

**CITY PLANNING COMMISSION AGENDA
April 30, 2020**

STAFF: GABY SERRANO

**FILE NO:
CPC CU 20-00016 – QUASI-JUDICIAL**

PROJECT: 5975 FAXON COURT

OWNERS/APPLICANTS: MARGARET AND ROBERT BECERRA



PROJECT SUMMARY:

1. Project Description: This project is a request for a conditional use development plan to allow a large daycare home in the PUD/AO (Planned Unit Development with Airport Overlay) zone district (herein referred to as "5975 Faxon Court"). The 5975 Faxon Court project consists of the establishment of a large home daycare for a maximum number of twelve (12) children and infants, in an established residential neighborhood. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the application.

BACKGROUND:

1. Site Address: The project site is addressed at 5975 Faxon Court.
2. Existing Zoning/Land Use: The subject property is currently zone PUD/AO (Planned Unit Development with Airport Overlay), and is residentially developed.
3. Surrounding Zoning/Land Use:
North: PUD/AO (Planned Unit Development with Airport Overlay), and is residentially developed.
South: PUD/AO (Planned Unit Development with Airport Overlay), and is residentially developed.
East: PUD/AO (Planned Unit Development with Airport Overlay), and is residentially developed.
West: PUD/AO (Planned Unit Development with Airport Overlay), and is residentially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map, the project site is identified as a Newer Developing Neighborhood.
5. Annexation: The subject property was annexed into the City in April 10, 1984, under the Stetson Hills Annexation #1 Annexation Plat (Ord. 84-65).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Stetson Hills Master Plan. The Master Planned Land Use designation is high density residential.
7. Subdivision: The property was platted under the Stetson Hills Subdivision Filing No. 10
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property residentially developed with a single-family residence.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 322 property owners on two occasions; during the internal review stage and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. Written correspondence in opposition of the proposal was received **(FIGURE 3)**. Those comments in opposition to the project include traffic, parking, noise, hours of operation, compatibility with the residential neighborhood, and the size of the home.

The applicant provided a written response to the received public comments, in an email dated March 5, 2020. **(FIGURE 4)** No follow-up correspondences from the public was received.

Staff input is outlined in the following sections of this report. Staff sent r the conditional use development plan to three internal review agencies for comments. Commenting agencies included City Traffic, City Fire and City Water Resource Engineering. All comments received from the review agencies have been addressed. Notification was not sent to Colorado Springs Utilities as no utility service changes are proposed.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Background information

The applicant had a license with the State of Colorado to operate a “large” daycare home, with a maximum of 12 children at a previous Colorado Springs address and staff finds that the large daycare for that address has operated with no known violations and has adhered to City Code 7.3.105(B)(2) Daycare Home.

b. Conditional Use Development Plan Proposal

The applicant’s proposal is for a large daycare home for a maximum of 12 children. The property is located south of Stetson Hills Boulevard and east of the Tutt Boulevard intersection. The site configuration for the 5975 Faxon Court project consists of 0.10 acres. The daycare will operate Monday through Friday from 6:30am to 5:00pm. Drop-off and pick-up are staggered every 30 minutes. This will keep traffic at any given time to a minimum. Parents arriving and departing with their children will do so within the two-car driveway and, if necessary, via an on-street public parking space. This site is located on a cul-de-sac; this will limit how the vehicles maneuver. The parent can drop off or picked up their children along the front of the house in the street and leave using the cul-de-sac (**FIGURE 5**). Staff finds that the cul-de-sac is beneficial for this project because it is safe for the kids and parents pulling over for drop off. There is also a parking space designated on the side of the existing two-car driveway for the teaching assistant, which is illustrated on (**FIGURE 1**). Typically, no outside employees are allowed as part of a home occupation, but in accordance with City Code Section 7.3.105 (B) (1), one part-time teaching assistant that does not reside in the home may work at the daycare.

As proposed, and in accordance with City Code Section 7.3.105(B)(2), the applicant has provided 2,018 square feet of indoor and 900 square feet of outdoor play area. City planning staff finds these conditions to adhere with the State of Colorado requirements for a large daycare home.

Children are not permitted to be in the front yard of the property. There is adequate space within and outside of the residence for the play space requirements. According to the State of Colorado, the indoor floor space per child must be 35 square feet per child, and the outdoor play area must provide at least 75 square feet per child. This would require 420 square feet inside of the residence to stay in compliance with the State, and there is over 2,018 square feet within the residence. The outdoor play area would require 900 square feet to remain in compliance, and there is well over 1,400 square feet of outdoor play area. The outdoor area is fully fenced with a 6-foot high wood fence and is located in the southern side of the property. This outdoor area is designated for the children’s playground area with a variety of playtime activities with adult supervision.

