

## CITY PLANNING COMMISSION AGENDA

STAFF: RACHEL TEIXEIRA

FILE NO(S):  
CPC CU 17-00045 – QUASI-JUDICIAL

**PROJECT:** LARGE DAYCARE HOME – 9 UPLAND ROAD

**APPLICANT:** SARAH FORREST

**OWNER:** SARAH FORREST



### PROJECT SUMMARY:

1. Project Description: This project is a request for a conditional use to allow a large daycare home in the R/HS (Single-Family Residential – Estate with Hillside Overlay) zone district. A large daycare home allows a maximum of twelve (12) children. The property is addressed as 9 Upland Road and is located southwest of Upland Road and Alta Vista Road. The State of Colorado and the City of Colorado Springs have currently permitted a small home daycare for the site, which allows a maximum of six full-time children and two part-time children. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Staff recommends approval of the conditional use application.

### BACKGROUND:

1. Site Address: 9 Upland Road
2. Existing Zoning/Land Use: R/HS (Single-Family Residential – Estate with Hillside Overlay)/Single-Family Residence

3. Surrounding Zoning/Land Use:  
North of Upland Road, South, East and West: R/HS (Single-Family Residential – Estate with Hillside Overlay)/Single-Family Residences
4. Comprehensive Plan/Designated 2020 Land Use: Low Density Residential
5. Annexation: Reannexation of Southwest Annexation, October 1, 1980
6. Master Plan: There is not a master plan for the site.
7. Subdivision: Resubdivision of Broadmoor Heights
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property consists of 0.46 acre with a 4,645 square foot single-family residence with an attached garage. There is a driveway to the north with substantial landscaping and fencing around the property. The driveway slopes downward from the attached garage towards the frontage of Upland Road.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

Staff noticed 98 property owners with a 1,000 foot buffer distance at the initial application submittal. Several neighbors provided written correspondence with eight e-mails in support and 19 e-mails in opposition to the proposal (**FIGURE 3**). Those comments/issues in opposition to the large daycare home include:

- Traffic/safety for children in neighborhood
- The wildlife potential could make this an unsafe environment for children
- Noise/disruption from children playing outdoors
- The use could cause a reduction in property values and quality of life
- The change from the existing small home daycare to the large home daycare could be considered a commercial business
- The desire to keep the neighborhood residential

A neighborhood meeting was held on August 21, 2017 and more than 40 people were in attendance. The applicant provided detailed information about her experience, education, the existing daycare home operation and policies, and the large daycare home proposal. In addition, she had addressed the neighbor's questions/comments during the question and answer session prior to the end of the meeting. The applicant has attached the policies and procedures for the Broadmoor Montessori International private, part-time preschool program. (**FIGURE 4**) Since the meeting, the applicant provided an e-mail to City Planning in response to those concerns addressed by those neighbors in attendance, including traffic and safety, and possible wildlife encounters. (**FIGURE 5**)

After the neighborhood meeting, 26 property owners provided e-mails and letters to City Planning both in support and in opposition to the large daycare home project. Those comments in opposition are the same concerns as noted above (**FIGURE 6**). The applicant has since provided a comprehensive project statement for the file pertaining to the large daycare home proposal in response to those concerns indicated by the neighborhood. The report includes: an introduction of the applicant, current operation of the existing childcare home for the early childhood education as the Montessori method, proposed operation of the large daycare home, conditional use criteria, intent of the zoning code, comprehensive plan of the city, rules regulating family child care homes, Code of Colorado regulations Social Services rules, sign-in and sign-out for preschool classroom and toddler room sheets between April to August 2018, the school calendar schedule, and the family child care certificate. (**FIGURE 7**) Those concerns addressed in the statement include the violation of covenants, increased traffic volume, limited parking, child safety/wildlife/wildfire, blind curve, icy road conditions, and noise.

The property will be posted and mailing notification sent prior to the September 20<sup>th</sup> City Planning Commission meeting.

The conditional use application was sent to one internal agency for review and comment. City Fire was the only city review agency for this project and has no objections.

