

CITY PLANNING COMMISSION AGENDA
July 13, 2022

STAFF: Peter Lange

FILE NO:
CPC CU 22-00054 – QUASI-JUDICIAL

PROJECT: 8475 Meadow Wing Circle Large Daycare

OWNERS/APPLICANTS: Kevin and Courtney Kudrna



PROJECT SUMMARY:

1. **Project Description:** This project application is for approval of a conditional use development plan for the property located at 8475 Meadow Wing Circle. The plan will allow for the establishment of a large daycare home with a maximum of twelve (12) children in a Planned Unit Development (PUD) with Airport Overlay (AO) zone district. **(see “Conditional Use Development Plan” attachment)**
2. **Applicant’s Project Statement:** **(see “Project Statement” attachment)**
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 8475 Meadow Wing Circle.
2. **Existing Zoning/Land Use:** The subject property is zoned 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 (**see “PlanCOS Vision Map” attachment**), the project site is identified as a Newer Developing Neighborhood.
5. Master Plan/Designated Master Plan Land Use: The project site is part of the Banning Lewis Ranch Master Plan. The Banning Lewis Ranch Master Plan is operative.
6. Subdivision: The property was platted as Lot 14 Banning Lewis Ranch Filing No. 13A.
7. Zoning Enforcement Action: None
8. State Action: Bill 22-213 introduced in State Senate on April 19th, 2022 proposes allocating at least 95 million dollars toward child care facilities throughout the state of Colorado mentioning that in order “to assist the state’s workforce in returning to work and maintaining employment without facing the difficult choice between working and accessing quality child care, it is critical that the state allocate and quickly distribute funding to existing and new child care providers throughout the state and that such actions constitute critical government services” ([SB22-213; State of Colorado](#)).
9. Physical Characteristics: The 8,800 square foot property is located on a corner lot within an established single-family residential neighborhood, is residentially developed, has a relatively flat topography. The property is adjacent to two private residential streets.

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 227 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. Staff received several comments in opposition to the proposed project citing concerns about traffic, parking, and that the project does not comply with the Banning Lewis Ranch HOA covenants (**see “Public Comments” attachment**). The applicant provided a written response to the received public comments (**see “Comment Response” attachment**).

Staff input is outlined in the following sections of this report. Staff sent the project to internal and external review agencies for review and comments per standard distribution. The review agencies either had no comment upon initial review or the provided comments have been addressed through plan revisions.

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

1. Review Criteria / Design & Development Issues:

a. Background information

The Applicant currently operates as a small daycare with a valid state license (SL # 1672841). Under the current license, the Applicant cares for six full-time children and one part-time child and. Based on information available to City Planning staff, the Applicant’s small daycare has been operating since August, 2017 with no known violations.

b. Conditional Use Development Plan

The Applicant’s request Conditional Use Development Plan proposed to convert the current small daycare to a large home daycare for up to 12 children. The property is 8,880

square feet and located southeast of Woodmen Road and Markshaffel Road. The daycare will operate Monday through Thursday from 7:00 AM to 5:00 PM and from 7:00 AM to 4:00 PM on Fridays. Parents arriving and departing with their children will park their vehicles in the two car-driveway and the daycare will have staggered drop off times from 7:00 AM to 8:00 AM and staggered pickup times from 3:00 PM to 5:00 PM to minimize parking or circulation impacts. The Applicant has stated that there will not be a part-time employee at this time and her husband will assist with the daycare operations.

The backyard of the residence has been designated as the outdoor play area for the children. 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 be 75 square feet per child. This will require 420 square feet inside of the residence and 900 square feet outside of the residence to remain in compliance with the State. As proposed, and in accordance with City Code Section 7.3.105(B)(2), the applicant has provided 595 square feet of indoor space and 2,550 square feet of the outdoor play area. The outdoor play area in the rear of the property is fully fenced with a 6-foot wood fence. Children are not permitted in the front yard of the property. Staff finds that there is adequate space at the residence for the play space requirements.

