"> 1) On September 17, 2019, the Board of Adjustments approved a parking ratio of 0.17 stalls per child, for a facility to be licensed up to 123 students. 2) On January 31, 2020, the applicant submitted a site plan and accompanying parking study that recommends a parking ratio of 0.08 stalls per child, for a facility to be licensed up to 267 students. 3) Upon receipt of the application the City requested a peer review of the parking study for additional analysis, due to the substantial difference between the ratios. The recommendation from this study is 0.11 stalls per child and minimum of 12 faculty stalls, for a facility to be licensed up to 180 students. </p>	

¹ The applicant has obtained a conditional access permit from UDOT for the change of use and widening of the entrance, since the last submittal.

Staff supports the recommendation of the peer review study, as it demonstrates a reasonable consideration that the site must be able to completely park itself, as there is no other parking available. The recommendation also took into account the minimum number of staff required, by state law, for daycares based on ages of children attending. The applicant's request did not adequately provide for the increased number of staff that would be required with an enrollment of 267 children².

CONCLUSION

Under the City's zoning code provisions, a reduction in the number of parking stalls can be justified when the intensity of the use of the property is appropriately tied to the capacity of the parking available. Furthermore, the peer review parking study demonstrates what that appropriate reduction would be-- 27 parking stalls could support a facility licensed with a maximum of 180 students, with an estimated 12 staff members.

PUBLIC COMMENT:

No comment has been received to date.

ATTACHMENTS:

- (1) Variance Findings Table
- (2) Conditions of Approval
- (3) Applicant's Variance Narrative
- (4) Applicant's Parking Study
- (5) Proposed Site Plan
- (6) City's Peer Review Parking Study
- (7) September 17, 2019 BZA Staff Report

² The assumption stated in the study is that it is a facility with only older children, but the project plans do not reflect this restriction and include all age groups. Under circumstances where there is no other parking available and being over capacity is not an option, a conservative approach in including the average of number of staff needed for all ages should be taken into consideration.

ATTACHMENT 1

Variance Findings Table

The criteria required statutorily for a variance, as conditioned, can be satisfied as outlined in the following table:

Findings	Staff Analysis
<p>Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance;</p> <p><i>In determining whether or not there is unreasonable hardship, the alleged hardship must be located on, or associated with, the property for which the variance is sought; come from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and cannot be self-imposed or economic.</i></p>	<p>A reduction in the number of parking stalls can be justified if the intensity and capacity of the site and building occupancy will be adjusted accordingly.</p>
<p>There are special circumstances attached to the property that do not generally apply to other properties in the same district;</p> <p><i>In determining whether or not there are special circumstances attached to the property that special circumstances exist only if the special circumstances relate to the hardship complained of; and, deprive the property of privileges granted to other properties in the same district.</i></p>	<p>While the circumstances of too large of a building on too small of a lot may be considered special, it can be mitigated by reducing the requirement of the number of stalls that would otherwise be required based on the square footage of the entire building.</p>
<p>Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;</p>	<p>Through a parking survey of other day care centers in the city and surrounding areas, the consideration of the operations of the applicant's existing facility and analysis provided in parking studies and peer reviews, it has been demonstrated that the property can be parked appropriately and utilized in the desired manner for a daycare center, based on the adjusted proposed parking ratio of 0.11 per child and minimum 12 faculty stalls.</p>
<p>The variance will not substantially affect the general plan and will not be contrary to the public interest; and The spirit of the Zoning Ordinance is observed and substantial justice done.</p>	<p>The public interest is that parking lots in commercial settings should function as similarly and safely as possible. Determining an appropriate parking ratio and calculation, based on full size stalls is well within the intent purposes of the City's general plan and zoning ordinance.</p>

ATTACHMENT 2

CONDITIONS OF APPROVAL

- 1) This variance is for the approval of a reduction from 44 parking stalls to 27 full size (9 feet by 20 feet) parking stalls. The maximum number of students is calculated on a ratio of not less than **0.11** spaces per student and minimum of 12 faculty stalls, for a daycare center licensed for not more than **180** children. Furthermore, the site does not have the parking capacity to also run specifically scheduled classes during the day, (e.g. pre-schools, kindergartens, performing arts, karate, etc.). Any type of scheduled classes would have to be held after daycare hours and cannot exceed a class size of 25 students.
- 2) ADA parking must meet regulation sized parking stalls, which are 11 feet wide by 20 feet deep with a 5 foot aisle.
- 3) Pursuant to Section 28-4-7 of the Zoning Ordinance parking shall be on the same lot with the main building. Absolutely no parking will be permitted along 1800 North of 1400 West. This includes "short-term" (drop off and pick up) and longer-term (all day) parking.
- 4) Variance approval is subject to obtaining site plan approval from the Clinton City Planning Commission.
- 5) Variance approval is subject to obtaining UDOT permits and written approval.
- 6) Prior to issuance of a business license, a copy of the State license shall be submitted, which demonstrates the maximum number of children licensed for the center.

ATTACHMENT 3

Exhibit “A”

Standard for Parking Space Reductions

The On My Way Preschool & Daycare’s (the “**Preschool**”) application meets the standards for a reduction of the parking spaces required by the Clinton City Code (the “**Code**”). Utilizing the equation provided by Code § 28-4-5(9), it was determined that the Property needed forty-six (46) parking stalls to meet Code requirements. This application seeks to reduce the amount of parking spaces required for the Property to twenty-seven (27) conforming parking stalls, two (2) of which are designated for the physically handicapped.

The Board of Zoning Adjustment (the “**BZA**”) may reduce off-street parking requirements. In pertinent part, a reduction in parking stalls is warranted if the BZA finds that “in the particular case, the peculiar nature of the buildings or premises, or the exceptional situation or condition would mitigate the need for the parking spaces.” Code § 28-4-14(1) (emphasis added). This is significantly less stringent of a standard than the variance process, which is not applicable here.

The nature of the Property is peculiar given its historical significance and present boundaries. Indeed, the building on the Property was first built in 1910 and was used for many years as a place for religious worship. In 1944, a significant extension to the building was constructed to include a gym, stage, kitchen, and additional meeting rooms. As a result, the building takes up a significant portion of the Property, which creates certain challenges—especially as to parking. This is acutely why the Property has been vacant for several years. In order to meet the requisite amount of parking on this Property with a building this size, there would be few alternatives to demolishing the building. However, given the historical significance and beauty of the features and architecture, we hope to avoid that outcome.

Furthermore, the use of the Property as a preschool should qualify as an exceptional situation or condition. There are little, if any, more suitable uses for the Property than the Preschool. Indeed, using the Property as a preschool uniquely resolves the peculiar nature of the Property due to the short-term and minimal parking that preschools require. To that end, we have submitted the On My Way Daycare Parking Study, dated January 7, 2020 (the “**Parking Study**”), for the BZA’s review. The Parking Study supports that these twenty-seven (27) parking stalls mitigate the need for the amount of parking stalls required under the Code. In fact, the Parking Study supports that the twenty-seven (27) parking stalls could bear up to two hundred sixty-seven (267) children enrolling at the Preschool.

As shown above, the peculiar nature of the Property and the exceptional situation of the Property being utilized as a preschool mitigates the need for the requisite amount of parking under the Code. Therefore, we ask that the BZA grant this application for a reduction of the required parking stalls from forty-six (46) to twenty-seven (27), and allow the Preschool to operate to the full enrollment amount that the twenty-seven (27) parking stalls can bear, as supported by the Parking Study.

MEMORANDUM

To: Clinton City Community Development
From: Avenue Consultants
Date: January 7, 2020
Subject: On My Way Daycare Parking Study

1 INTRODUCTION

On My Way Daycare has requested that Avenue Consultants perform a parking study of their existing facility in Roy, Utah to understand the parking rates (stalls per child) associated with their operation. This data informs good decision making as it relates to the number of parking stalls required to provide their services at a facility located in neighboring city of Clinton, Utah. The property is located at 1387 West 1800 North Clinton, Utah. The building on this property was built in 1910 and originally used as a Church. Around 1944, still being used as a church, there was an addition of a gym, stage, and kitchen. Over the years the building has been used for various purposes but has been vacant for the past few years. One of the best uses for the building would be a daycare facility for children. **Daycare parking requires short term parking with an average duration of less than 5 minutes per car.** The parking is primarily used for dropping off and picking up children. This memo summarizes the data collection of the parking utilization rates at their facility in Roy, Utah, the anticipated parking generation of the facility in Clinton, Utah, and parking recommendations for the proposed development.

2 DATA COLLECTION

2.1 Child Drop-Off & Pick-Up Data

Avenue obtained six months of child drop-off and pick-up data from June through November 2019 which identified the time when the party responsible for the child checked the child into the Daycare. Avenue also accounted for the shuttle service to/from the daycare center. A list of the van drivers who sign the children into the daycare was acquired and they were only counted as using a single stall when they delivered multiple children to the Roy, Utah facility. Figure 1 through Figure 6 show the maximum number of parents parked within a five-minute interval for each month from June to November 2019 at the On My Way Preschool-Daycare in Roy, Utah.

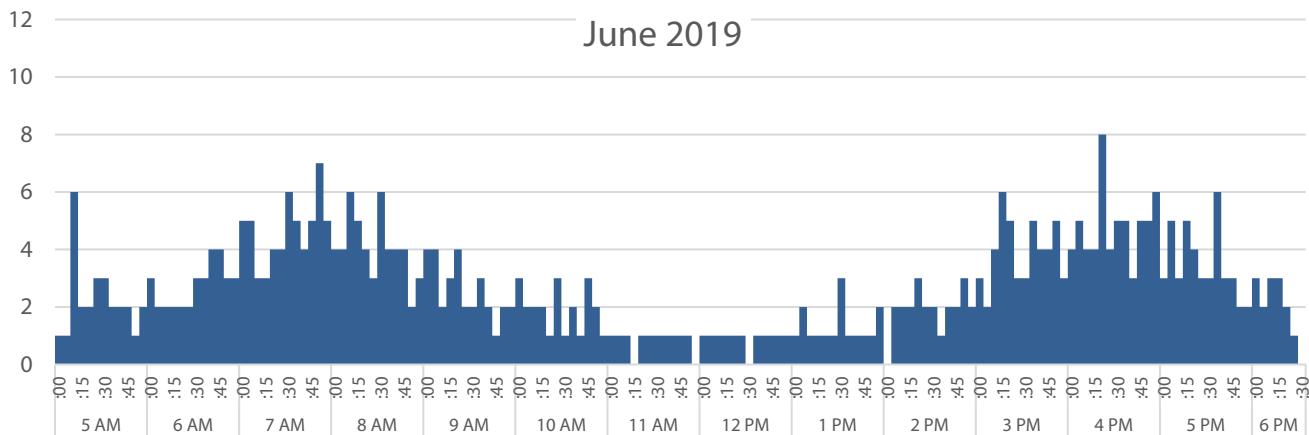
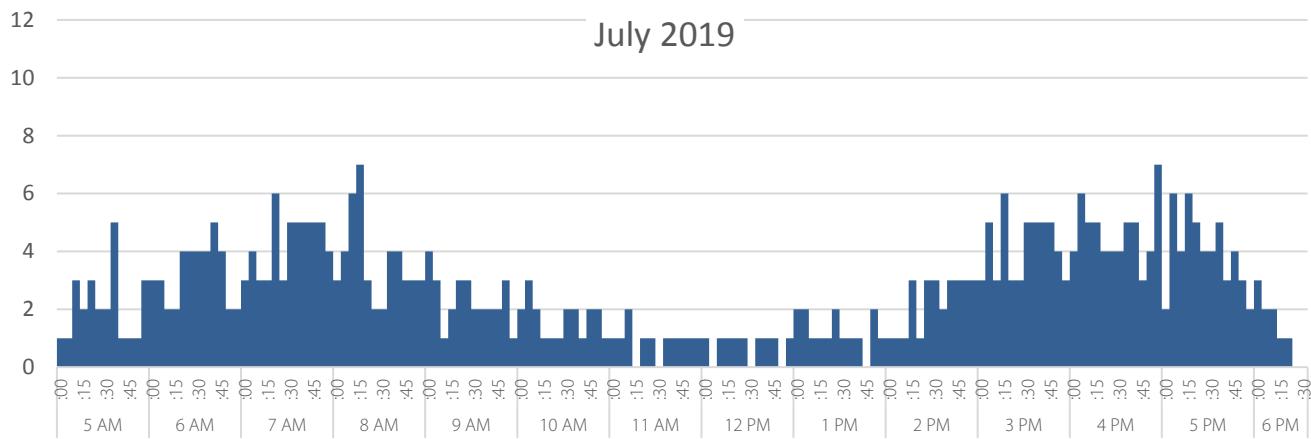
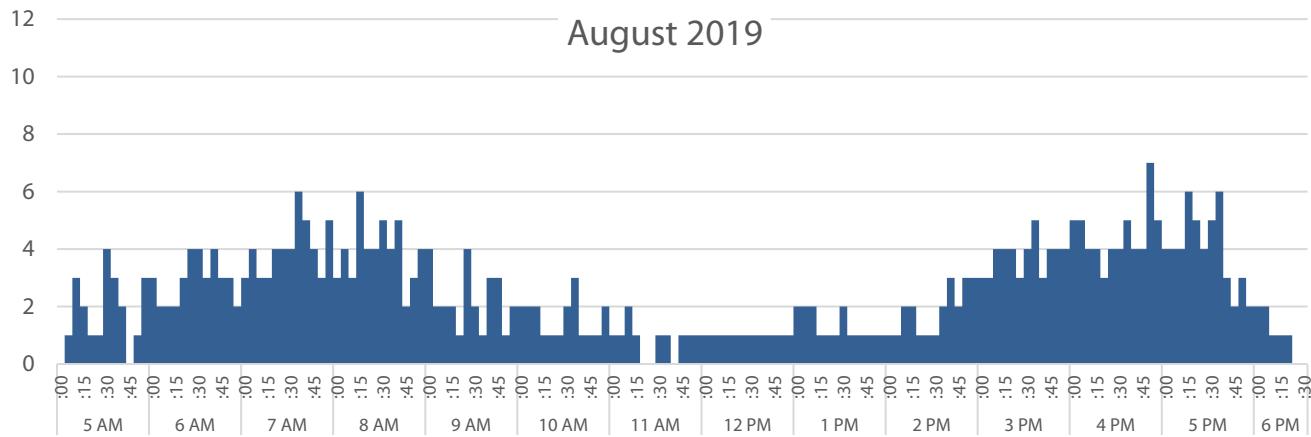
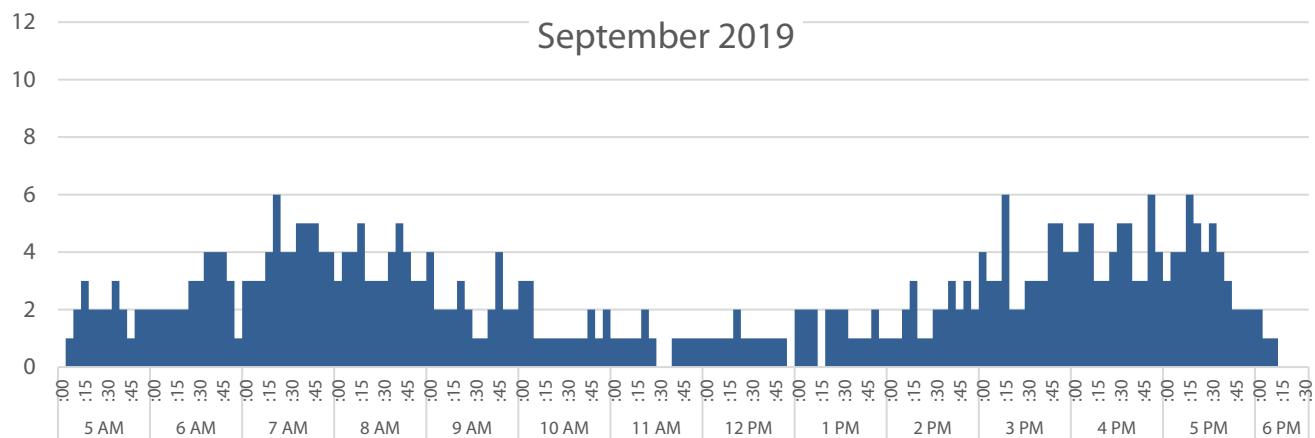


