

CITY PLANNING COMMISSION AGENDA
DECEMBER 14, 2022

STAFF: MATTHEW ALCURAN

FILE NO:
UVAR-22-0006 – QUASI-JUDICIAL

PROJECT: THE LIGHTHOUSE EARLY CARE AND EDUCATION
OWNER: URBAN LEAGUE OF THE PIKES PEAK REGION, INC.
APPLICANT: JACKIE LUJAN – PRESIDENT



PROJECT SUMMARY:

- **Project Description:** This application is for approval of a use variance development plan for the Lighthouse Early Care and Education project, located at 506 East Moreno Avenue. The proposal consists of the re-establishment of the former commercial daycare center and ancillary childcare services in an existing building (see “**Use Variance Development Plan**” attachment).

- Applicant's Project Statement: (see "Project Statement" attachment).
- Planning and Development Department Recommendation: City Planning staff recommends approval of the application with one technical modification.

BACKGROUND:

- Site Address: 506 East Moreno Avenue
- Existing Zoning/Land Use: The subject property is currently zoned R4 (Multi-Family Residential) and includes a one-story 5,343 square foot commercial building.
- Surrounding Zoning/Land Use:
 - North: PIP1 (Planned Industrial Park) / light industrial and warehouse uses
 - South: PUD (Planned Unit Development) / multi-family residential uses
 - East: R2 (Two-Family Residential) /single family residential homes
 - West: PK (Public Parks) / city-owned pocket park with a basketball court and a picnic table as well as the Shooks Run Trail and creek corridor
- PlanCOS Vision: According to the PlanCOS Vision Map (see "PlanCOS Vision Map" attachment), the project site is identified as a Changing Neighborhood.
- Annexation: The subject property was annexed into the City on September 1, 1872, under the Town of Colorado Springs.
- Master Plan/Designated Master Plan Land Use: The project site is part of the Shooks Run Redevelopment Plan Master Plan (Publicly Initiated).
- Subdivision: The property is currently unplatted as Lots 5, 6 and West 30.0 feet of Lot 7 adjacent on North Block 9 Hillside Addition Colorado Springs.
- Zoning Enforcement Action: None
- Physical Characteristics: The 0.6-acre property is located west of South El Paso Street and north of East Moreno Avenue. The surrounding neighborhood consists of a mix of industrial, commercial, a public park and residential uses.

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 132 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. No public comments regarding the proposal were received by Planning staff.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater, City Parks and Recreation, Engineering, City Traffic, City Fire, and Police. This application is not within the two-mile buffer for military notification. All comments received from the review agencies are addressed as well as the technical modification noted on the development plan per City Landscape Architect comment below. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic – The City's Traffic Engineering Division stated they have no comments on the use variance development plan application.
- City Landscape Architect – The use variance development plan will require review and approval of a landscape and irrigation plan per City Code Section 7.4.305.2. As the Applicant was not able to provide landscape or irrigation plans for review, the City's Landscape Architect has accepted a technical modification which will add a plan note. More information regarding the technical modification is provide later in this staff report.
- City Fire – The City's Fire Department (CSFD) stated they did not have any exceptions with the use variance development plan as submitted.

- SWENT – Stormwater Enterprise (SWENT) had no review comments for this project. SWENT confirmed that the proposed change of use did not require a Drainage letter.

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

1. Review Criteria / Design & Development Issues:

a. Background information

The 0.6-acre site is property is located west of South El Paso Street and north of East Moreno Avenue. The original approval of the previous commercial daycare center under The Urban League Day Care Center use was established under C03596 on July 9, 1993. The center operated until 2011 when the building was repurposed for other office and commercial uses. The applicant is currently working with the State of Colorado's Division of Early Learning and Licensing and Administration in re-establishing a childcare license for the new facility (SL #1769419). The applicant has signed a lease agreement for this new location and is prepared to open by the end of the year. Per City Code Section 7.3.103 a commercial daycare center is not a permitted use within the R-4 (Multi-Family Residential) zone district. Based on the previous operation of a commercial daycare center on the site, the fact that the building is well suited for the daycare use as opposed to a residential use, and no record of neighborhood concerns, City staff is recommending a use variance development plan application subject to review and approval by the City Planning Commission.

b. Use Variance Development Plan

The applicant's proposal is for a commercial daycare center for a maximum of 37 children, ages 2 years old to 12 years old. The site configuration for The Lighthouse Early Care and Education project consists of an 26,136 square foot lot. The commercial daycare center will operate Monday through Friday from 6:30 a.m. to 5:30 p.m. The drop-off and pick-up method will be handled on the private U-shaped driveway accessed from E. Moreno Ave. Use of an online app will allow parents to remain in their vehicle while their child is escorted into or out of the building by a staff member. Staff finds that the new drop-off and pick-up design is beneficial for this project because it is safe for the kids and parents pulling over for drop off.

