



**Project #20-004
Rosine Daycare
Located at 443 Oakwood Dr**

REPORT SUMMARY...

Project Name: Rosine Daycare
Proponent/Owner: Affoue Rosine Nguessan/Mistafa Kramoko
Project Address: 443 Oakwood Dr
Request: Conditional Use Permit
Current Zoning: Traditional Neighborhood Residential (NR-4)
Date of Hearing: January 23, 2020
Type of Action: Quasi-Judicial
Submitted By: Aaron Smith, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **conditionally approve** a Conditional Use Permit for Project #20-004 Rosine Daycare, for a home daycare with up to 16 children at the property located at 443 Oakwood Dr; TIN #02-152-0060.

Land use adjoining the subject property

<i>North:</i>	NR-4: Single Family Residential	<i>East:</i>	NR-4: Open Space and 1000 W
<i>South:</i>	NR-4: Single Family Residential	<i>West:</i>	NR-4: Single Family Residential

Conditional Use Permit Request

The proponent is requesting a Conditional Use Permit for a daycare with a maximum of 16 children. The Land Development Code (LDC) allows daycare with a maximum of 16 clients in the Neighborhood Residential (NR-4) zoning district as a Conditional Use. Affoue Rosine Nguessan currently operates a daycare with up to 8 children at the location, a permitted use in the zone. The daycare operates from 5:00 am to 5:00 pm with limited weekend use.

As a daycare with 1-8 children is a permitted use, the Planning Commission is specifically reviewing the impact of a daycare use in a residence with up to 8 additional children. The concerns with daycare use in a residence are typically parking, access, noise, and safety.

Parking and Access

The home is located on the corner of Oakwood Dr. and Three Point. The roads are designed as local streets and are approximately 32' paved width. The property frontage is approximately 88' along Oakwood Dr. and 97' along Three Point. Due to the narrow width of Oakwood Dr. and the painted double yellow lane marking, Engineering has placed a condition on the project that no pick-up or drop-off parking be allowed along Oakwood Dr. Total on-street parallel parking directly adjacent to the home along Three Point is 3 stalls. Sidewalks are installed around the home. The home has an 18' wide by 26' long driveway that connects to a two-car garage, which will provide a total of 4 on-site parking stalls.

The drop off times are anticipated to be at different times as parents or guardians drop their children off based on work and school schedules. A limited drop-off/pick-up policy has been provided to the City for review with this application for current clients. As a condition of approval, staff proposes that an expanded written parking policy be provided that limits scheduled drop-off and pick-up to no more than 3 client vehicles at a time, specifies preferred parking areas adjacent to the home, and reminds parents not to block sidewalks, corners, or driveways. The written policy will help to mitigate the impact of parking in front of neighboring homes and

reduce the impact of peak parking demand for the daycare. As conditioned, with a written parking policy, the project meets the requirements of the LDC.

Noise and Safety

The daycare activities will be taking place primarily in the residence. As weather permits, the yard space will be utilized. As there are currently families in the neighborhood, it would not be uncommon or a nuisance to have the sound of additional children’s activities at times during the day. Noise is regulated by City ordinances to limit disturbances earlier than 7:00 am and after 10:00 pm. As the daycare operates from 5:00 am to 5:00 pm, outdoor noise disturbance is likely during the early operating hours if children are outside. During the 5:00 am to 7:00 am hours, drop offs should be limited to no more than 2 cars at a time, and outdoor play should be restricted. The schedule provided indicates that outdoor activities may begin around 9:00. As conditioned, with limited drop-off and pick-up and no outdoor activities before 7:00 am, the project meets the requirements of the LDC.

The Logan City Fire Department applies minimum space requirements for each child, including caregiver’s children, in a daycare or preschool setting. The Fire Department last inspected the facility in February 2019 as a daycare for 8 children. As a condition of approval, the project is required to be re-inspected by the Fire Department for 16 children. As conditioned, the project meets the requirements of the LDC.

The State Department of Health licenses daycares. The home is currently licensed with the State of Utah for up to 16 children. The most recent State inspection on 9/19/2019 had no public findings.