Figure 1. Maximum June 2019 Children Arrivals & Departures (binned within 5-minute windows)



a

On My Way Daycare Parking Study | January 7, 2020

**Figure 4.** Maximum July 2019 Children Arrivals & Departures (binned within 5-minute windows)**Figure 2.** Maximum August 2019 Children Arrivals & Departures (binned within 5-minute windows)**Figure 3.** Maximum September 2019 Children Arrivals & Departures (binned within 5-minute windows)

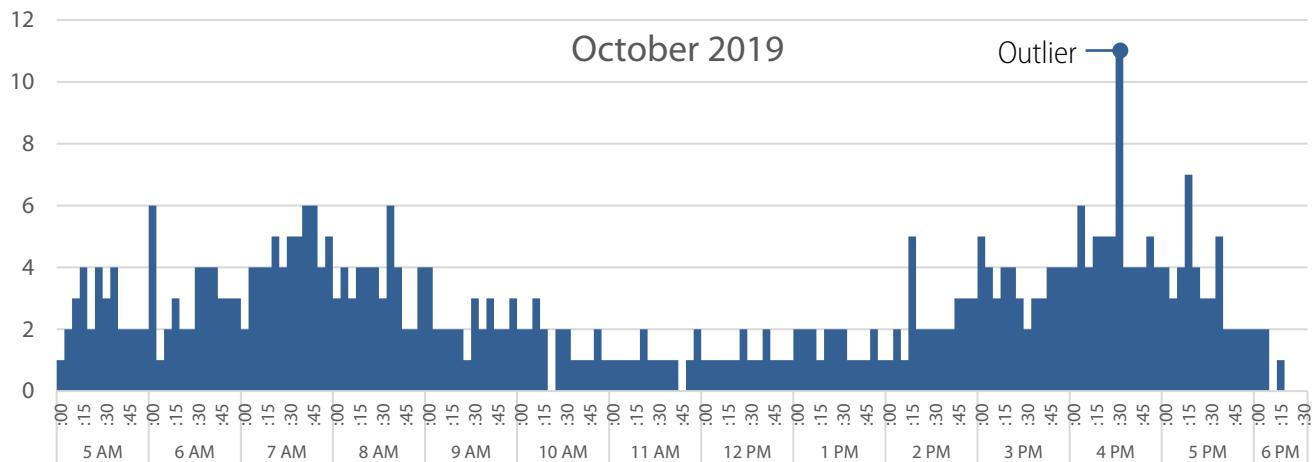


Figure 5. Maximum October 2019 Children Arrivals & Departures (binned within 5-minute windows)

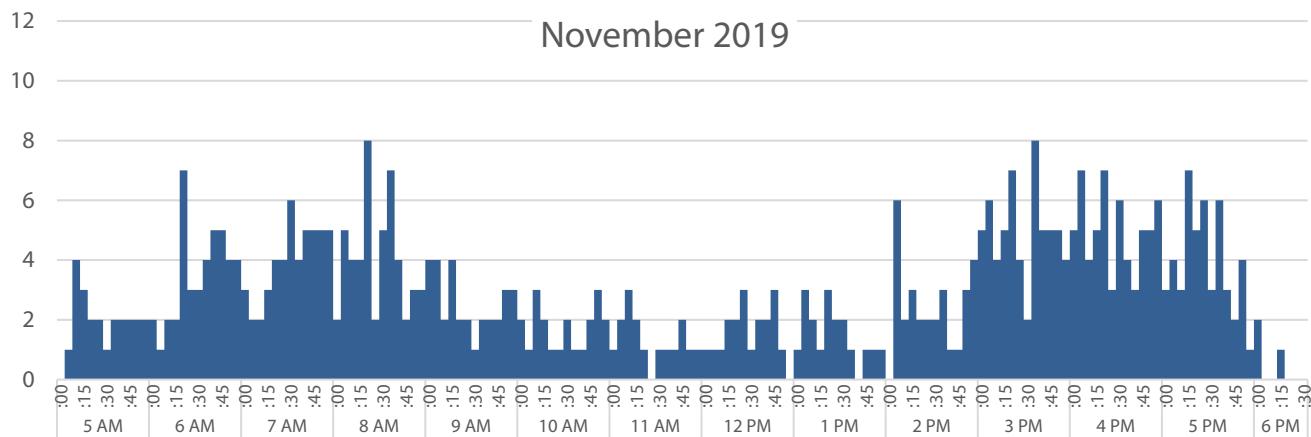


Figure 6. Maximum November 2019 Children Arrivals & Departures (binned within 5-minute windows)

In October, one of the vans broke down as they were transporting children to the facility. Parents had to wait at the facility to check out their kids, which represents the 11 children checking out at the same time and doesn't represent typical daily operations. Figure 6 shows the maximum number of parents parked within a five-minute interval for the month of November at the On My Way Preschool-Daycare in Roy, Utah.

The six months of data is summarized in Table 1 (also included in the appendix). We have highlighted the maximum number of people dropping off or picking up children together within a 5-minute interval. To provide statistical relevance to these values and remove anomalies within the dataset, we also included the 90th percentile of the daily maximum which removes outlying & inconsistent values. All further calculations are based on the maximum values, not the 90th percentile.

Table 1: On My Way Attendance, Enrollment, and Overlapping Parking Within a 5-minute Window

Month	Enrollment	Attending	Maximum Daily Overlapping Parking (5-minute bins, stalls)	90th Percentile of Daily Maximum Parking (stalls)	Stalls Required per Child Attending
June	120	78	8	6	0.10
July	122	84	7	6	0.08
August	122	93	7	6	0.08
September	114	98	6	6	0.06
October	113	102	6	6	0.06
November	113	70	8	6	0.11
Average	117	88	7	6	0.08

2.2 Staffing Plan

Avenue interviewed the Director of the On My Way Preschool-Daycare to understand the staffing plan for the facility in Clinton, Utah. This facility is intended to provide daycare for children 5 years old & school age with a ratio of 1 staff for every 20 children. For a facility with 200 children, 10 staff would be necessary. Additionally, at the facility in Clinton, a van would occupy one stall every day.

3 PARKING EVALUATION

It is anticipated that 11 stalls at the facility in Clinton will be occupied by facility staff or the shuttle van. This leaves the remaining 16 stalls to accommodate the anticipated parking demand for the facility. Avenue used the provided enrollment with the number of stalls available required to accommodate this number of clients to determine the number of children which would be able to be accommodated by the 16 available stalls at the building in Clinton. The enrollment anticipated to be accommodated by the 16 stalls is shown in Table 2.

Table 2: Anticipated Enrollment

Month	Children Attending per 16 Stalls	Projected Enrollment per 16 Stalls
June	156	239
July	192	278
August	213	279
September	261	303
October	272	300
November	140	225
Average	200	267

4 RECOMMENDATIONS

This study evaluated parking demand based on the operations of the On My Way Preschool-Daycare in Roy, Utah. The observed data from six months resulted in an average parking demand rate of 0.08 stalls required per child. The national rates associated with this type of facility don't include any facilities of similar size as the proposed building and have facilities with 120 students needing 12 to 65 parking stalls to support their operations, which seems a very different answer on which to base these types of decisions. Table 3 outlines the required parking stalls to accommodate 200 children attending this daycare. Based on the maximum parking data provided by the On My Daycare in Roy, Utah, it is recommended the rate determined for the facility in Roy

Table 3: Required number of parking stalls

Parking Stalls for Staff	Parking Stalls for 200 attendees	Shuttle Van Parking Stalls	Total Required Parking Stalls
10	16	1	27