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

### **1. Review Criteria / Design & Development Issues:**

The current use is a licensed daycare home with six children full-time plus two children part-time and is allowed by city planning administrative permit with a daycare permit application in the R zone. The proposal is for a large daycare home allowing seven to 12 children which requires conditional use approval from the City Planning Commission. The daycare requirements under the code for the expansion are the same, except that there may be building and fire code requirements and that the minimum square footage of indoor and outdoor space per person must comply with the State requirement for a large daycare home. **(FIGURE 8)**

The childcare provider, Sarah Forrest, obtained a permanent child care license from the State of Colorado Department of Human Services on September 9, 2016. The current license permits six children between the ages of 18 months to six years six months with several restrictions including; 1) No more than two children under two years may be in care, 2) Two additional school-age children during non-school times, and 3) License capacity and exhibits include provider's own children. **(FIGURE 9)**

Staff does not agree with the neighbors' concerns in opposition to the conditional use as noted under 'Stakeholder Process and Involvement'. The comments in opposition include:

- Traffic/safety for children in neighborhood
- The wildlife potential could make this an unsafe environment for children
- Noise/disruption from children playing outdoors
- The use could cause a reduction in property values and quality of life
- The change from the existing small home daycare to the large home daycare could be considered a commercial business
- The desire to keep the neighborhood residential

The discussion below in the conditional use criteria details the staff position on this project.

### **2. Criteria for Granting a Conditional Use:**

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

Staff finds that the conditional use will not injure the value and quality of the surrounding neighborhood but could benefit the residents of the area by providing local childcare opportunity. The site is surrounded by single-family residential land use in the Single-Family Residential - Estate (R) zone district. The proposed use is compatible with the surrounding single-family residential neighborhood. There have been other large daycare home uses approved by the City Planning Commission in residential zones within the city limits and no complaints received.

The property is located southwest of the West Point Road and Plainview Road intersection. Upland Road does not have a sidewalk and the street has narrow and steep areas. The property has a 1,530 square foot private driveway and can accommodate up to six vehicles. However, the site plan does illustrate four parking spaces in front of the residence in the driveway; one space is designated for the teaching assistant on the side of the garage, and three spaces are for families to drop-off and pick-up their children within the driveway. There is adequate space for parking vehicles within the driveway of 9 Upland Road.

Children are currently dropped-off between 8:45 am and 9:00 am in the morning and picked-up between 12:45 pm and 1:00 pm in the afternoon Monday through Friday with no weekend or holiday care. The only change to the daycare project is to add additional children and a teaching assistant to the existing daycare home. The maximum amount of children allowed for the large daycare home is to be up to twelve children; including her two part-time school aged children, with the help of an assistant.

The applicant has outlined the specifics of the use in the 'Policies and Procedures' manual for the Broadmoor Montessori International school program, an early childhood education program. The applicant has provided a clear explanation and justification to support the conditional use project in the comprehensive project statement.

#### Traffic

The applicant has outlined the expectations for drop-off and pick-up for the parents and implemented staggered times between 8:45 am and 9:00 am in the morning and 12:45 pm and 1:00 pm in the afternoon to facilitate traffic flow, minimize traffic impact, and ensure safety for all. Copies of the sign-in and sign-out for preschool classroom (**PAGE 76 OF FIGURE 7**) and toddler room sheets (**PAGE 96 OF FIGURE 7**) between April to August 2018 have been submitted to illustrate the time of children being in and out of daycare program. In addition, the applicant has also required parents and/or guardians to pull all the way into the driveway and that vehicles may park directly behind another vehicle to prevent obstruction of traffic on Upland Road. Vehicles are prohibited to park on Upland Road.

#### Wildlife

The 'Policies and Procedures' manual provides a clear explanation on the emergency protocols along with the use of a security camera system on site to provide for the safety of the children from wildlife and wildfire situations. Parents have been advised by the applicant to be cautious when backing out of the driveway due to the blind curve on Upland Road. Upland Road is a secondary snow route and it is plowed and de-iced by the City of Colorado Springs. The road is quiet and serves the residential neighborhood homeowners and service vehicles. The wildlife impacts are no different from this use to any other home in the neighborhood and children are monitored outside in the fenced yard area.

