



60 West Main Street
Hyrum, Utah 84319
Ph. (435) 245-6033
www.hyumcity.gov

City Council Agenda Information

To: Mayor Miller and City Council

From: Tony Ekins, City Planner

Date: July 10, 2026

Subject: Misti Hamaker, Rezone R-2 to C-2 – Seeking recommendation from the Planning Commission to the City Council to rezone from Residential Zone R-2 to Commercial Zone C-2 located at 400 West Main Street..

Summary:

The applicant desires to operate a professional child care in the existing LDS Seminary Building located at 400 West Main Street. The current Hyrum City Zoning Ordinance is regulating professional child care as a permitted accessory use in the R-2 and C-2 zone districts meaning that a primary use must be occupied in any building before the professional child care use. For example, in a residential zone a single-family dwelling must be in use to operate a professional child care at the home. In the commercial zone, a permitted commercial use must be operating in a commercial building to operate a professional child care in the building.

At this time the applicant has an offer submitted to acquire the property from the property owner. To staff understanding, the property owner will no longer be accepting offers on July 13, 2026. The applicant has explained to staff the property owner is aware of the rezone application as well as the applicant is coordinating with the property owner's agent for the rezone. Hyrum City staff also notified the property owner of record according to the records of the county recorder.

Staff advised the applicant they may petition the rezone application to the Planning Commission and City Council to assist them through their due diligence process in determining how and if the site can accommodate a primary or conditional professional child care use. However, staff also advised the applicant the rezone may or may not be accepted. If the City Council determines that a rezone is the best path moving forward, staff recommends the City Council temporarily table the application and advise the applicant to return to an upcoming City Council meeting with either a notarized and signed property owner affidavit or applicant ownership of the property.

Planning Commission Summary:

On July 9, 2026, the Planning Commission held the required public hearing and the public comment was presented as follows:

- A citizen who lives across the street supports a private child care use at the property because it is generally unused a lot of the time but also expressed on-site parking concerns and noted there are only 6 parking stalls on the property that are not ADA parking stalls and the citizen also mentioned there is a feral cat colony.
- Staff received a comment by telephone from a Hyrum City Senior Citizen who supported the application for a private child care to operate at the location.

The Planning Commission discussed scenarios the staff presented in the staff evaluation. They found that an accessory use in a residential zone is appropriate should remain as is. They view the existing building and lot as a commercial type by nature, accommodating to a commercial use, and proximity to the existing Commercial Zone C-2.

The Planning Commission made a motion (4-0 vote) to recommend approval to the City Council with the following conditions:

- The current property owner Corp Presiding Bishop LDS be in consent or the Hamaker themselves be the property owner.

City Council Meeting:

- Meeting Date: July 16, 2026
- Council Role: Legislative with Roll Call Vote

Attachments:

1. Staff Evaluation First Review



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Staff Evaluation First Review

Application: Misti Hamaker, Rezone R-2 to C-2, – Seeking recommendation from the Planning Commission to the City Council to rezone from Residential Zone R-2 to Commercial Zone C-2 located at 400 West Main Street.

Application Number: 26-017
Preparation Date: July 7, 2026
Applicant Name: Misti and Cannon Hamaker
Property Owner: Corp Presiding Bishop LDS
Property Address: 400 West Main Street
Parcel Number: 01-045-0046
Parcel Area: 0.95 Acres

Planning Commission: July 9, 2026
Application Type: Amendment - Rezone
Nature of request: Recommendation to City Council

Current Zone District: Residential Zone R-2. The R-1/ R-2 Zone is a mixed density residential zone. Its minimum lot size is 9,900 square feet for a single-family dwelling. This zone is eligible for appropriately located Planned Unit Developments (PUDs).

Proposed Zone District: The C-2 Downtown Mixed-Use Zone is designed to preserve the mixed-use nature and feel of downtown Hyrum, providing for office, commercial, and residential uses within a mixed-use setting. A major objective of the C-2 Downtown Mixed-Use Zone is to create aesthetically pleasing streetscapes with landscaping that buffers sidewalks from major vehicular traffic ways, landscape features, recreational amenities, and social gathering areas that promote a walkable community.