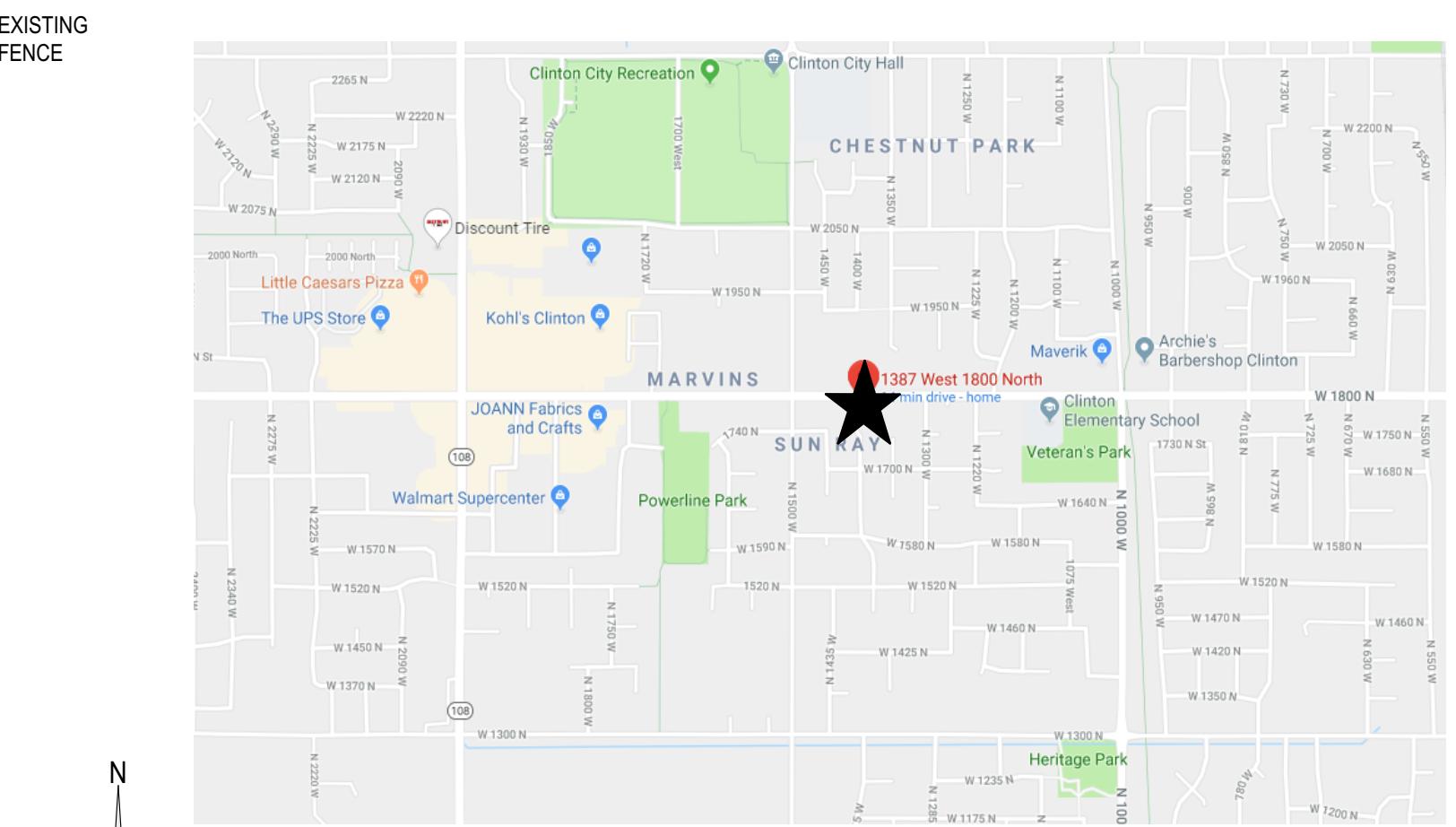
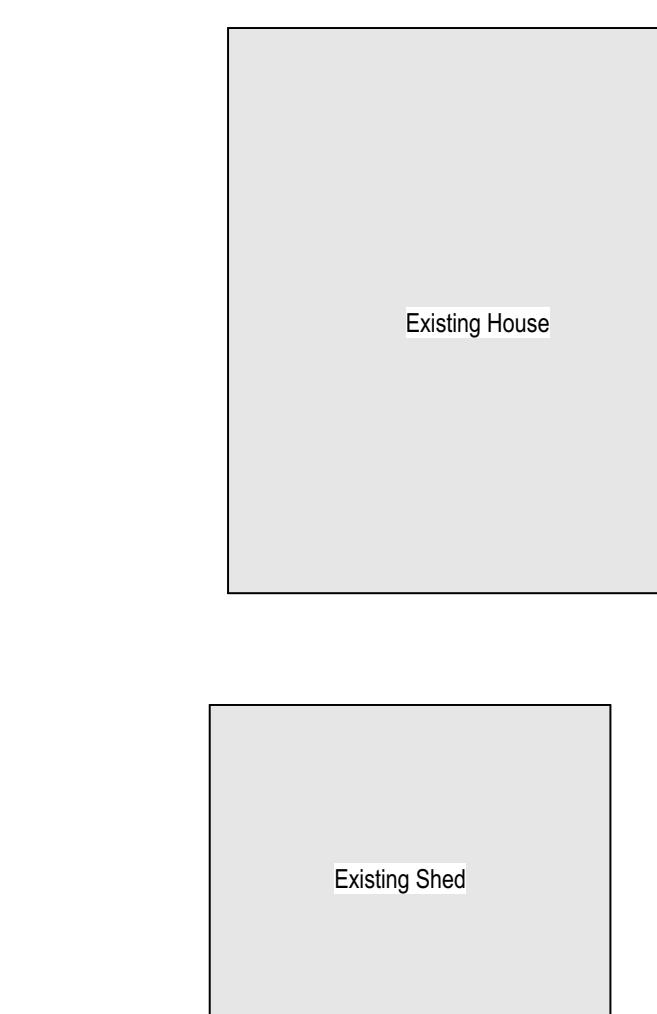
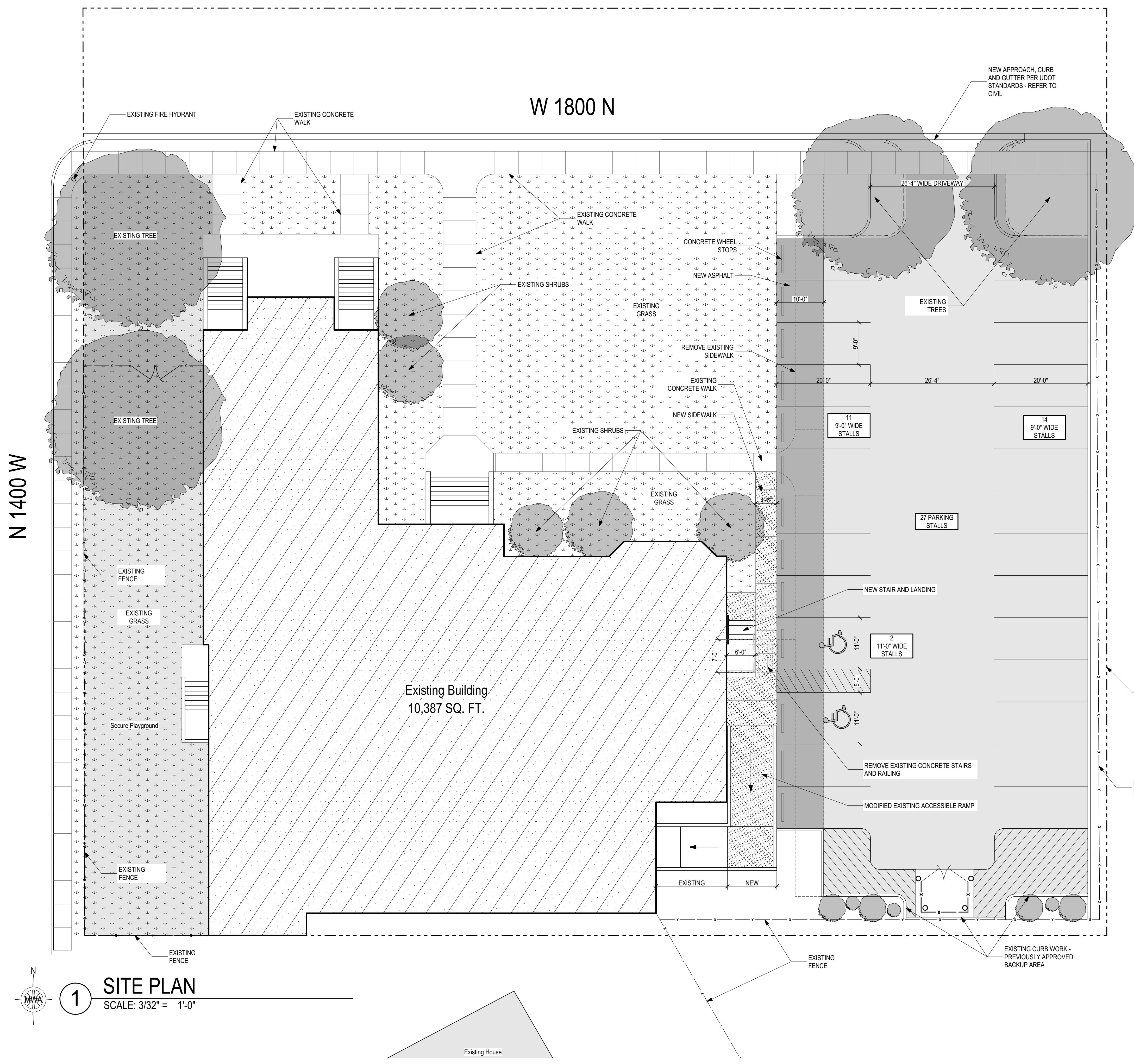
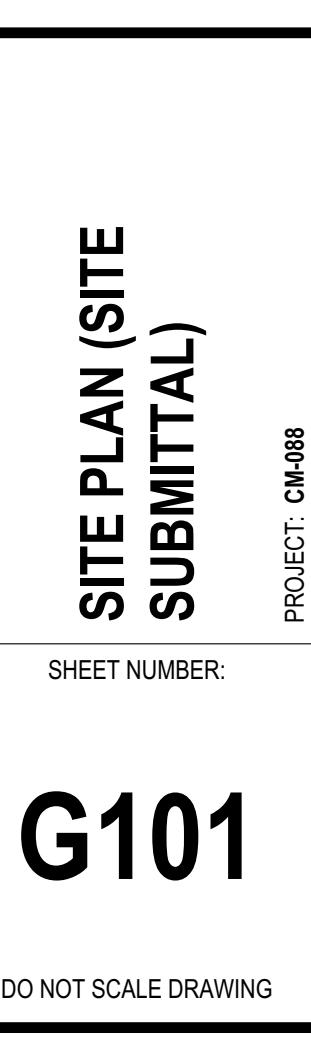
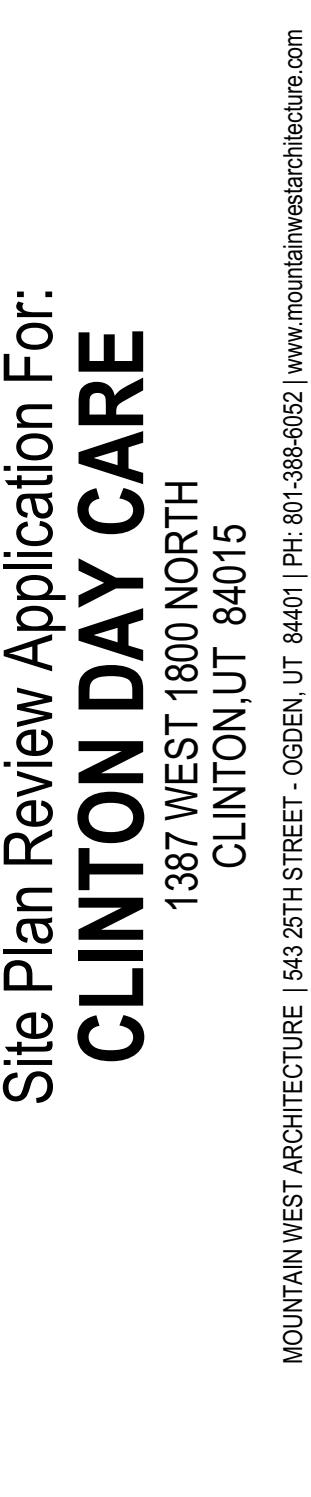
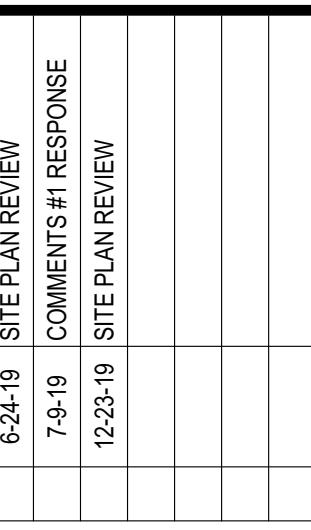


be adopted to limit enrollment of this facility to 267 children, which equates to about 200 children attending each day.

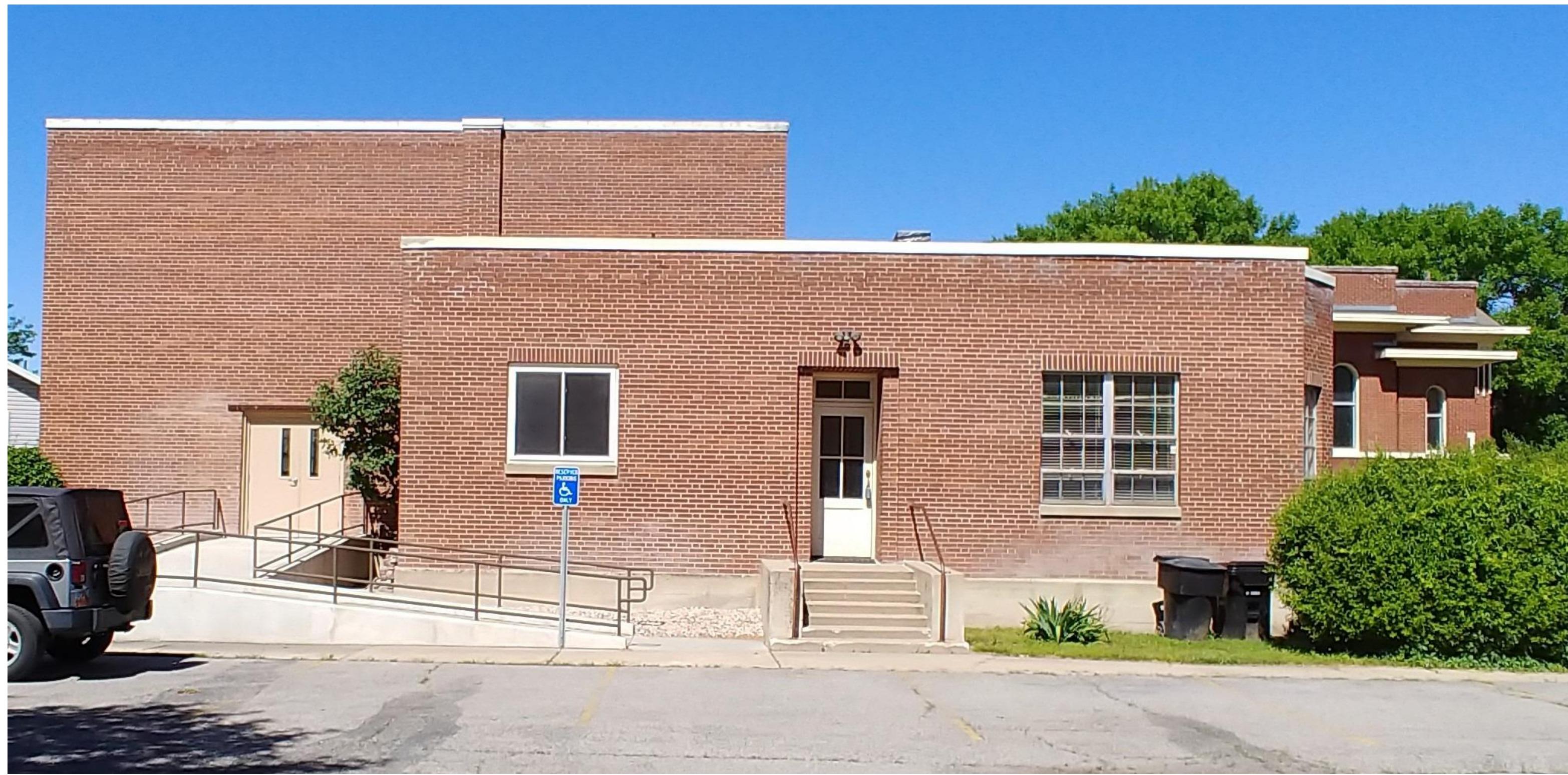




CLINTON DAY CARE	
SUBJECT	NOTES
PROJECT NARRATIVE:	SEE ATTACHED
LEGAL DESCRIPTION	BEG 31 RODS E ALG THE 1/4 SEC LINE FR THE NEW COR OF THE SE 1/4 OF SEC 27-TSN-R2W,SLM; & RUN THE 13 RODS ALG SD LINE; TH S 12.0 RODS; TH W 13 RODS; TH N 12.0 RODS TO THE POB. CONT. 1.02 ACRES
PARKING AND OCCUPANT LOAD CAPACITY	29 PARKING SPACES - 4 = 25 SPACES 25 - 9 ADMIN/TEACHERS = 16 SPACES 16 SPACES X 500 SQ. FT. = 7,000 SQ. FT. (16 SPACES X 437 SQ. FT.) OF USABLE BUILDING SPACE 7,000 SQ. FT. / 35 SQ. FT. (NET) PER PERSON = 200 OCCUPANT LOAD CAPACITY (PER PREVIOUS CONVERSATION WITH CLINTON CITY)
TAX ID	14-004-0050
BUILDING EXTERIOR	NO CHANGES
LANDSCAPING	NO CHANGES
LAND USE	DAY CARE FACILITY
ZONING	CP-1