As the site has adequate parking, can be safely accessed from adjacent streets, and the use would have minimal impact on the traffic or noise in the area, staff recommends the approval of this project.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following City departments or local agencies; some comments are included as recommended conditions of approval:

<ul style="list-style-type: none">• Fire	<ul style="list-style-type: none">• Engineering
<ul style="list-style-type: none">• Water/Cross Connection	

PUBLIC NOTIFICATION

The project was noticed in the Herald Journal on 1/11/2020, and posted on the Utah Public Meeting Notice website on 1/16/2020. Public hearing notices were sent to property owners within 300’ on 1/6/2019.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comment had been received.

RECOMMENDED CONDITIONS OF APPROVAL

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Community Development Department.
2. No outside activities permitted earlier than 7:00 am.

3. One dedicated off-street parking stall within the driveway shall be provided during business hours for employee parking.
4. Drop-off and pick-up times shall be scheduled and staggered so that no more than three (3) client vehicles are at the home at any one time.
5. A written parking policy shall be submitted to Logan City that that scheduled drop-off and pick-up to no more than 3 client vehicles at time, and no more than 2 client vehicles at a time prior to 7:00 am. The policy should also specify preferred parking area adjacent to the home, and state that sidewalks, corners, and driveways shall not be blocked.
6. The proponent shall comply with all State and local regulations and licenses regarding in-home daycare facilities for up to 16 clients.
7. Prior to issuance of Business License, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. **Fire —contact 716-9515**
 - i. Inspection required prior to opening for 16 children.
 - b. **Engineering —contact 716-9153**
 - i. No on-street parking shall be allowed for drop off or pick up along Oakwood Drive, nor within 20' of the ADA radius curve start on Three Point Ave. Parking will not be allowed along ADA corner.
 - c. **Water/Cross Connection—contact 716-9627**
 - i. A hazard assessment should be done at this property to look for the possibility of a cross connection to insure the safety of the water for the home owner, the children, and the City's water supply.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:


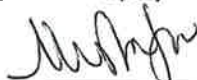
1. This daycare is compatible with surrounding land uses and zoning designations and, as conditioned, will not interfere with the use and enjoyment of adjoining properties.
2. As proposed, the streets providing access to the subject property has adequate capacity for the proposed use and parking/drop-off/pick-up management will be provided and regulated.
3. Other infrastructure to the subject property has adequate capacity, or suitable levels of service, for the proposed use.
4. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code as an identified conditional use.
5. The project was noticed as required by State and City regulations and proper procedure was followed in processing this request.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