Adjacent zoning designations and uses of the subject property		
North	Residential Zone R-2	Public School
East	Residential Zone R-2	Single-family Residential
South	Residential Zone R-2	Single-family Residential
West	Residential Zone R-2	Public School

Application Overview:

The applicant desires to operate a professional child care in the existing LDS Seminary Building located at 400 West Main Street. The current Hyrum City Zoning Ordinance is regulating professional child care as a permitted accessory use in the R-2 and C-2 zone districts meaning that a primary use must be occupied in any building before the professional child care use. For example, in a residential zone a single-family dwelling must be in use to operate a professional child care at the home. In the commercial zone, a permitted commercial use must be operating in a commercial building to operate a professional child care in the building.

There are several different scenarios of potential zoning amendments available for the applicant to request from the Planning Commission and City Council. Some scenarios would not require a code

amendment or rezone and other scenarios would either require a code amendment and/or rezone and to the R-2 zone or the C-2 zone.

- Scenario 1: Maintain the R-2 and include a permitted use such as a single-family dwelling to permit the professional child care.
- Scenario 2: Maintain the R-2 and amend professional child care as a permitted or conditional use. This scenario has the potential to permit any single-family dwelling in the R-2 to operate as a standalone professional child care.
- Scenario 3: Rezone the R-2 to C-2 and include a permitted use such as a private school component to permit the professional child care.
- Scenario 4: Rezone the R-2 to C-2 and amend professional child care as a permitted or conditional use. This scenario has the potential to permit any single-family dwelling in the R-2 to operate a standalone professional child care. The current C-2 district is generally a mixed-use area unlike the residential district that is primary residential use.

At this time, the C-2 district is primarily located around the City center and west main street and there are no C-2 zone districts west of 400 West street, that area is all residential zoning. The existing General Plan identifies the location of the property being within the west side area for low-density residential and open spaces uses. Hyrum City is also currently updating the General Plan and at this time it is not certain if the existing general plan designation for the site will be maintained or amended.

The existing building and site is a flag lot that is adjacent to an existing school, existing single-family dwelling, and the Valley View Mobile Home Park. The applicant submitted with this application a letter of intent and site diagram of how the location is visioned to accommodate a professional child care. Following the process and outcome of this application, the applicant will pursue further applications for C-2 Amendments and Site Plan Approval.

Planning Commission Responsibility:

1. A public hearing must be held by the Planning Commission.

Staff Recommendation:

1. The Planning Commission should have a thorough discussion of the application, staff evaluation, and specifying conditions and requirements.

Stipulations:

1. All proposed amendments shall first be recommended by the Planning Commission for recommendation to the City Council for its consideration.
2. If the rezone amendment is approved, the applicant will be required to amend the C-2 zone district to qualify professional child care as either a permitted or conditional use or introduce a primary use to the building to permit the permitted accessor use of professional child care.

Findings of Fact:

1. The rezone will change the location from residential uses to commercial uses which include communication facilities, office buildings, retail sales, service industries, auto repairs, appliance and equipment repairs.
2. The public hearing was noticed in accordance with Utah Code.
3. Public hearing mailing notices were mailed to all properties within three hundred (300) of the subject property.

STAFF COMMENTS**Planning and Zoning Department:**

1. Staff acknowledges that professional child care is a family oriented component and professional child care is currently operating in the residential zone districts. However, there are ongoing concerns that single-family dwellings and/or connected multi-family dwellings may be commercially operated and intensify occupancies and routine traffic for drop-off and pick-up in primarily residential neighborhoods.

2. Staff supports professional child care as a conditional use in commercial districts as a conditional use which would allow the staff to resource the Planning Commission for mitigating reasonably anticipated effects such as traffic, noise, hours of operation, design criteria, lighting, and safety of the proposed use with applicable standards.
3. Staff has concerns whether the potential site can accommodate required on-site parking requirements and drop-off and pick-up. The adjacent school property is already managing parking and drop-off and pick-up and which may present opportunity for customers of the private entity to utilize the school property for convenience purposes at times of overcrowding.
4. Staff recommended the applicant consult with a pre-application meeting with UDOT as the northeast portion of the property appears to abut the UDOT right of way. UDOT determined the pre-application meeting not applicable and stated the property is barely off the state route and does not have frontage along the state route. Access to this site from UDOTs opinion is to be coordinated by Hyrum City (see attachment).