VICINITY PLAN



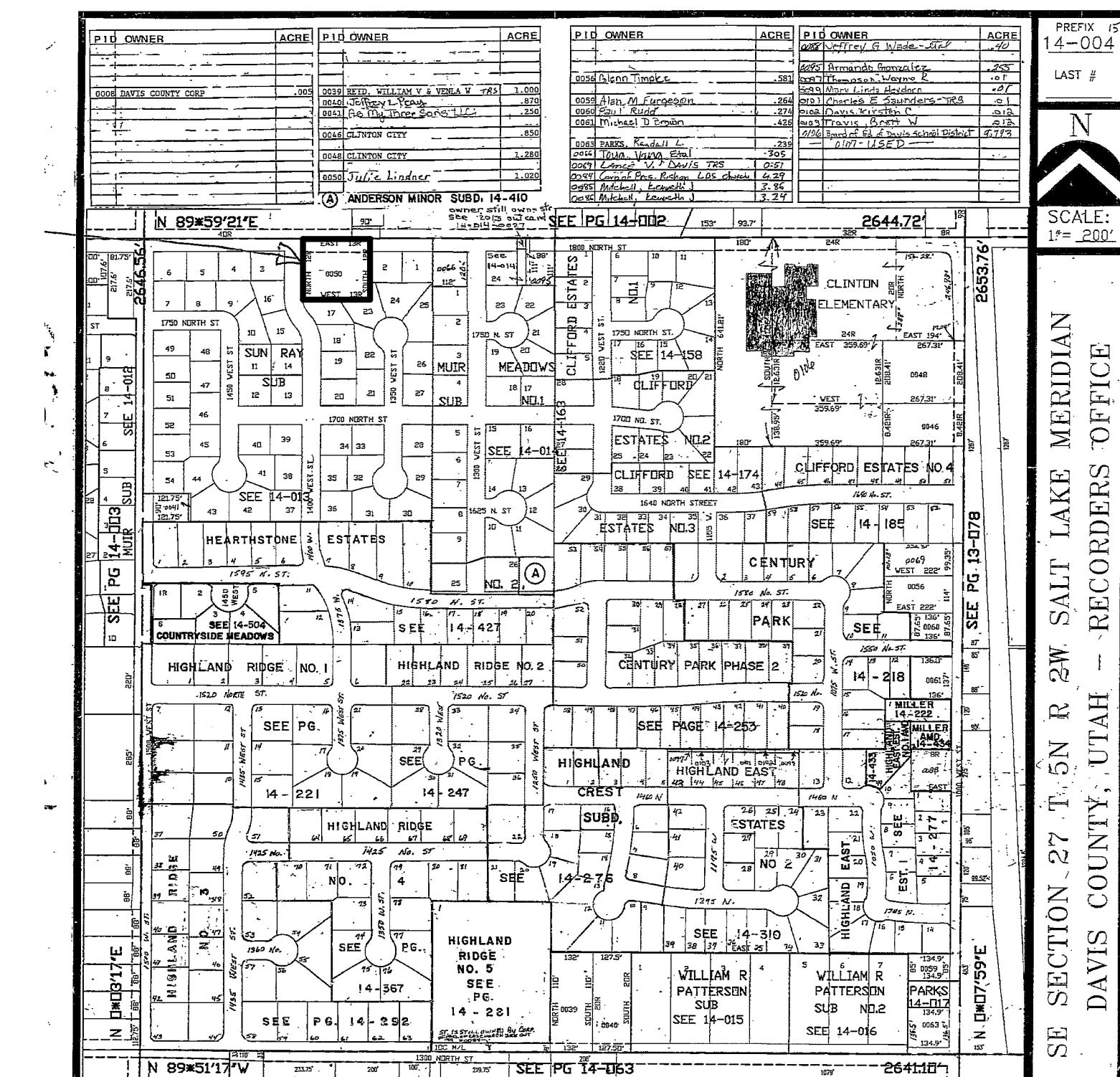
EAST ELEVATION



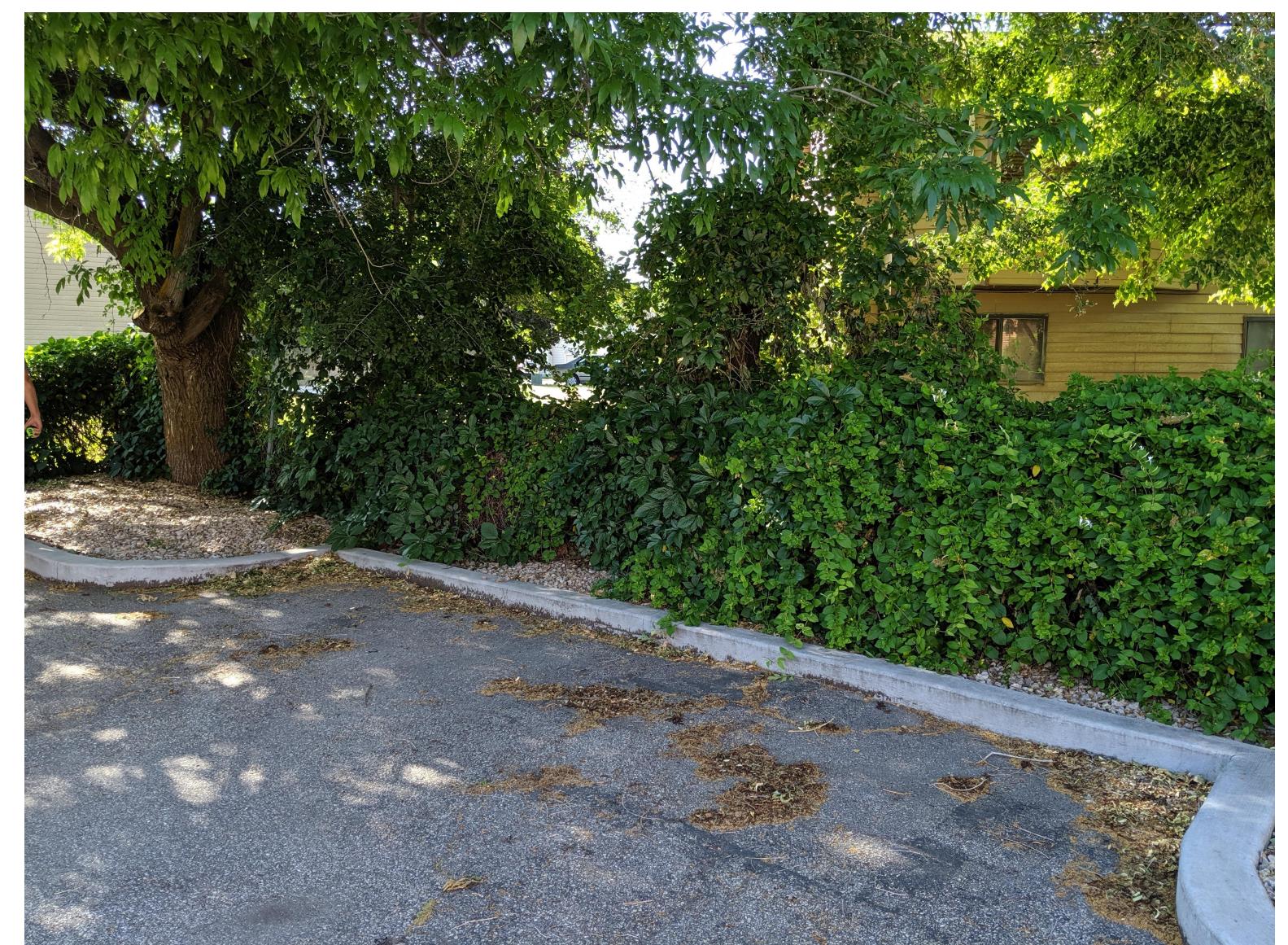
NORTH ELEVATION



WEST ELEVATION



PLAT MAP



RECENT PARKING CURB IMPROVEMENTS

G102
DO NOT SCALE DRAWING

EXTERIOR ELEVATIONS
PROJECT: CM-088
SHEET NUMBER:

CLINTON DAY CARE
1387 WEST 1800 NORTH
CLINTON, UT 84015
MOUNTAIN WEST ARCHITECTURE | 543 25TH STREET - OGDEN, UT 84401 | PH: 801-388-6052 | www.mountainwestarchitecture.com

MOUNTAIN WEST
ARCHITECTURE

REV:	DATE:	DESCRIPTION:
	6-24-19	SITE PLAN REVIEW
	7-9-19	COMMENTS #1 RESPONSE
	12-23-19	SITE PLAN REVIEW

SEAL:

Site Plan Review Application For:
CLINTON DAY CARE

1387 WEST 1800 NORTH
CLINTON, UT 84015

CODE REVIEW (SITE PLAN)

PROJECT: CM-088

SHEET NUMBER:

G103

DO NOT SCALE DRAWING

REV	DATE	DESCRIPTION
	6-24-19	SITE PLAN REVIEW
	7-24-19	COMMENTS #1 RESPONSE
	12-23-19	SITE PLAN REVIEW

E OCCUPANCY		
*BASED ON EDUCATIONAL OCC. LOAD		
WATER CLOSETS		
MALE = 1 PER 50	FEMALE = 1 PER 50	
LAVATORIES		
1 PER 50		
DRINKING FOUNTAIN		
1 PER 100		
1 SERVICE SINK REQUIRED		

CLINTON DAY CARE CLINTON, UTAH - CODE REVIEW DATA

CHAPTER	SUBJECT	IBC 2015	NOTES
3	USE AND OCCUPANCY	GROUP E	DAY CARE FACILITIES
5	GENERAL BUILDING HEIGHTS & AREA	TYPE III-B	TYPE III-B GROUP E AREA #1: ALLOWABLE UP TO 14,500 SF AS NS PER TABLE 506.2 5,558 SF AREA #2: ALLOWABLE UP TO 14,500 SF AS NS PER TABLE 506.2 9,130 SF 14,688 TOTAL SF ALLOWABLE HEIGHT = 40'-0"
6	TYPES OF CONSTRUCTION	TYPE III-B	NO RATED CONSTRUCTION, EXTERIOR WALLS EXISTING MASONRY
8	INTERIOR FINISHES	GROUP III-B NON SPRINKLERED = CLASS B IN CORRIDORS AND CLASS C IN ROOMS	ALL INTERIOR FINISHES FOR (CLASS B) SHALL HAVE A FLAME SPREAD INDEX OF 26-75, SMOKE INDEX OF 0-450. (CLASS C) SHALL HAVE A FLAME SPREAD INDEX OF 76-200 AND SMOKE INDEX OF 0-450
10	MEANS OF EGRESS	SEE EGRESS PLAN	Travel distance allowed 200' > proposed 72'-0"
11	ACCESSIBILITY	EXISTING RESTROOMS ARE ACCESSIBLE	BUILDING IS ENTIRELY ACCESSIBLE.

LOCAL GOVERNING CODES:
INTERNATIONAL BUILDING CODE (IBC), 2018 EDITION
INTERNATIONAL FIRE CODE (IFC), 2018 EDITION
INTERNATIONAL MECHANICAL, PLUMBING, ENERGY CODES, 2018 EDITION

NOTE:
GC TO VERIFY WHICH EXIT SIGNS ARE WORKING AND REPLACE WITH NEW TO MAKE A COMPLETE WORKING SYSTEM.