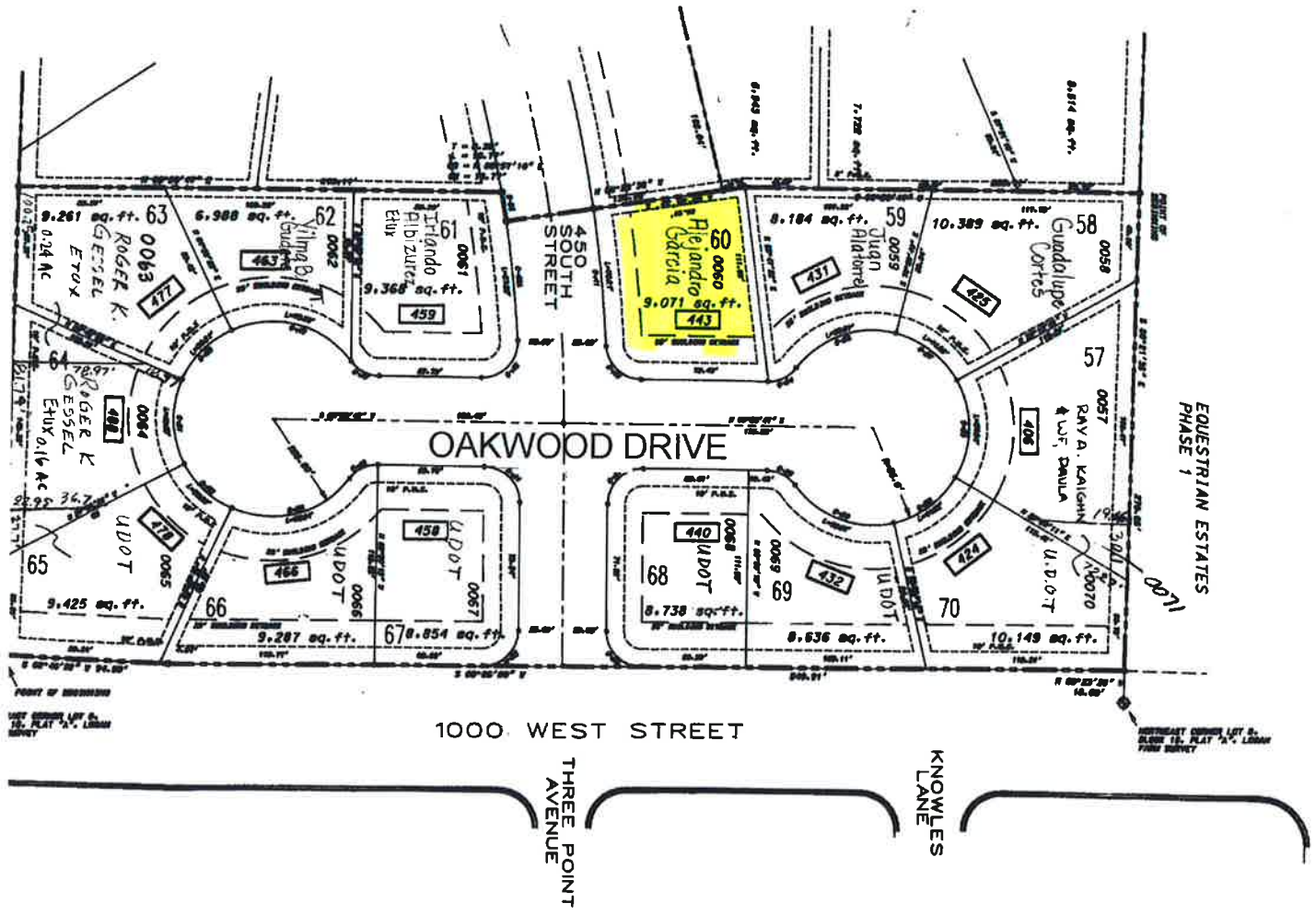
APPLICATION FOR PROJECT REVIEW

Planning Commission Land Use Appeal Board Administrative Review

Date Received 12-20-19	Received By AS	Scheduled Meeting Date Jan. 23, 2020	Zone NR-4	Application Number PC 20-004
Type of Application (Check all that apply): <input type="checkbox"/> Design Review <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Zone Change <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Other <input type="checkbox"/> Administrative Design Review				
PROJECT NAME NGUESSAN AFFOUE ROSINE Daycare				
PROJECT ADDRESS 443 OAKWOOD DRIVE LOGAN, UT 84321			COUNTY PLAT TAX ID # 02 - 152 - 0060	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) MISTAFA KARAMOKO			MAIN PHONE # 435 553 9327	
MAILING ADDRESS 443 OAKWOOD DRIVE LOGAN		CITY LOGAN	STATE UT	ZIP 84321
EMAIL ADDRESS nguessan@nguessan801@yahoo.com				
PROPERTY OWNER OF RECORD (Must be listed) MISTAFA KARAMOKO			MAIN PHONE # 435 890 8186	
MAILING ADDRESS 443 OAKWOOD DRIVE		CITY LOGAN	STATE UT	ZIP 84321
EMAIL ADDRESS karamokomustafa@yahoo.fr				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) FAMILY DAYCARE for up to 16 children.			Total Lot Size (acres)	
			Size of Proposed New Building (square feet)	
			Number of Proposed New Units/Lots	
- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -				
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.			Signature of Property Owner's Authorized Agent 	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner 	

OAKBROOK MEADOWS SUBDIVISION PHASE 1

PART OF LOT 8, BLOCK 15, PLAT "A" LOGAN FARM SURVEY



OAKWOOD DRIVE

EQUESTRIAN ESTATES
PHASE 1

THREE POINT
AVENUE

KNOWLES
LANE

POINT OF BEGINNING
SEE RECORDS OF S.
15, PLAT "A", LOGAN
FARM SURVEY

NORTHEAST CORNER LOT 8,
BLOCK 15, PLAT "A", LOGAN
FARM SURVEY



THREE POINT

OAKWOOD

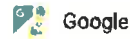
— = PARKING

Google Maps 443 Oakwood Dr



Image capture: Jun 2013 © 2020 Google

Logan, Utah



Street View



PARKING STALL = 9 ft. x 18 ft.