Engineering:

1. Not requested.

Fire Department:

1. An inspection will need to be conducted to make sure everything is up to code.

Power Department:

1. Existing power on property. No other comment.

Sewer Department:

1. No comment.

Streets / Water Department:

1. No comment.

Attachments:

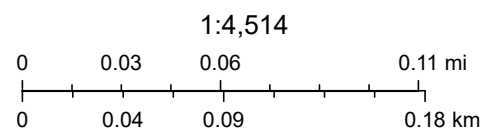
1. Vicinity Map
2. Zoning Map
3. Aerial View
4. Applicant Submitted Documents:
 - a. Letter of Intent
 - b. Site Diagram
 - c. UDOT Pre-Application Meeting Minutes

Vicinity Map



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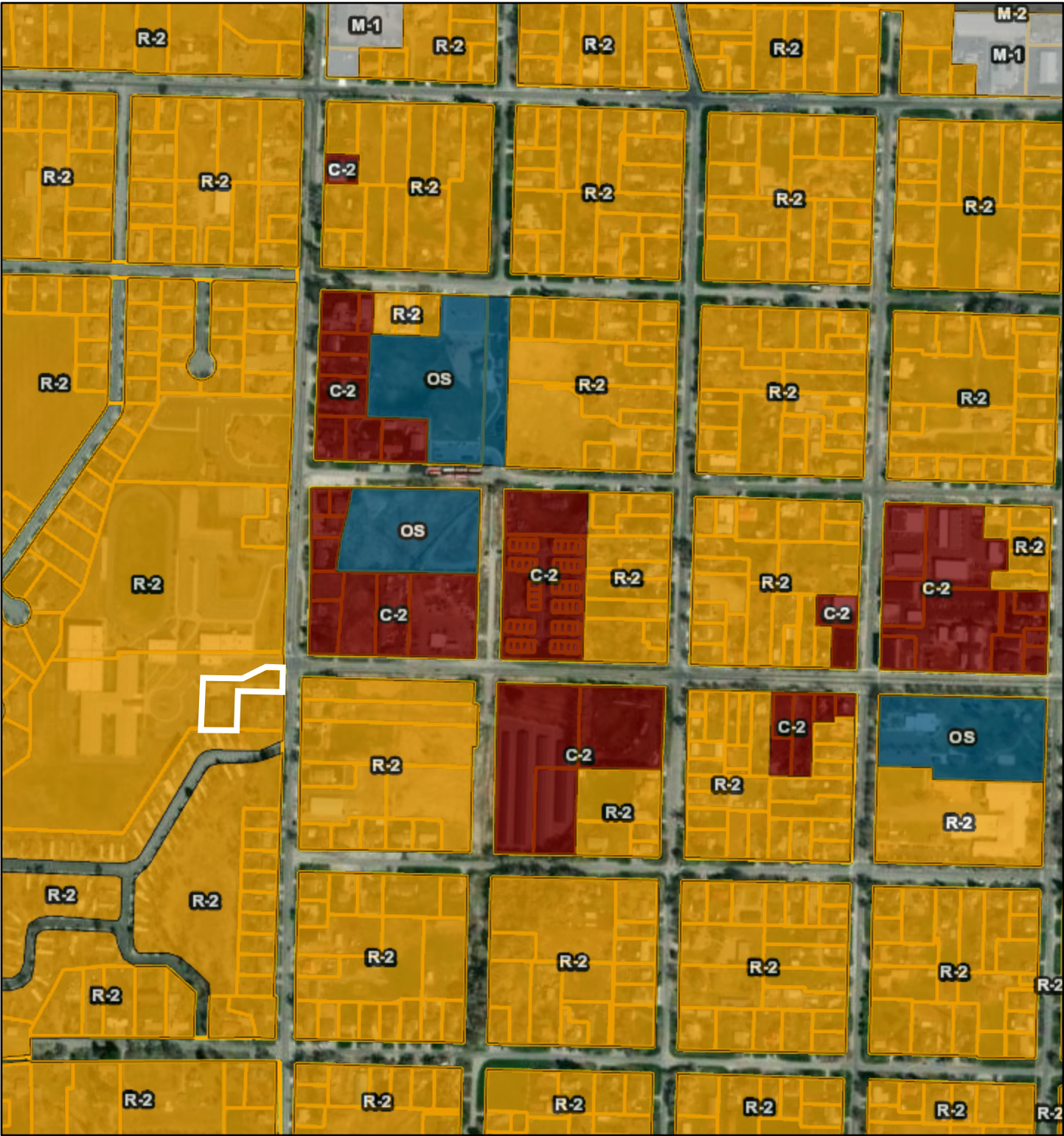
- Class B Surface Type
- Asphalt
 - Gravel
 - Dirt
 - Future
- Private
 Municipal Boundaries
 County Boundary
 Cache Parcels