EGRESS SIGNAGE LEGEND		
SIGN TAG	SIGN TYPE	
(ES-1)	EXISTING ILLUMINATED VISUAL & TACTILE "EXIT" SIGN	
(ES-1)	ILLUMINATED VISUAL & TACTILE "EXIT" SIGN	
(ES-2)	ILLUMINATED VISUAL & TACTILE "EXIT ROUTE" SIGN	
(FE)	PORTABLE FIRE EXTINGUISHER	
(FFE)	EXISTING PORTABLE FIRE EXTINGUISHER	
(AED)	EXISTING PORTABLE DEFIBRILLATOR	
SIGN LOCATION		
• VISUAL SIGNS @ 1" ABOVE DOOR		
• TACTILE SIGNS @ 80" A.F.F. AT WALL NEAREST DOOR LATCH		

EGRESS DESIGN CRITERIA		
REQ'D OR MAXIMUM		PROVIDED
MAX TRAVEL DISTANCE TO EXIT (NON-SPRINKLERED)	200'	72'
MAX DEAD END CORRIDOR LENGTH	20'	19'
EGRESS WIDTH PER OCCUPANT (EXCL. STAIRS, SPRINKLERED)	20"	>20"
MINIMUM CORRIDOR WIDTH	36"	72"
MIN CLEAR OPENING OF EXIT DOORS	32"	>34"
MAXIMUM DOOR LEAF WIDTH OF EXIT DOORS	48"	>34"

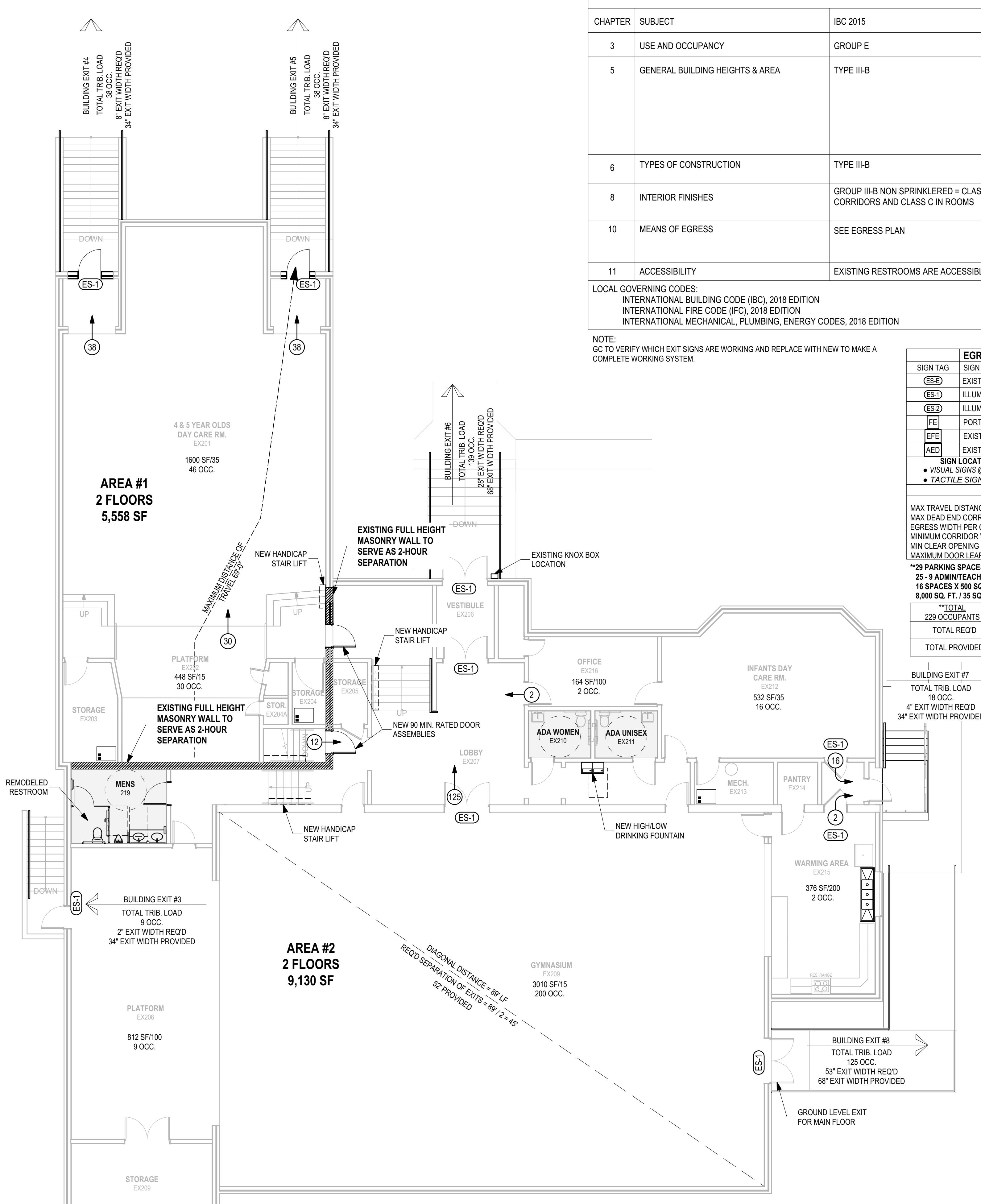
**29 PARKING SPACES - 4 DAY CARE VANS = 25 SPACES

25 - 9 ADMIN/TEACHERS = 16 SPACES

16 SPACES X 500 SQ. FT. = 8,000 SQ. FT. OF USABLE BUILDING SPACE

8,000 SQ. FT. / 35 SQ. FT. (NET) PER PERSON = 228 OCCUPANT LOAD

TOTAL OCCUPANTS	WATER CLOSETS	LAVATORIES
TOTAL REQ'D	MALE FEM.	MALE FEM.
229 OCCUPANTS	3 3	3 3
TOTAL PROVIDED	3 4	3 3



MEMORANDUM

Date: January 17, 2020

To: Valerie Claussen, AICP, MPA, Clinton City

From: Christopher Bender, EIT, Fehr & Peers
Preston Stinger, PTP, Fehr & Peers

Subject: Clinton Daycare Parking Study Review

UT20-2205

INTRODUCTION

This technical memorandum summarizes Fehr & Peers' review of parking recommendations for the proposed On My Way Daycare in Clinton, Utah. The review examines an August 2019 parking survey performed for the Clinton City Board of Zoning Adjustments, the September 2019 Board of Zoning Adjustments' response to the survey, and a January 2020 parking study performed by Avenue Consultants for the Clinton City Planning Commission.

This memorandum is in response to those materials and includes additional recommendations from Fehr & Peers regarding the parking and maximum student enrollment for the proposed daycare facility. It should be noted that the recommendations are based on the data presented in the documents delivered to Fehr & Peers. Fehr & Peers did not collect any new data for this review.

PEER REVIEW

This section contains a summary of the aforementioned parking studies identified by Clinton City via email to Fehr & Peers on Wednesday, January 8, 2020, alongside the results from Fehr & Peers' peer view of the strategies.

August 2019 Parking Survey with Response from Board of Zoning Adjustments:

1. The July 9, 2019 site plan includes 14 full-size parking spaces and 15 reduced size parking spaces.
 - a. The developer claims that literal enforcement of the parking code "would create an unreasonable hardship," and therefore requested permission to reduce the size of the 15 parking spaces.
 - b. The Clinton City Board of Zoning Adjustments denied the developer's request for a reduction in the size of parking stalls. Based on the space allotted for parking at the time, Clinton City anticipated that 21 full-size parking stalls would be able to fit in the lot.
 - c. Fehr & Peers agrees with Clinton City's decision to enforce the minimum parking size requirement. *The Dimensions of Parking 5th Edition*, published by the Urban Land Institute (ULI) reports that a typical passenger vehicle, parked at 90° to the curb, projects 18' and

would, therefore, require that much space in a parking stall. Clinton City's 20' long parking requirement is in line with this recommendation from ULI.

2. The developer requests a reduction of the minimum parking requirement from 44 parking stalls to 29 stalls.
 - a. The developer is proposing that the site be permitted to operate with a maximum capacity of 180 children enrolled. The developer currently operates another daycare location in Roy, Utah, that operates with a maximum capacity of 135 children enrolled. The developer reported that the Roy location operates at a 69% daily average occupancy rate and that the Clinton Location would likely operate similarly.
 - b. Clinton City's minimum development standards would typically require 44 parking stalls for a building of similar size to the proposed Clinton daycare site. The city staff performed a parking survey of nearby daycare sites to approximate an appropriate maximum number of enrolled children. Based on the results of the survey, the staff recommended a parking ratio of 0.25 stalls per enrolled child, and a maximum number of 85 total enrolled children.
 - c. In a notice of decision to the developer, the Board of Zoning Adjustments approved a rate of 0.17 spaces per enrolled child. Based on the approved 21 stall parking lot, the Board of Zoning Adjustments anticipated that the daycare would be able to support 123 total enrolled children, with all scheduled classes to be held after daycare hours.
 - d. *Parking Generation 4th Edition*, published by the Institute of Transportation Engineers (ITE) recommends 3.16 parking spaces per 1,000 square feet, 0.24 parking spaces per student enrolled, or 1.38 parking spaces per employee. Depending on the metric used, the development would require between 17 and 44 parking stalls. However, ITE also recommends performing a parking study at a similar land use to more closely reflect the unique characteristics of a proposed development in the local area. While Fehr & Peers agrees with the City of Clinton that a parking survey can be useful to provide planning-level estimates for required parking, Fehr & Peers agrees with ITE that a full parking study performed at a similar facility, like the January 2020 study performed by Avenue Consultants, would more accurately capture the high turnover of pick-up and drop-off parking at this development.

January 2020 Parking Study Performed by Avenue Consultants

1. The site plan was updated on December 23, 2019, to provide space for 27 full-size parking spaces. Avenue calculates that the development can support 267 enrolled children, or 200 attending children, with 10 staffed employees.
 - a. Avenue Consultants collected six months of parking occupancy data from the Roy, Utah location of On My Way Daycare. The data collected included the enrollment, attendance, maximum daily overlapping parking, 90th percentile of daily maximum parking, and stalls required per child attending. Based on the data collected, Avenue calculated that an average of 0.08 stalls was required per child attending. Avenue showed that "the facility is indicated to provide... 1 staff for every 20 children." Avenue concludes that, based on an updated site plan that showed an expanded parking lot with space for 27 full-sized parking

stalls, and the 0.08 non-faculty stalls per attending student, the facility would be able to accommodate 200 attending children, or a total of 267 enrolled children.

b. Fehr & Peers recommends that, instead of using the average 0.08 non-faculty stalls required per child attending, that the 95th percentile of the non-faculty stalls required per child be used. Fehr & Peers recommends using a higher percentile rate because the average rate is not always the most accurate way to assess parking demand. This is because, if a parking lot only provides storage for the average demand, any time that the parking lot experiences above average demand (50% of the time), the parking lot would be over capacity. Using the 95th percentile demand rate to estimate parking generation would mean providing storage for all but the 5% highest demand that was observed. Based on the data collected by Avenue, the 95th percentile of the average non-faculty stalls required per attending child equals approximately 0.11.

The developer indicated that the facility would likely use 12 parking stalls for staff members and a shuttle vehicle, instead of 11 as assumed in Avenue's study. Based on the updated site plan that provides space for 27 parking stalls, with 12 assumed stalls reserved for staff members (15 stalls for student pick-up/drop off), and 0.11 stalls required per attending child, Fehr & Peers recommends that the daycare limit enrollment to 180 children, with the assumption that 135 children would attend on an average day. The following calculations outline how Fehr & Peers arrived at this conclusion:

$$\text{Average Student Enrollment} = \frac{120 + 122 + 122 + 114 + 113 + 113}{6} = 117$$

$$\text{Average Student Attendance} = \frac{78 + 84 + 93 + 98 + 102 + 70}{6} = 88$$

$$\text{Stalls Required per Attending Child} = 95\text{th Percentile} (0.1, 0.08, 0.08, 0.06, 0.06, 0.11) = 0.11$$

$$\text{Total Stalls} = 27$$

$$\text{Faculty Parking Stalls} = 12$$

$$\text{Remaining Stalls} = 27 - 12 = 15$$

$$\text{Maximum Attending Children} = \frac{15 \text{ Stalls}}{0.11 \text{ Stalls per Attending Child}} = 135$$

$$\text{Maximum Enrolled Children} = \frac{135 \text{ Attending Children}}{(88 \text{ Attending Children}/117 \text{ Enrolled Children})} = 180$$

CONCLUSION

Fehr & Peers reviewed the parking survey performed by Clinton City's Zone of Boarding Adjustments and the parking study performed by Avenue Consultants for the proposed On My Way Daycare site in Clinton, Utah. Fehr & Peers agrees with Clinton City's decision to require full-sized parking stalls, as it is in keeping with the state-of-the-practice as illustrated by the ULI. Based on the data collected by Avenue Consultants, Fehr & Peers also agrees that due to the high parking turnover rate of daycare facilities like the proposed site, the requirements outlined in Clinton City's Zoning Ordinance would require an excessive number of parking stalls. Using the data collected by Avenue, the proposed number of staff from the developer, and the updated site plan dated December 23, 2019, Fehr & Peers recommends that the currently proposed 27 stall parking lot is sufficient for the On My Way Daycare to support 12 staff members and a maximum of 180 enrolled students.