As proposed, and in accordance with City Code Section 7.3.105(B)(3), the applicant has provided 5,393 square feet of indoor space (145 square feet per child) and 7,000 square feet of outdoor play area (189 square feet per child). City planning staff finds these conditions adhere with the State of Colorado requirements for a commercial daycare center.

There is adequate space within and outside of the building 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 1,295 square feet inside of the residence to stay in compliance with the State, and there is over 5,393 square feet within the residence. The outdoor play area would require 2,775 square feet to remain in compliance, and there is well over 7,000 square feet of outdoor play area. The outdoor area is fully fenced with a 4-foot-high chain link fence and the west and north fence line will be replaced with a 6-foot-high wood fence to meet landscape screening requirements. This outdoor area is designated for the children's playground area with a variety of playtime activities to include a playhouse, climbing pyramid, scooters, and bicycles all under adult supervision.

The applicant fully expects to operate a quiet commercial daycare center that respects the nature of the neighborhood and is harmonious and compatible with the adjacent land uses.

The existing commercial building includes a meeting room and a commercial kitchen anticipated to be used by other tenants when the commercial daycare center is not in

operation. An existing barbecue smoker is located outside in the rear of the building within an enclosed fence. A separate tenant is the only one to have access to the locked gate.

The project site presently has a landscaping regime that consists of some shrubs along the eastside of the property and existing trees along the north and west frontage. Although there is existing site landscaping, the use variance development plan application requires landscaping to meet current City code requirements. The Applicant has agreed to enhanced landscaping along the property northern and western boundary lines to properly screen the outdoor play areas. The applicant was unable to submit an updated landscape plan for City review. The Applicant and City's Landscape Architect have agreed to a technical modification to add a plan note stating:

Within sixty (60) days of City Planning Commission approval a final landscape plan and irrigation plan shall be submitted to City Planning for review and approval.

The site currently includes 13 parking spaces, which will be restriped to comply with current parking requirements, especially compliance with accessible parking space standards. Per City Code Section 7.4.203, a commercial daycare center requires one off-street parking space per 400 square feet of gross floor area. Access to the site is from south along East Moreno Avenue and consists of two drive access points leading to the building and site. All existing curb, gutter, ADA ramps, and driveway access points will remain as directed by City review agencies. The City's Traffic Engineers support the use and have no concerns with the volume or turning movements into or out of the parking lot.

In the review of the proposed project the site's existing location, building, future enhanced landscaping, parking, and handicap accessibility were all considered and each of these site features were determined to either meet or will be required to be improved to the intent of the zoning code. Together, the proposed use and how it integrates into the existing building and the design and layout of existing site improvements as outlined above and with the technical modification demonstrate and reinforce why this project is compatible with the surrounding neighborhood.

City Planning staff finds that the proposed plan is in conformance with the purpose for establishing a development plan as set forth in City Code Section 7.5.502(E) and a Use Variance as set forth in City Code Section 7.5.803(B).

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 Changing Neighborhood (**see "PlanCOS Vision Map" attachment**). This project is consistent with one of the core values of PlanCOS, which reinforces the importance of redevelopment in older neighborhoods.

One of the "Big Ideas" in the Vibrant Neighborhood Chapter 2 of PlanCOS is entitled "Reclaim Neighborhood Space", which has goal VN-3 that states: *"Through neighborhood plans, associations, and partnerships, empower neighborhoods to reinvest in order to create community, vibrancy, and to address their specific vision and needs."* A "Big Idea" from Chapter 4, entitled "Embrace Sustainability", has Goal TE-4 that states: *"Focus on productively developing and redeveloping areas already in, nearby, or surrounded by the city in order to preserve open spaces, maximize investments in existing infrastructure, limit future maintenance costs, and reduce the impacts of disinvestment in blighted areas."*

Adaptive and responsive land use change is one of the core values of PlanCOS. On balance with this perspective, City Planning staff has determined that the project's land use and location meet the overall intent of this idea. For the reasons provided in this overall staff report, City Planning

staff finds that this use variance proposal to be in substantial conformance with PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project site is located within the adopted Shooks Run Redevelopment Plan master plan area. The neighborhoods surrounding the project are developed with a mix of a public park, industrial, commercial and residential land uses (see "**Context Map**" attachment). The Applicant's commercial daycare center proposal is complimentary and supportive of the current land use patterns. Through staff's review of the 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 review criteria for granting a Use Variance as set forth in City Code Section 7.5.803(B) the overall area impacts of the project were analyzed.

STAFF RECOMMENDATION:

UVAR-22-0006 – USE VARIANCE DEVELOPMENT PLAN

Approve the use variance development plan for the Lighthouse Early Care and Education commercial daycare center project, based upon the findings that the request meets the review criteria for granting a Use Variance as set forth in City Code Section 7.5.803(B), and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E) with one (1) technical modification:

1. Within sixty (60) days of City Planning Commission approval a final landscape plan and irrigation plan shall be submitted to City Planning for review and approval.