#### Outdoor noise

The children are outside typically for recess between 11:45 am and 12:45 pm in the designated area; an existing 1,400 square foot fenced, outdoor play area located in the southeast corner of the property. This playground has an 8-foot fence and mature landscaping, including pine trees and dense scrub oak, to provide a noise barrier from the neighborhood.

#### Covenants

The concern that the daycare is a violation of the Broadmoor Heights Homeowners Association's covenants is a matter between the HOA and the property owner of 9 Upland Road. The City of Colorado Springs does not enforce covenants.

#### Property Values

The applicant promotes a positive daycare service that is an asset to the neighborhood. The program respects and maintains the character of the single-family residential neighborhood and the proposed large daycare home use will not cause a reduction in property values and in the quality of life. City Planning Staff finds no specific evidence that the home daycare will negatively impact property values but may provide a value from a need for this type of use in the neighborhood.

#### Commercial use

The conditional use proposal is not being rezoned for commercial use and the primary use of 9 Upland Road is a private, single-family residence. A small daycare home and large daycare home are considered as a human service establishment under the City's Zoning Code, not a commercial business. (**FIGURE 8**)

#### Residential Neighborhood

The neighborhood was not previously aware that the property owner is operating a small home daycare until public notices were mailed to the adjacent property owners for the expansion of the existing daycare. The applicant has clearly expressed that the daycare program will not have any signage, no structural changes will be made to the residence, and the daycare will not be visible from the front of the property except for the drop-off and pick-up. In addition, no full-time daycare is offered and the no school days are similar to Cheyenne Mountain School District 12. Summer hours

are limited to four days a week with no class on Fridays. The applicant has the same desire as the other owners; to keep this area as a residential neighborhood. The applicant fully expects to continue to operate a quiet un-noticed daycare that respects the nature of the neighborhood as documented in the business plan.

The value and qualities of this residential neighborhood surrounding the conditional use are not to be substantially injured. The applicant has adequately addressed the concerns addressed by the residential neighborhood. City Planning Staff supports the conditional use request for a large daycare home at 9 Upland Road.

**B. 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.**

The request for a large daycare home use will be consistent with the intent and purpose of the Zoning Code to promote public health, safety and general welfare. The proposed large daycare home use will occupy an existing, 4,645 square-foot, single-family residence on a 0.46-acre parcel (20,166 square feet). The applicant has stated in the project statement that class will be held in the 1,500 square foot basement space and 222 square foot sunken courtyard for outdoor classroom. There are two classrooms, toddlers and preschoolers, serving children ages 18 months to 6 years, being operated as a part-time education program, five mornings a week from 8:45 am to 12:45 pm. The current daycare home allows the applicant to provide for six enrolled children and two part-time school aged children. The conditional use for the large daycare home approval will allow the applicant to accommodate up to twelve children, including her two part-time school aged children, with the help of an assistant.

Staff supports the conditional use request and recommends approval finding that the expansion to a large daycare home will not disrupt or impact the neighboring residential properties.

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

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

3. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates the site as Low Density Residential. There are Comprehensive Plan objectives and strategies that support the large daycare home proposal, including:

Objective N 2: Enhance Neighborhoods

Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.

Policy N 201: Protect Established and Stable Neighborhoods

Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.

Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions

Evaluate land use proposals in existing, stable neighborhoods on the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.

The proposed large daycare home and conditional use development plan does conform to the Comprehensive Plan. The existing daycare home, with six children full time plus two children part-time is an appropriate use. 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 proposal to enlarge the daycare home would benefit the families with young children to be educated via the Montessori curriculum.

4. Conformance with the Area's Master Plan:  
There is no master plan for this area.

**STAFF RECOMMENDATION:**

**CPC CU 17-00045 – CONDITIONAL USE**

Approve the conditional use for a large daycare home at 9 Upland Road, based upon the findings that the Conditional Use request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E.