Dataset maintenance, research, updates, and quality control performed by the Cache County GIS Division. Additional information has been derived from historical records, county departments, consulting surveyors, retired surveyors, road department personnel, state and federal mapping resources, and members of the public., Vantor

Authorized Use: Cache County Development Services Office
Authorized Use: GIS Division/ Development Services

Zoning Map

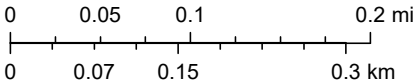


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Hyrum Zoning

-  ANNEXATION AGREEMENT - AA
-  COMMERCIAL - HWY 165 C-1
-  COMMERCIAL - DOWNTOWN C-2
-  MANUFACTURING - LIGHT M-1
-  MANUFACTURING - MEDIUM TO HEAVY M-2
-  OPEN SPACE AND PARKS OS



Vantor, Cache County

Aerial View

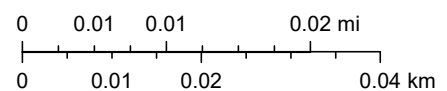


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1:1,128

Master Address List

- No Address Quality Assigned
- Good
- Bad
- Cache Parcels



Microsoft, Vantor

Misti & Cannon Hamaker

Let's Play Childcare

240 S 300 E, Hyrum, UT

(385)335-3743

misti.hamaker@gmail.com

Dear Members of the Planning Commission and City Council,

Please accept this Letter of Intent seeking the planning commission recommendation for city council approval of a professional licensed childcare center as a permitted use located at **400 West Main Street, Hyrum, UT 84319 (Parcel ID: 01-045-0046)**. We are currently working to purchase this property.

Our intent is to expand our established local childcare operations into this building, establishing a state-licensed commercial childcare facility to serve the growing needs of Hyrum families.

Proven Track Record and Community Commitment

We currently operate Let's Play! Childcare, running two successful in-home locations within the city. We proudly provide reliable employment for 12 local residents and offer a critical service to neighborhood parents.

Moving into a dedicated center is the natural next step for our business, allowing us to better serve our existing families, open up new spots for those on our waitlists, and continue expanding local job opportunities.

Property Background and Structural Preservation

The property at 400 W Main Street has a long history of serving the community in a non-residential, high-occupancy capacity—first as an LDS seminary building, and recently as office and storage space for the LDS church. Because of its institutional usage, it historically operated under church exemptions while maintaining a residential zoning footprint.

A major advantage of using this property as a daycare facility is that no major structural modifications to the building itself are required. The interior layout, originally designed to handle high volumes of students, aligns exceptionally well with state childcare licensing standards for safety, room sizes, and accessibility requiring only minor changes to comply with licensing requirements.

Proposed Site Improvements & Traffic Flow

While the building's structure will remain unchanged, we plan to make professional improvements to the exterior grounds to ensure child safety, aesthetic appeal, and smooth neighborhood traffic flow:

- **Dedicated Pickup/Drop-off Zone:** We will create a designated, off-street loading and unloading zone. This ensures parents can completely clear the main roadway during drop-off and pickup windows, preventing any traffic queuing or congestion on 400 West or Main Street.
- **Expanded Off-Street Parking:** Additional paved parking stalls will be installed to fully accommodate our administrative, teaching, and support staff, alongside short-term parking spaces for parents.
- **Secure Outdoor Playgrounds:** We will be converting the current lawn areas into secure, high-quality rated outdoor playgrounds. These areas will be

entirely enclosed by safety fencing and enhanced landscaping, ensuring privacy for our residential neighbors and a secure environment for the children. All playground areas will meet the strict standards required to meet state high quality licensing.

Alignment with the Hyrum City General Plan

This rezone aligns perfectly with Hyrum's vision for smart growth along its main corridors. By positioning a childcare center on Main Street rather than deep within a residential neighborhood, traffic is kept to major thoroughfares. Furthermore, because a daycare operates only during daytime business hours, the property will remain quiet on evenings and weekends, preserving the peace of the surrounding neighborhood.