GENERAL INFORMATION					
Issuance Date	Region	Project Name	OLP Application ID		
10/24/2019	Region 1	(19-071) Clinton Daycare	96493		
Physical Address	City	Permit Type	Access Use Type		
1387 W 1800 N, Clinton, UT 84015	CLINTON	Change	Commercial		
PERMITEE INFORMATION					
Property Owner Name	Primary Contact	Primary Phone	Email		
Julie Lindner	Ty Reese	(801) 896-4580	mtyreese@gmail.com		
LOCATION, WIDTH, AND ACCESS CATEGORY INFORMATION					
State Route	Milepost Marker	DD Center Latitude	DD Center Longitude	Access Width	Access Category
0037	1.4			21	5 - Reg. Priority Urban
0037	1.4	41.1398735	-112.0530327	21	5 - Reg. Priority Urban
0037	1.4	41.1398735	-112.0530328	21	5 - Reg. Priority Urban

A Conditional Access Permit is hereby authorized subject to the Utah Department of Transportation's (the Department's) Access Management Rule (Utah Administrative Code R-930-6), the Utility Accommodation Rule (Utah Administrative Code R930-7), the Standard Specifications for Road and Bridge Construction, and any terms, conditions, and limitations set forth herein. Per Utah Administrative Code R930-6-8(6)(g), a Conditional Access Permit shall expire if the access construction is not completed within twelve (12) months of the issuance date as identified at the top left of this document.

By carrying out the activities authorized by this approval the permittee and the permittee's successors in interests and/or assigns agree to accept all terms, conditions, and, limitations, of the approval including any attachments submitted with the Conditional Access Permit Application. In addition, the permittee certifies they will comply with all applicable regulations, properly control and warn the public of said work to prevent accident, and shall defend, indemnify and hold harmless the Department from all damages arising out of any and all operations performed during construction and operation of said access. Per Utah Administrative Code R930-6-8(5)(e), the permittee understands any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of receiving a more favorable determination is sufficient grounds for permit revocation. The access allowed under this permit creates a license to only access a state highway to the extent provided in the permit. The access may be closed, modified or relocated by UDOT if, at any time, UDOT determines in its sole discretion that safety, efficiency or other reasons so require. UDOT will not be liable for any costs, losses or damages resulting from UDOT's review and comments on the submitted plan sets for a Conditional Access Permit.

This conditional access permit does NOT allow construction or other activities within a state right-of-way. An encroachment permit must be separately applied for and issued before any construction within a state right-of-way may commence. Work on UDOT's right-of-way is seasonally restricted from October 15 to April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. to 6:00 P.M. Some exceptions to this A.M./P.M. peak travel work restriction may be permissible for low AADT routes in rural areas. Any such exception requires special Region approval and must be explicitly stated on the approved encroachment permit.

Authorizing Name (printed)	Rodger Genereux	Authorizing Name (signed)	
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TERMS, CONDITIONS, AND LIMITATIONS

1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
5. The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
6. UDOT may cancel, suspend, or revoke this permit due to:
 - A) Non-compliance with the permit provisions including terms, conditions, and limitations



- B) Deviating from the approved permit provisions without written authorization
- C) Misrepresentation(s) discovered on the originating application, or associated documents
- D) Adverse weather or traffic conditions
- E) Concurrent transportation construction or maintenance operations in conflict with the permit
- F) Any condition deemed unsafe for workers or for the traveling public
- G) Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.

7. At all times the permittee and all activities authorized under this permit will comply with all applicable federal and state constitutions, law, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
8. Use current edition of UDOT standard drawings for traffic control. Use Utah MUTCD standards for traffic control elements not shown in UDOT standard drawings. Traffic control must be maintained at the encroachment site for the entire encroachment period.
9. Before constructing the access connection authorized by this conditional access permit, an encroachment permit must be secured first.
10. The permittee agrees to maintain the permitted access in a professional workmanlike manner, free from physical defects including but not limited to potholes or other similar substandard conditions for the life of the permit. The permit holder's maintenance-related responsibilities shall extend to UDOT's edge of asphalt where said permitted access physically connects to UDOT's main traveled way and shall be guaranteed in perpetuity. Failure to properly maintain said private access point shall be grounds for permit revocation and for the closure of the permitted access point.

CLINTON CITY

Board of Zoning Adjustments

AGENDA ITEM

SUBJECT: Review and action on a request by Shelly Bailey for the following variances: (1) reduce the minimum parking stall <i>dimensions</i> from 20' X 9' to 14' X 9.63' for 15 stalls; and (2) reduce the minimum <i>number</i> of parking stalls from 44 to 14 standard (20' X 9') and 15 reduced (14' X 9.63') stalls for a total of 29 stalls to accommodate a proposed pre-school and daycare center located at 1387 W 1800 North (Parcel No. 14-004-0050).	AGENDA ITEM: 1
PETITIONER: Shelly Bailey, On My Way Preschool	MEETING DATE: September 17, 2019
RECOMMENDATION: To deny the request for a reduction in the size of parking stalls, as the five findings for a variance cannot be met; and to approve with conditions , the request for a reduction in the number of parking stalls from 44 to 21 full size parking stalls with 85 children as the maximum number to be licensed at the facility, based on the analysis and findings discussed in the staff report and parking survey.	ROLL CALL VOTE: YES
SITE BACKGROUND: The site was rezoned from residential to commercial by the City Council on October 12, 1976. The rezoning request was so a dance school could be located there, and also the right to retain some kind of caretaker apartment on the property. Subsequently, in the mid-1980's there was Council action for special exceptions to retain a residential use. The surrounding Sun Ray Villa subdivision was recorded in 1978. Based on historic records since the time the site was no longer utilized as a church, it appears to have always been a unique property challenged with too large of a building on a small lot and not enough parking available for many commercial uses. Various businesses from a dancing/gymnastics studio, a costume place, to a counseling center have all been located at this site throughout the years. Through the years there have been incremental updates and changes to the site. Most recently, in 2011, a counseling center with a maximum occupancy of 31 people had been approved. The current proposal increases that occupancy by six times.	
PROJECT BACKGROUND A request for site plan approval was brought before the Planning Commission at their July 16, 2019 meeting. Due to the parking issues, the project was continued until it could be heard by the Board of Zoning Adjustments, prior to any additional review of the site plan. Some modifications to the site have been proposed in conjunction with this variance submittal. The revised site plan is attached for reference.	

PROJECT PROPOSAL

The request is for a daycare center licensed for up to 180 children in an existing building, with existing site improvements. The site proposes to undergo minor changes with the widening of the driveway entrance to just over 26 feet, and the removal of some landscape, grass, and the sidewalk toward the northern end of the parking lot to accommodate 14 full size (9 ft by 20 ft) parking stalls. There are no anticipated changes to the exterior of the building. The interior of the building does require a number of updates to change the building occupancy, from fire sprinkling to ADA compliance items. In addition, electrical, HVAC, and roof improvements are also proposed to be completed.

VARIANCE REQUESTS

- (1) Reduce the minimum parking stall *dimensions* from 20' X 9' to 14' X 9.63' for 15 stalls; and
- (2) reduce the minimum *number* of parking stalls from 44 to 14 standard (20' X 9') and 15 reduced (14' X 9.63') stalls for a total of 29 stalls

Section 28-10-8 establishes the provisions that the Board of Zoning Adjustments may hear and decide variance requests for the waiving or modifying of the requirements of the Zoning Ordinance as applied to a parcel of property that one owns, leases and/or has beneficial interest. The variance may only be granted if **all** of the five findings, which are the same ones required by Utah State Code 10-9a-702(2) can be made. Additional discussion of these findings is attached to this report.

ANALYSIS:

Clinton City development standards do not allow for off-site parking for commercial uses. Meaning that all parking (and vehicular circulation) for non-residential uses must be provided on the parcel in which the business is located¹. Dimensions and parking lot configuration under these particular circumstances requires specific discussion and review because this is a high turnover use with many cars coming and going from the site in a smaller than standard parking lot, with the only driveway located directly onto a state route, 1800 North (SR 37).

Parking Stall Dimensions. The current site plan proposes 14 full size (9 ft by 20 ft) stalls and 15 reduced (9.63 ft by 14 ft) stalls. The length of today's cars is about 15 feet, while full-size SUVs are 18 feet or more in length. The southern portion of the parking lot has the 14 ft deep stalls, and Staff recommends the removal of one of the two rows so that full size parking stalls can be accommodated². In addition, the ADA parking stalls must be updated to reflect a minimum of 11 feet wide and 20 feet deep with a 5 foot aisle. The currently proposed ADA stalls are unacceptable.

A variance to reduce the minimum dimensions (or size) of the parking stalls cannot meet the five required findings, as discussed in greater detail in the attachment. **Therefore, the parking lot should be revised to provide standard parking stall sizes.** It is anticipated that there will be approximately 21 parking stalls, including 2 ADA compliant spaces.

¹ There are instances where adjacent parcels will enter into cross access and cross parking easements which are also acceptable. There are even more rare instances where a parcel qualifies for off-site parking on a completely separate, but nearby, parcel but that parcel is created as another parking lot. Parking permitted along city streets is not counted toward the required off-site parking.

² This modification to the parking lot will also likely provide better alternative locations for the trash enclosure, as well as provide room for snow storage area.

Number of Parking Stalls & Parking Reductions

Section 28-4-14 of the City's Zoning Ordinance states that "*the Board of Zoning Adjustments may authorize a reduction in the proportions required in the Ordinance if it should find that in the particular case, the peculiar nature of the buildings or premises or the exceptional situation or condition would mitigate the need for the parking spaces as specified in the Ordinance.*"

Section 28-4-5 of the City's Zoning Ordinance requires the minimum number of parking stalls for day cares to be four (4) spaces, plus one (1) space per 500 square feet of area, plus one (1) space per employee at the highest shift.

Calculation: $4 + (13,681 \text{ SF}/500=28) + (1 \times 12 \text{ employees}=12) = 4 + 28 + 12 = \text{minimum 44 parking stalls required.}$

To calculate parking under standard conditions, the actual square footage of the building is used of 13,681 SF divide that by 500 which equals 28, plus 4 stalls, plus the number of employees at highest shift, which is likely between 12 to 16 for this size of center, and **the minimum number of parking stalls required is between 44 and 48.** This number is commensurate with other lighter commercial uses, such as a museum requiring a minimum of 49 stalls or general offices requiring a minimum of 61 stalls. **This exercise provides context for the amount of parking that would be required for this size of building to be used to full capacity**³.

An occupancy of 200 and licensure for 180 children exceeds what the current parking can appropriately support under the City's minimum development standards. So a different approach to determine the maximum capacity will need to be employed. The applicant provided information in the site plan submittal that will carry forward with this variance request, which was the data they compiled regarding actual counts for drop-offs/pick-ups at their existing facility. **It was also strongly encouraged for the applicant to submit a parking study** (typically completed by a hired certified/licensed professional) with the parking reduction request; however, one was not provided. **In lieu of a parking study, Staff prepared a parking survey to ensure that an adequate analysis could still be performed to determine what recommendations would appropriate for a parking reduction, which is directly related to and determines the intensity of use for the site and ultimately the maximum occupancy of the building.**

The results of the parking survey for several facilities located in surrounding cities are attached for review. The analysis included a survey of surrounding day care facilities, the parking requirements of surrounding cities, many which are calculated on the number of employees and children (not the square footage of the building), a comparison in size of parking lot area between the Roy site and the Clinton site, and lastly an analysis of the estimated trip count and peak use of parking at the Clinton site. The recommendation is approving a reduction from 44 stalls to **a minimum of 21 full size parking stalls for a maximum of 85 children at the center.**

³ Previous discussions the applicant had with the former building official with a proposed 200 occupancy were out of scope, based on limited information and did not include a full site plan submittal. It attempted to determine intensity of use based on building code standards (minimum 35 SF/child) and theoretically reducing the amount of building square footage that would be used in the zoning code parking calculation. Mixing of the two different types of standards did not provide a viable or realistic number. With a more comprehensive review through the site plan process, additional deficiencies have been identified and substantial concerns with these preliminary numbers must now be re-evaluated and addressed.

Center Capacity & Trip Count

The applicant's data count indicates that at their existing facility for 135 children they have an average of 71 trips a day with an afternoon peak of 22 trips between 4 pm and 5 pm. The proposed Clinton facility at a capacity of 180 children would then increase the average trips to over 94 with a peak afternoon pick up of 29. In this scenario the peak hours and even the drop-off/pick-up windows exceed the available parking on-site. Under the recommended capacity of 85 children the trip counts are much more in line with the availability of on-site parking at any given time throughout the day and most importantly at peak hours.

CONCLUSION

The site needs to provide the minimum standard size of parking stalls. The five findings to approve a variance for a reduction in dimensions cannot be met. However, under the City's zoning code provisions, a reduction in the number of parking stalls can be justified when the intensity of the use of the property is appropriately tied to the capacity of the parking. This means that it is anticipated that with 21 parking stalls, the maximum number of children to be licensed for the facility would need to be approximately 85 children.

PUBLIC COMMENT:

During site plan review Staff received a phone call regarding the proposal and he was concerned about whether or not there is enough parking for the proposed use at this location. No additional comment has been received to date.