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 substantially injure the value and quality of the surrounding neighborhood, as the immediate area is developed with similar single-family residential uses. Based on an online search record via the "Colorado Shines" referral website, there are no home daycare, either small or large, or daycare centers within one mile of the project site. The proposed use is compatible with the surrounding residential uses and will support and benefit the surrounding area. As previously stated, the daycare has been operational for over three years with no known violations. The value and quality of the surrounding neighborhood will not be injured by the proposed request for a large home daycare.

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.**

Based on City Code Section 7.3.601, the purpose of a Planned Use Development is to "implement the Comprehensive Plan of the City of Colorado Springs by promoting development that is characterized by a variety of mutually supportive and integrated residential and nonresidential land uses." The Project site is a single-family residence and is located within a residential Planned Use Development (Banning Lewis Ranch) and the daycare is considered an ancillary use which will provide essential services to the neighboring residential community and will be compatible with the neighboring uses.

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 (including residential PUDs); thus, ensuring the intent and purpose of the City Code to promote public health, safety, and general welfare are adhered to.

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

The proposed large home daycare and conditional use development plan conform to the goals and policies of the City's Comprehensive Plan (herein referred to as "PlanCOS"). This project provides a service for the greater vicinity as there is a need for childcare in Colorado Springs and the use is compatible with the surrounding residential neighborhood. Refer to Section 3 below for additional details.

Staff finds the proposed use to be consistent with the findings for granting a 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. Public Comment:

Staff received several comments during the initial review of this project which pertained to traffic and parking concerns and that the project does not comply with the Banning Lewis Ranch HOA covenants. The Applicant adequately addressed the concerns raised by the general public (**see "Public Comment Response"**). Provided below are the City Planning staff's responses to the topics which were identified during the public noticing period.

- **Traffic:** Traffic impacts will be minimal as the applicant proposes staggered drop off and pickup times and at most, a maximum of twelve cars will come to the site at any given time from Monday to Friday.
- **Parking:** As stated above in the Conditional Use Development Plan proposal section of this report, the parking requirement complies with City Code Section 7.4.203: Parking Space Requirements by Use. Parking for the large daycare home will not interfere with the neighborhood.
- **CC&R Compliance:** The applicant has maintained a valid State license for a small home daycare since August 2017 (#1672841). Section 7.3 of the Banning Lewis Ranch CC&Rs identifies that "a child daycare facility within a residence does not comply with the CC&R requirements but may nevertheless be allowed in circumstances if a variance for such use is considered advisable by the CEC or the Operating District". The applicant applied for a Variance with the Banning Lewis Ranch Metro District and the request for a home daycare was approved in September 2017. Per City Charter and Code, private covenants are not enforceable by the City of Colorado Springs.

3. Conformance with the City Comprehensive Plan:

City Planning staff has evaluated the proposed application for conformance with the City's current comprehensive plan ("PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map (**see "PlanCOS Vision Map" attachment**) and Vibrant Neighborhood Framework Map, the project site is identified as an 'Newer Developing Neighborhood'. The Thriving Economy Framework map does not have a designation called out, however allowing the use of a large home daycare at this location further Typology 6: Critical support recommendation to provide fundamental services and activities. The intent of the plan is to preserve and enhance existing and established neighborhoods and to evaluate land use proposals in existing stable neighborhoods. Daycare services are in demand throughout the City of Colorado Springs and the large home daycare will continue to provide a service to the residents within this developed portion of the City of Colorado Springs.

- *Strategy VN-3.C-3: Provide ongoing small business assistance with navigating the City's land entitlement and other permitting processes.*

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

4. Conformance with the Area's Master Plan:

The proposed large daycare located at 8475 Meadow Wing Circle is within the Banning Lewis Ranch Master Plan and the site is bordered to the north, south, east, and west by single-family homes. The Applicant's request for a large daycare home is complementary and supportive of the current land use patterns for the area.

City Planning staff finds that the large daycare is complimentary and supportive of the vision for the Banning Lewis Ranch Master Plan. (see "**Context Map**" attachment) Through the review of the conditional use development plan application and consideration of the review criteria for establishing a development plan, as set forth in City Code Section 7.5.502(E), and the findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, the overall area impacts of the project were analyzed, and staff finds the project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 22-00054 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the Conditional Use Development Plan for the large daycare project in the PUD/AO (Planned Use Development with Airport Overlay), based on the finding that the request meets the findings for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).