The Applicant fully expects to operate a quiet un-noticed daycare that respects the nature of the neighborhood as she did at her previous residence.

c. Criteria for Granting a Conditional Use Development Plan

i. **Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.**

City Planning Staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with similar single-family residential uses as principal land uses. Based on records with the City Planning & Community Development Department, no other daycare facilities, small or large, exist within the immediate neighborhood. The proposed use is found to be compatible in the single-family neighborhood and will serve the surrounding area.

ii. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

Base on City Code Section 7.3.101, residential zone districts are indented to provide for "...residential living with a broad range of dwelling unit densities and development types..". Residential zone districts are also envisioned to allow for and/or accommodate other land uses should certain standards be met and approvals be granted. The applicant's request to develop a large daycare home use will be consistent with the above referenced purpose section, as the additional standards set forth in City Code Section 7.3.105(B)(2))for a large daycare home have been met. More specifically, these standards were designated to mitigate potential impacts that apply to certain uses allowed in residential zone districts; thus, ensuring the intent and purpose of City Code to promote public health, safety and general welfare is adhered with.

iii. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The proposed large daycare home and conditional use site plan conforms to the goals and policies of the City Comprehensive Plan. This project provides a service for the greater vicinity and is a compatible use with the residential neighborhood.

d. Public Comment

Throughout the review of the project application, staff received several comments, which include high-volume traffic, parking, noise, hours of operation, daycare not compatible to residential neighborhood; residence is too small for large daycare home and decreased property values, as noted by the residential neighborhood (**FIGURE 3**). City planning provides the following responses to the above referenced comments:

- Traffic: As discussed above in the Conditional Use Development Plan Proposal section of this report, the children are not dropped off or picked-up at the same time, the drop-off and pick-up times vary, and those times are less than five minutes per child. Several families have more than one child in the daycare. This will keep traffic at any given time to a minimum.
- Parking: As discussed above in the Conditional Use Development Plan Proposal section of this report, the parking requirement complies with the City Code Section 7.4.203. The parking for the large daycare home will not interfere with the neighborhood.
- Noise: The noise in the property should not exceed the permissible noise level outlined in City Code Section 9.8.104.
- Daycare not compatible to residential neighborhood: The site is surrounded by single-family residential land use in the Planned Unit Development (PUD) zone district. The proposed use is compatible with the surrounding single-family residential neighborhood.
- Residence is too small for large daycare home: As discussed above in the Conditional Use Development Plan Proposal section of this report, the residence and outdoor play area comply with the State of Colorado regulations.
- Decreased of property values: Per City Code Sections 7.3.105 (B) (2) and 7.5.502 (E), staff does not consider impacts to property values when reviewing land use applications.

The Applicant has adequately addressed the concerns, include high-volume traffic, parking, noise, hours of operation, daycare not compatible to residential neighborhood, residence is too small for large daycare home and decreased property values, as noted by the residential neighborhood. (**FIGURE 4**)

Staff finds the proposed use to be consistent with the purpose for uses in residential zone districts, as set forth in City Code Section 7.3.101, the findings for granting conditional use development plan, as set forth in City Code Section 7.5.704, the criteria for a large daycare home, as set forth in City Code Section 7.3.105(B)(2), and a development plan, as set forth in City Code Section 7.5.502(E).

2. Conformance with the City Comprehensive Plan:

Staff has evaluated the proposed application for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to PlanCOS, the project site is identified as a Newer Developing Neighborhood. The Thriving Economy Framework map does not have a designation called out, but allowing the use of a large home daycare within the single-family residence furthers Typology 6: Critical Support recommendation to provide fundamental services and activities.

The intent of the Comprehensive Plan is to preserve and enhance existing and established neighborhoods and to evaluate land use proposals in existing stable neighborhoods. The large home day care will provide a service to the residents within this still developing portion of the City.

City planning staff finds the project in questioned and its associated application to be in substantially conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The 5975 Faxon Court project is located within the Stetson Hills Master Planned area. The master planned land use designation for the project site is high density residential. The Stetson Hills Master Plan was previously deem "Implemented", according to City Code Section 7.5.402(B) (2) occurs when the area covered by a master plan is 85% or more built out. Based on the surrounding land use pattern, which contains a mix of uses, staff finds the 5975 Faxon Court project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 20-00016 – CONDITIONAL USE

Approve the conditional use development plan for the at 5975 Faxon Court project, based upon the findings that the request meets the review findings for granting a conditional use, as set forth in City Code Section 7.5.704, and a development plan as set forth in City Code Section 7.5.502(E).