ATTACHMENTS:

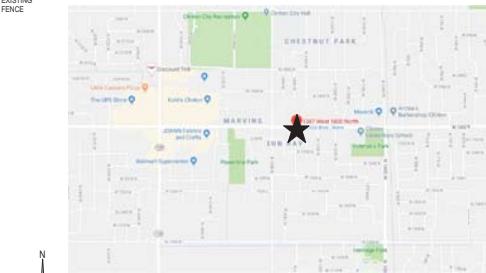
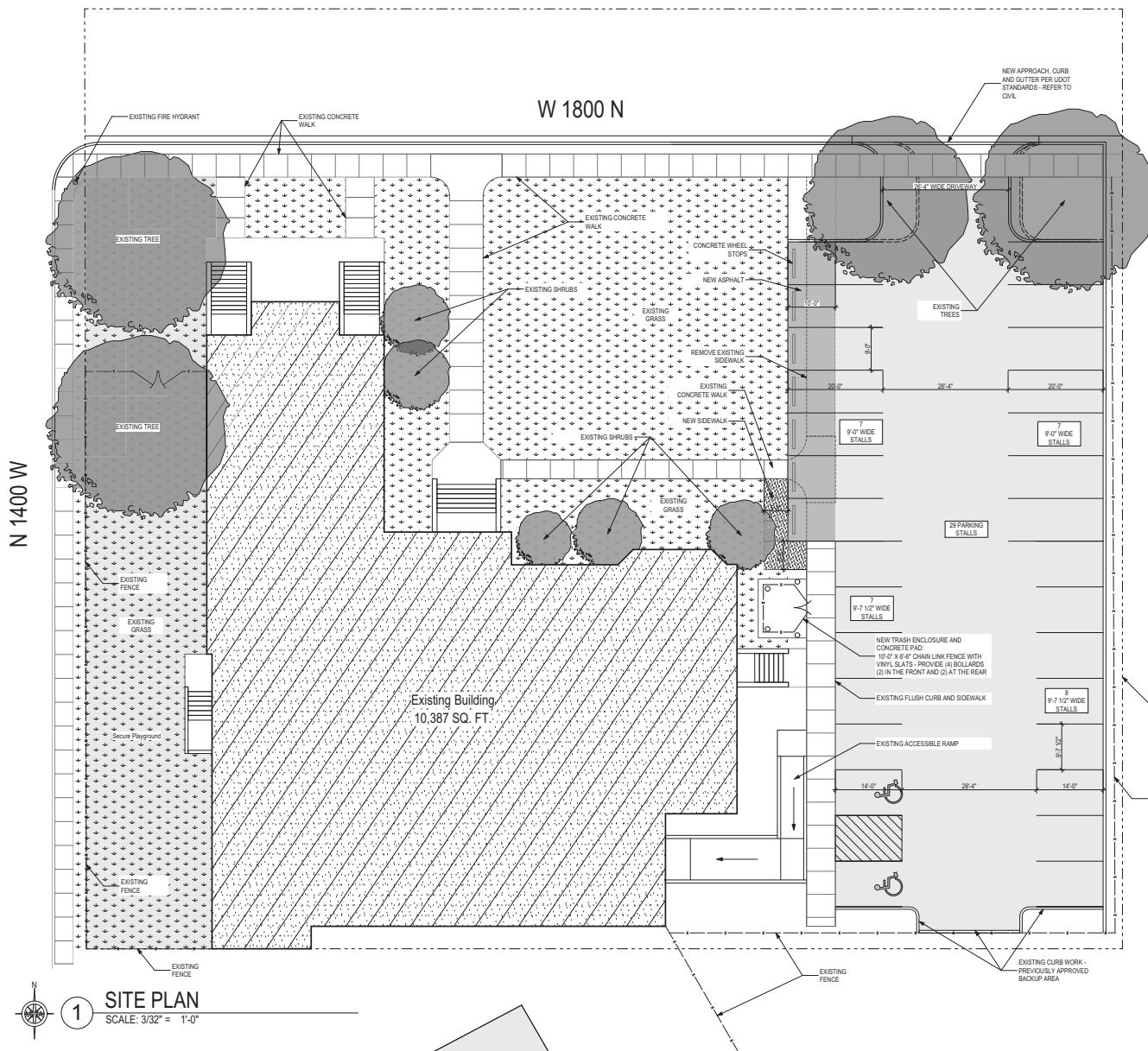
- (1) Conditions of Approval
- (2) Proposed Site Plan
- (3) Applicant's Variance Narrative
- (4) Applicant's Site Plan Narrative
- (5) Staff's Variance Findings Table
- (6) Parking Survey

CONDITIONS OF APPROVAL

- 1) This variance is for the approval of a reduction from 44 parking stalls to 21 full size (9 feet by 20 feet) parking stalls. In the portion of the parking lot where there is not enough width for full size stalls, one of the rows will be eliminated and full size stalls will be provided. The maximum number of students will be calculated on a ratio of not less than **[0.25]** spaces per student; which is anticipated to be a daycare center licensed for not more than **[85]** children. Furthermore, the site does not have the parking capacity to also run specifically scheduled classes during the day, (e.g. pre-schools, kindergartens, performing arts, karate, etc.). Any type of scheduled classes would have to be held after daycare hours and cannot exceed a class size of 25 students.
- 2) ADA parking must meet regulation sized parking stalls, which are 11 feet wide by 20 feet deep with a 5 foot aisle.
- 3) Pursuant to Section 28-4-7 of the Zoning Ordinance parking shall be on the same lot with the main building. Absolutely no parking will be permitted along 1800 North of 1400 West. This includes "short-term" (drop off and pick up) and longer-term (all day) parking.
- 4) Variance approval is subject to obtaining site plan approval from the Clinton City Planning Commission.
- 5) Variance approval is subject to obtaining UDOT permits and written approval.
- 6) Prior to issuance of a business license, a copy of the State license shall be submitted, which demonstrates the maximum number of children licensed for the center.

RECEIVED
By Valerie Claussen at 12:23 pm, Aug 13, 2019

CLINTON DAY CARE	
SUBJECT	NOTES
PROJECT NARRATIVE:	SEE ATTACHED
LEGAL DESCRIPTION	BEG 31 RODS ALG THD THE 1/4 SEC LINE FR THE NEW COR OF THE SE 1/4 OF SEC 37-T3N-R22.SLU. & RUN THE 13 RODS ALG SD LINE: TH 12.0 RODS THW 13 RODS, THN 12.0 RODS TO THE POB. CONT. 1.00 ACRES
PARKING AND OCCUPANT LOAD CAPACITY	20 PARKING SPACES - 4 = 25 SPACES 25 - 16 ADMIN/TEACHERS = 16 SPACES 16 SPACES X 500 SQ. FT. = 7,000 SQ. FT. (16 SPACES X 437 SQ. FT.) OF USABLE BUILDING SPACE 1600 SQ. FT. / 50.00 FT. = NET PER PERSON = 200 OCCUPANT LOAD CAPACITY (PER PREVIOUS CONVERSATION WITH CLINTON CITY)
TAX ID	14-004-0050
BUILDING EXTERIOR	NO CHANGES
LANDSCAPING	NO CHANGES
LAND USE	DAY CARE FACILITY
ZONING	OP-1



VICINITY PLAN

Scope:

The property located at 1387 W 1800 N was originally built in 1910 and initially used as a Church. Around 1944, still being used as a church, there was an extension to the building that included a gym, stage, kitchen and meeting rooms.



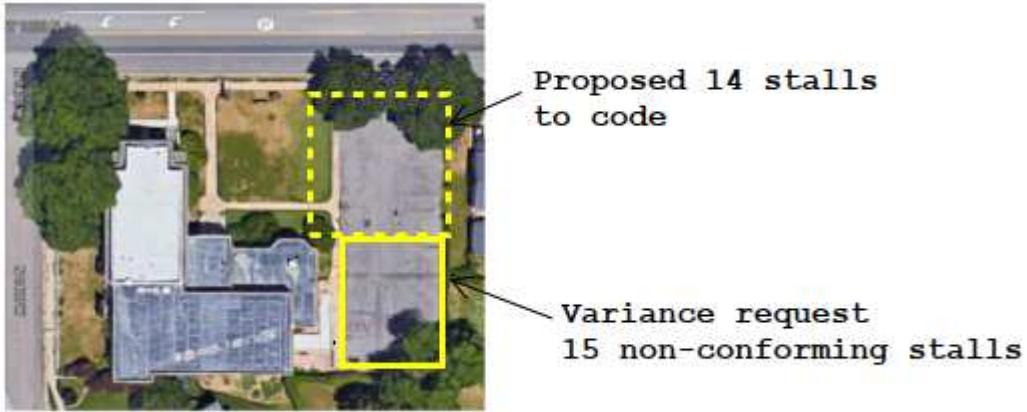
The property has been sold multiple times and has been used for various purposes including a counseling center and wedding venue. For the past few years the building has been vacant, and the owner has been trying to sell it. Shelly Bailey (buyer) is working towards repurposing the building and making it ADA compliant along with updating the roof, plumbing, electrical and kitchen.

The building is an excellent fit as a childcare facility. It is one of the few uses that can maximize the building (13,000+ square feet) while needing minimal parking. Most of the occupants (day care children) that stay there will need no long-term parking. The short-term parking that includes "drop off's" and "pick-ups" will average around 5 minutes per vehicle. Typically, there will be no more than 5 or 6 cars dropping off or picking up during any 5 to 7-minute period.

On July 16th Shelly Bailey and some of her representatives met with the Clinton City Planning Commission. Most of the discussion surrounded the parking lot and specifically the current 27 non-conforming parking stalls. Through the course of the discussion the planning commission suggested that we make some modifications to the parking lot along the north-end and expand westward. It was then decided to add 10 feet of parking moving from the west side of the lot and move further west absorbing 10 feet of the grass and make a large portion of the parking up to code and conforming.



The proposed parking lot will create 2 more stalls which will total 29 stalls. 14 of those stalls will be to code. The other 15 parking stalls will be to code regarding the width of the stall. However, the stalls will not be to code regarding the length of the stalls. We are asking the Board of Zoning Adjustment to grant a variance as to the length of the 15 remaining stalls.



1. Literal enforcement of the code, for the length of the remaining 15 parking stalls, would create an unreasonable hardship. As seen in the image above the 15 parking stalls we are requesting for variance is enclosed by the building and wheelchair ramp to the west and property boundary lines to the east and south of the parking lot. Since these 15 spots would be used by the employees it is imperative that they are used to carry out the general purpose of the building.
2. This building has existed since 1910 and with that comes amazing features and architectural beauties but the size of the building and versus the size of the lot creates certain challenges. According to the 2000 census there were approximately 12,500 people living in Clinton. In the year 2018 it is estimated that 22,300 people live in Clinton. In less than two decades the population of Clinton City has almost doubled. Since there has been a large population growth over the last 20 to 30 years it is safe to assume that most commercial properties will have been built with current zoning standards. Acknowledging that this property was built many decades before the current zoning standards it does denote a special circumstance that would not generally apply to other properties.
3. The 15 parking stalls we are requesting a variance for are essential to the operation of the building. These stalls will be used by the employees of the daycare. It is important to acknowledge that the State of Utah will have requirements regarding the student teacher ratio. To utilize the building effectively we will need all 15 parking stalls. The reduction of parking stalls will lessen the number of teachers that can be hired and directly affect the number of children who can attend. These stalls would not only be critical to the current buyer, but they would be critical to almost any buyer who wants to enjoy and use the property to its full capacity.

In Summary we are asking the Board of Zoning Adjustment to give us a variance for the length of 15 stalls. We are asking for this exception because there is no physical way to make the southern part of the parking lot any larger. If approved, this building will continue to be an asset to the city and the parents and guardians who live here. The heritage and architecture of the building will be maintained, and one of the great landmarks in Clinton will be used to serve the community long into the future.

Proposed Use and Narrative

Scope:

The property address is 1387 W 1800 N. It was built in 1910 and originally used as a Church. Around 1944, still being used as a church, there was an addition of a gym, stage, kitchen etc. Since then the building has been used for various purposes but has sat vacant for the past few years. As noted by Clinton city the 13,000 square foot building along with the 27 parking spaces gives a building occupancy load of 200 people. One of the best use types for the building would be a day care. Since a day care is mostly based on short term parking (an average of less than 5 minutes per car) the parking that is needed to facilitate dropping off and picking up for parents is perfect and gives an opportunity for the owner to maximize the occupancy load of the building.

Interior:

Clinton City contracted Todd Snider with West Coast Code Consultants, Inc (WC-3) to perform the ADA code review. In order to repurpose the building and make it ADA compliant we need to add chair lifts, fire sprinkling system in the basement, update the bathroom by the stage and create an area to minimize the spread of fire.

In addition to the ADA updates the buyer will also be improving and updating the entire electrical, HVAC (including water heaters, furnace and air conditioning), roof, fire doors, emergency exits, kitchen and a security system with cameras.

Exterior:

The exterior will be maintained, and the grounds groomed and kept in superior condition to accentuate the beautiful architecture and style of the building. It will continue to be an historic landmark of Clinton city.

Traffic:

The buyer currently operates a day care in Roy that is located at 5971 S 1900 W. To give an idea of the traffic impact and flow we will first analyze the Roy daycare and then infer and make reasonable assumptions based on that data.

Most of the children that are coming to the day care are from the local community and the parents/guardians are dropping off or picking up their children to and from work and using the local roads/streets they would normally use for travel.

The daycare in Roy is currently running at full occupancy (135 children) with a daily average of 93.2 children. Due to sickness, vacation, work schedules, doctor's appointments and various other circumstances the daily average will always be less than full capacity.

*Currently the Roy building runs at 69% capacity

*The hours of operation are Monday through Friday 5:15am to 6:00pm.

*The daily traffic flow is approximately 71 cars per day.

*There is a 6-hour morning drop off window from 5am to 11am.

*Average cars per hour is 11.83 in the morning.

*Peak morning hour is 7am to 8am with an average of 19 cars during that hour.

*Pick up times are from 11am to 6pm.

*The average car per hour is 10.14 in the afternoon.