As local business owners, we are excited to invest further in Hyrum, breathe new life into this building, and expand our support for local families through Let's Play! Childcare. Thank you for your time, consideration, and continued partnership in keeping Hyrum a wonderful place to live and work.

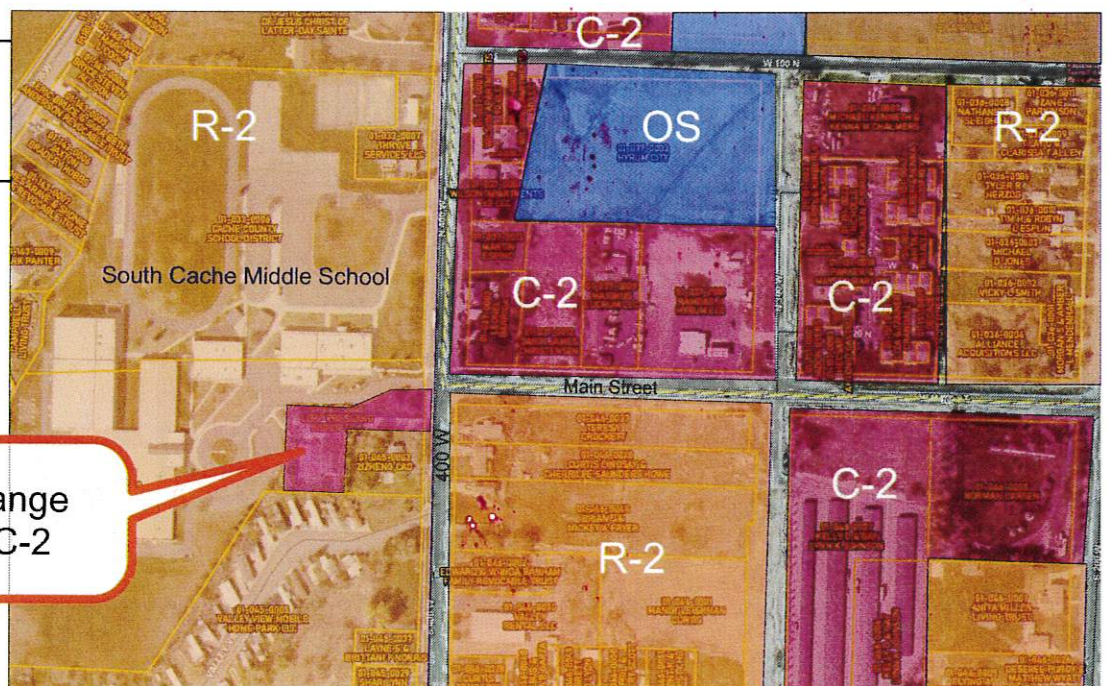
Sincerely,

Misti and Cannon Hamaker

400 West Main Street Proposed Improvements



Current Zoning & Proposed Changes





Pre-Application Meeting

PA-173735 Route: SR-101 MP: 41.80

Applicant: Misti Hamaker

Permit Review Fee:

- Permit Review Fee Level - Not Applicable

Required Documents and Forms:

- **Not Applicable - property is not on the state route**

Site Plan & Access Notes:

- Please coordinate this development with Hyrum city, as this property is barely off the state route and does not have frontage along the state route.

Traffic Impact Notes:

- Please coordinate this development with Hyrum city, as this property is barely off the state route and does not have frontage along the state route.

Utility Notes:

- Please coordinate this development with Hyrum city, as this property is barely off the state route and does not have frontage along the state route.

Drainage Notes:

- Please coordinate this development with Hyrum city, as this property is barely off the state route and does not have frontage along the state route.

Other Notes:

- **While this meeting is helpful for planning purposes, this permit process is not to be used for the “sale of land with an approved access”. The CAP is only valid for the express purpose (trip generation) and is not valid for other types or sizes of development.**
- **This meeting is a pre-application meeting and is not to be considered as an approval by UDOT. If an application is not submitted within 12 months, these notes will expire.**
- **After an application for a Conditional Access Permits is completed, construction based on the watermarked plans are to be completed within 12 months from the date of the CAP. Provide the CAP and watermarked plans to your contractor to acquire an Encroachment Permit. All highway improvements associated with the CAP are to be in place before occupancy of any buildings associated with the CAP.**