PARKING



Employeess PARKING (DRIVEWAY OR GARAGE when My Husband's at WORK)

* DROP OFF (OPEN AT 5:00^{AM})

The daycare opens at 5:00;

5:00 AM \Rightarrow 2 KIDS

5:15 AM \Rightarrow 2 KIDS

5:30 AM \Rightarrow 2 KIDS

6:20 AM \Rightarrow 1 KIDS

* PICK UP (CLOSE AT 5:00 PM)

2:00 PM \Rightarrow 2 KIDS

3:45 PM \Rightarrow 2 KIDS

4:15 PM \Rightarrow 1 KIDS

4:45 PM \Rightarrow 2 KIDS

The maximum time between dropping off and picking up the children is 5 minutes

Daycare schedule

5:00 - 7:00	Arrival/activity
7:00 - 7:30	Breakfast
7:30 - 8:00	Sport/dance
8:00 - 8:30	Reading
8:30 - 9:00	Choice time
9:00 - 9:30	Outdoor activities
9:30 - 10:00	Choice time
10:00 -10:30	Snack
10:30 -11:00	Music
11:00 -11:30	Activity
11:30 -12:00	Clean up
12:00 - 1:00	Lunch
1:00 - 3:00	Rest/Quiet time
3:00 - 3:30	Snack
3:30 - 4:00	Outdoor activity
4:00 - 5:00	Choice time / pick up



Child Care Licensing

[Login](#)

Nguessan, Affoue Rosine (F19-68743)

Logan, UT 84321

(435) 553-9327

Capacity: 16

License Type: Licensed Family

Status: Regulated

Initial Regulation Date: 04/29/2019

Expiration Date: 04/30/2020

Deaths due to noncompliance:

Noncompliance serious injuries:

Substantiated child abuse:

Inspections

Every regulated facility receives at least one announced inspection and one unannounced inspection every year. The following are inspections completed for this facility in the past 3 years. Only substantiated complaint allegations and citations from other inspections are displayed. Warnings are not part of this public record.

For an explanation on the different inspection and rule violation types click [here](#) or scroll to the bottom of this page.

Inspection Date:

09/19/2019

Inspection Type(s):

Unannounced

This inspection has no public findings.

Inspection Date:

04/23/2019

Inspection Type(s):

Pre-License/Certificate

This inspection has no public findings.

This information may not include any inspections completed in the last 30 days. If you would like to check prior to the last 3 years, please contact the Child Care Licensing Program. Contact information can be found at <https://childcarelicensing.utah.gov/contact-us.html>.

Inspection Types

- Announced - This inspection is scheduled with the provider and completed once a year before the expiration of the license, certificate, or approval to verify compliance with all rules. Playground inspections are part of the annual announced inspection and are conducted by a licenser who is a nationally certified playground inspector. A sample of the checklist used for this inspection can be found at <https://childcarelicensing.utah.gov/Forms.html>.
- Unannounced - This inspection is a surprise visit which happens any time during the licensing year. Only high risk rules are inspected during this visit. A sample of the checklist used for this inspection can be found at <https://childcarelicensing.utah.gov/Forms.html>

- Other Inspection Types - Pre-License/Certificate (before initial regulation), Focus (not a complaint, not a follow-up, but rule specific), Conditional Monitoring (facility under corrective action), follow-ups (to check for correction and correction maintenance), and complaint investigations (for allegations that are no more than 6 weeks old). These inspections will be conducted as required.

If rule violations are found during an inspection, a follow-up inspection is completed to ensure the violations have been corrected. The Department of Health also receives and investigates complaints against providers. Any rule violations resulting from a complaint investigation are public information and will appear on this website after the investigation has been completed.

Rule Violation Corrective Actions

Depending on both the seriousness and the likelihood of harm to a child (extreme, high, moderate, or low), rule violations are categorized as **Warnings** or **Citations**. Although providers are given the opportunity to correct rule violations, repeated warnings may become citations and repeated citations may result in **civil money penalties (CMP)** and other corrective actions. All citations are part of the provider's public record.

Additional corrective actions include: Immediate CMP, plan of correction, conditional license/certificate, intent to revoke, revocation, or immediate closure. Additionally, a provider who does not correct rule violations or does not pay any required fees will be denied a license/certificate/approval or a renewal.

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