*Peak evening is from 4pm to 5pm with an average of 22 cars.

*As seen by exhibit "A" there is a steady flow of drop-offs from 5 to 11 and then a steady flow of pick-ups from 11 to 6. However, there is never an unreasonable amount of traffic and the flow is steady.

In order to assimilate a traffic pattern for the Clinton daycare we will extrapolate the data from the Roy day care noted above.

*The Clinton day care will have approximately 33.3% more capacity than the Roy Day care. Therefore, daily averages will be adjusted 33.3% to give an estimate of the traffic flow that will most likely occur in the Clinton Day Care.

- *Clinton day care can hold 180 children
- *The Roy Day Care has a 69% daily average occupancy rate.
- *If the Clinton day care was operating at a maximum capacity than the daily average (33.3% greater than the Roy day care) would be 124.2 children.
- *The average daily cars would be 94.43 per day.
- *15.73 cars per hour in the morning drop off hours (5 to 11)
- *13.49 cars per hour in the afternoon hours (11 to 6)
- *Currently there is a designated turn lane and a designated shoulder lane to alleviate the slowing of traffic and minimize any impact of ingress and egress out of the facility.
- *Most, if not all, of the children coming to the facility will be from the local community.
- *Many of the vehicles will be traveling this road already as they go to and from work.
- *It is highly likely due to nearby schools, local businesses and the road already being major thoroughfare that 30-60 of the cars are currently traveling this road to and from work. It is highly likely that the traffic impact will be minimal if not negligible.

Summary:

This location and building are an excellent site for a day care. The facility is close to schools and will be easy to “drop-off” and “pick-up” for parents. The massive gym will serve as a great recreation room where children can eat, play games, have events and create many memories. We will be updating the electrical, HVAC, security system, roof and making the building ADA compliant. We are committed to keeping the grounds maintained and the architectural integrity of the building in excellent condition. It is our intent to serve the hardworking citizens of Clinton City by giving their children a clean, safe and fun environment. We are committed to blessing the lives of the children we serve and maintain the beautiful building that has long been a landmark in Clinton City.

Staff's Variance Findings Table

The criteria required statutorily for a variance cannot be satisfied as outlined in the following table:

	Findings	Staff Analysis
A.	<p>Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance;</p> <p><i>In determining whether or not there is unreasonable hardship, the alleged hardship must be located on, or associated with, the property for which the variance is sought; come from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and cannot be self-imposed or economic.</i></p>	<p>Literal enforcement of minimum parking stall dimensions is necessary for the use as commercial property and for the public's general welfare and safety. The site can accommodate full size stalls. A reduction in the number of parking stalls can be justified if the intensity and capacity of the site and building occupancy will be adjusted accordingly.</p>
B.	<p>There are special circumstances attached to the property that do not generally apply to other properties in the same district;</p> <p><i>In determining whether or not there are special circumstances attached to the property that special circumstances exist only if the special circumstances relate to the hardship complained of; and, deprive the property of privileges granted to other properties in the same district.</i></p>	<p>While the circumstances of too large of a building on too small of a lot may be considered special, it can be mitigated by reducing the requirement of the number of stalls that would otherwise be required based on the square footage of the entire building.</p> <p>Permitting a reduction in the minimum dimensions sizes of the parking lot are not justifiable and would actually grant the property additional privileges that are not otherwise available or granted to other similarly zoned commercial properties.</p>
C.	<p>Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;</p>	<p>Through careful analysis and a parking survey on other day care centers in the city and surrounding areas, it has been demonstrated that with standard parking stalls provided, that the property can still be parked appropriately and be utilized in the desired manner for a daycare center based on similar parking ratios of those used in commercial districts.</p>
D.	<p>The variance will not substantially affect the general plan and will not be contrary to the public interest; and The spirit of the Zoning Ordinance is observed and substantial justice done.</p>	<p>The public interest is that parking lots in commercial settings should function as similarly and safely as possible. Reducing the size of parking stalls in an already small parking area is contrary to public interest and the spirit of the zoning ordinance. Determining an appropriate parking ratio and calculation, based on full size stalls is well within the intent purposes of the City's general plan and zoning ordinance.</p>

Daycare Facility Parking Survey

Daycare Facility Name	Licensed No. Children	Parking Stalls	Modified Parking Ratio (No. Stalls/No. of Licensed Children)	Applicable Notes	Location
Kidz Town	75	32	0.43	(new) 38 reqd, w/ 6 shared	5686 S 2050 W, Roy
Sunshine Daycare & Preschool	45	18	0.40	Shared addtl parking available	2465 N Main St, Ste 3A, Sunset
Pages Discovery Academy	50	20+	0.40	Single use	4881 S 1900 W, Roy
Bravo, Clearfield	215	80+	0.40	Single use	620 E 1700 S, Clearfield
Beehive Daycare, Clearfield	84	32	0.38	46 available, shared	573 N 1000 W, Clearfield
Edu-Care Early Learning Center	130	46	0.35	Shared addtl parking available	2182 N Hill Field Rd, Ste 4, Layton
Oasis Montessori Schools	137	48	0.35	48+ available, shared	780 S 2000 W Bldg B, Syracuse
La Petite Academy	120	42	0.35	17 on same parcel w/ 25+ shared	325 W 1550 N, Layton
Little Munchkins (CLINTON)	111	38	0.34	72 available, shared	928 W 1800 N, Clinton
Busy Bee Preschool, Roy	180	56	0.31	Shared addtl parking available	2700 W 5600 S, Roy
Let Them Be Kids	109	33	0.30	Shared addtl parking available	872 W 1600 S, Clearfield
Sunrise Montessori	40	10	0.25	Single use	1323 E Gordon Ave, Layton
On My Way (RECOMMENDED)	84	21	0.25	Single use	1387 W 1800 North ,Clinton
Bravo, Riverdale	303	70+	0.23	Shared addtl parking available	5165 1500 W, Riverdale,
On My Way (Roy)	125	24	0.19	24 shared with adj prop (no addtl available)	5971 S 1900 W, Roy
College for Tots	68	12	0.18	Single use	805 E 700 S, Clearfield
Layton Children's Center	86	15	0.17	Single use	1636 N 1200 W, Layton
ABC Bright Basics	99	16	0.16	Single use	3755 W 4800 S, Roy
Creative Times, South Ogden	49	7	0.14	Only on-street available on one way road	302 Chimes View Dr, So. Ogden
Kids First	74	10	0.14	Using on-street	615 S Fort Lane, Layton
Kiddie Academy	162	19	0.12	Only 9 on-site adjacent to shared parking	5353 S 1950 W, Roy
Step by Step, Riverdale	45	5	0.11	Only on-street available	4439 S 700 W, Ogden
Little Rascals Preschool & Daycare	85	9	0.11	Only 9 on-site, some adj available +/- 10	835 N Main, Ste 1, Sunset
On My Way (PROPOSED)	180	21	0.11	Single use	1837 W 1800 North, Clinton
ABC Great Beginnings	115	12	0.10	Using on-street	360 E Center St, Clearfield
Play 2 Learn Academy	113	9	0.08	Using on-street	101 Cross Street, Layton

- Data regarding facility name, location and number of licensed children was obtained from Utah Department of Health Website (<https://ccl.utah.gov/ccl/#/facilities>)
- Inventory of number of parking stalls were counted and estimated from Google Earth, Davis and Weber County GIS Websites (<https://webportal.daviscountyutah.gov/App/PropertySearch/esri/map> and <https://www3.co.weber.ut.us/gis/maps/gizmo2/index.html>).

The table above includes the 24 daycare center sites that were surveyed in Clinton and in the surrounding cities. The required dimensions of parking stalls in these cities are either identical or similar to Clinton's 9 ft by 20 ft minimum. The modified ratio was determined by taking the number of parking stalls and dividing it by the number of licensed children at the facility. What the modified ratio illustrates is that there is a "sweet spot" for those centers that are in larger commercial developments. There is plenty of parking available, and actually averages nearly 1 parking stall per every 3 or 4 children. Those are shown in green. These are high performing sites in term of parking.

Then there is an interesting middle section of centers that are stand alone uses on their parcel. These are shown in blue. They have a parking ratio that runs closer to 1 stall per 5 children. These sites are much tighter on their parking. They are more likely to be adequate to mediocre in performing in term of parking. Many of these sites have two means of ingress/egress. The Clearfield's College for Tots while located along 700 South (SR 193) frontage, access to the site is actually made from a local road on the west side of the property. Roy's On My Way facility is located off of 1900 West (SR 126) a state road. But it is important to note the significant differences between the parking situations at the Clinton site versus the Roy site. Roy's center's parking lot is nearly twice the size in area and has much wider areas for entrance and turn around as illustrated in the exhibits in the Appendix.

Lastly, shown in red are the centers that are single use but are either under-parked and/or have to use on-street parking in addition to, or as the only means of parking. On-street parking is not permitted to count toward the parking requirements in Clinton, and in this instance is not an option anyway. These ratios are closer to 1 stall per 8 or 9 children. It is not recommended to have a reduction in parking that would be in this range. Note that as currently proposed with 21 stalls and 180 children that is exactly the range the center would land. However, at a permitted parking reduction of 21 stalls for 85 children, the center would fall in the preferred range, which at this location, with minimal parking area available, and only a single access directly onto a state road is a very important consideration.

The table below lists the parking ratio requirements for daycare centers in several of the surrounding cities and categorized based on the type ratio that is used:

	Parking Ratio Based on Number of Children & Employees	Ratio Based on Building Square Footage & Number of Employees	Not Specifically Listed
Clinton		4 stalls, plus number of employees at highest shift, plus 1 stall per 500 square feet	
Clearfield			Schools: one space for every 300 square feet of floor area; Offices and personal services: 1 space for each 500 square feet of floor area
Harrisville	1 stall per each employee, plus 1 space per 5 children		
Layton		Four (4) spaces plus one (1) space per five hundred (500) square feet of floor area	
North Salt Lake	1 stall per company vehicle and 1 stall per 6 children		
Ogden	1 stall per each employee, plus 1 space per 5 children		
Riverdale			1 space per employee, plus 4 spaces for client use. <i>(Listed as daycare use, but this requirement is far different than any other comparison city)</i>
Roy	One (1) space per employee plus one (1) space per eight (8) kids		
South Ogden	1 space per employee, plus 1 space per 10 children		
Sunset			Commercial Zones: For any building at least fifty percent (50%) of lot shall be utilized for off street parking. Retail Stores: one space for each 100 square feet of floor space in the building.
Syracuse	1 per teacher, 1 per seven students plus drop off loading area		
*Cities listed in bold are facilities included in the parking survey. Cities in regular font have also been included to provide better comparison of a standard most applicable to the subject property.			

The table below takes the most applicable parking standards and illustrates the number of required parking based on the proposed scenario and the recommended scenario:

Parking Ratio Standard Based on Number of Children & Employees	Minimum number of stalls with 180 children and 12 employees <i>(Proposed)</i>	Minimum number of stalls with 85 children and 6 employees <i>(Recommended)</i>
1 stall per each employee, plus 1 space per 5 children	48	23
1 stall per company vehicle and 1 stall per 6 children	34*	17**
1 stall per each employee, plus 1 space per 5 children	48	23
One (1) space per employee plus one (1) space per eight (8) kids	36	17
1 space per employee, plus 1 space per 10 children	30	15
1 per teacher, 1 per seven students plus drop off loading area	38	19
	* Four (4) company vehicles were included in the calculation	** Two (2) company vehicles were included in the calculation

Not surprising, the minimum required of parking stalls with 180 children calculated with these ratios is in the same range as the City's minimum requirement of 44 stalls. Reducing the number of children to 85, with a liberal assumption of only 6 employees provides minimum parking requirements that are within the very range that the site has available for parking, which is 21 stalls.

<u>Center Capacity & Trip Count Comparison</u>	Roy Site	Clinton Site	Clinton Site
	Existing	Proposed	Recommended
MAXIMUM CENTER CAPACITY	135	180	85
Daily Avg of children attending	94	124	58
TOTAL AVG OF TRIPS/DAY	71	94.43	45
Morning Window Avg Cars/hr (5 am to 11 am)	11.83	15.73	7.45
Morning Peak (7 am to 8am)	19	25	12
Afternoon Window Avg Cars/hr (11 am to 6 pm)	10.14	13.49	6.38
Afternoon Peak (4 pm to 5 pm)	22	29	14

- *Trip generation for the Roy Site was provided by the applicant, which was collected through actual counts of the parents dropping off and picking up their children from the center. The Clinton Site data was extrapolated from the Roy numbers.*

Lastly, an analysis of the trip generation for the facility confirms what the parking inventory and survey numbers show, which is that the capacity of the parking for a facility with 180 children is too high. At a facility with 180 children, the parking would not be able to accommodate both the morning and afternoon peaks. Those counts exceed the parking that is even available. However, with 85 children the site is anticipated to function more properly and would have adequate parking even at peak times. Adequate parking also reduces the concern and risk of creating issues with traffic flow on the site that would bleed over onto the state road. It is acknowledged that all the parents don't arrive at once, but parking ratios are determined with peak use in mind and with assumptions that not all the spaces will be available, whether that is due to areas that will be covered with snow storage and other unforeseen factors that occur on commercial sites.

APPENDIX

As shown below, Clinton's parking area is roughly 8,150 square feet with a much smaller driveway width and depth, with minimal on-site turn around area.



The Roy site has roughly double the parking area at 14,350 square feet, a wider and deeper entrance, with much more area overall for on-site circulation and turn-around areas.

