

9 Upland Road CPC CU 17-00045

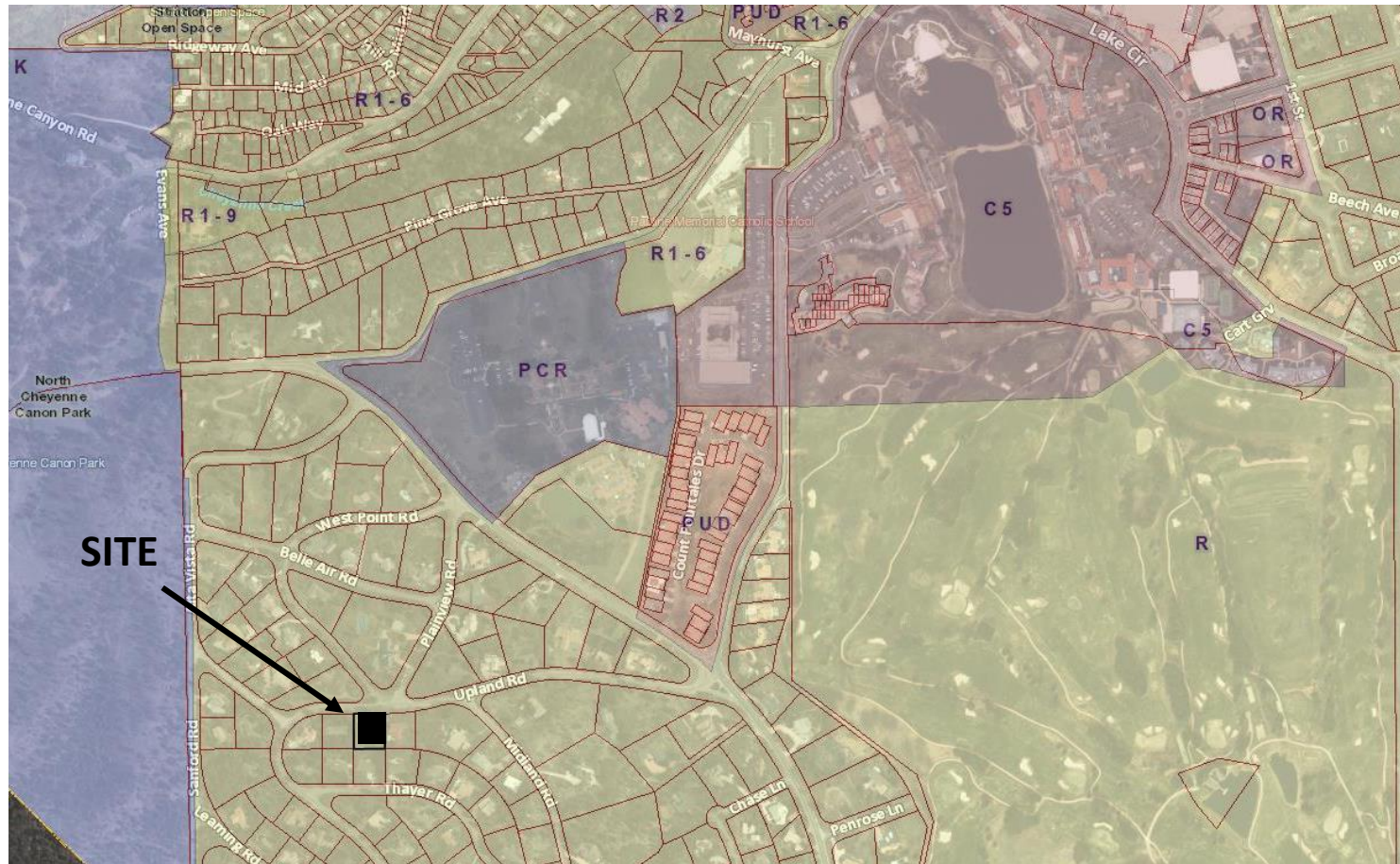
CITY PLANNING COMMISSION
SEPTEMBER 20, 2018
RACHEL TEIXEIRA



9 Upland Road



Vicinity Map

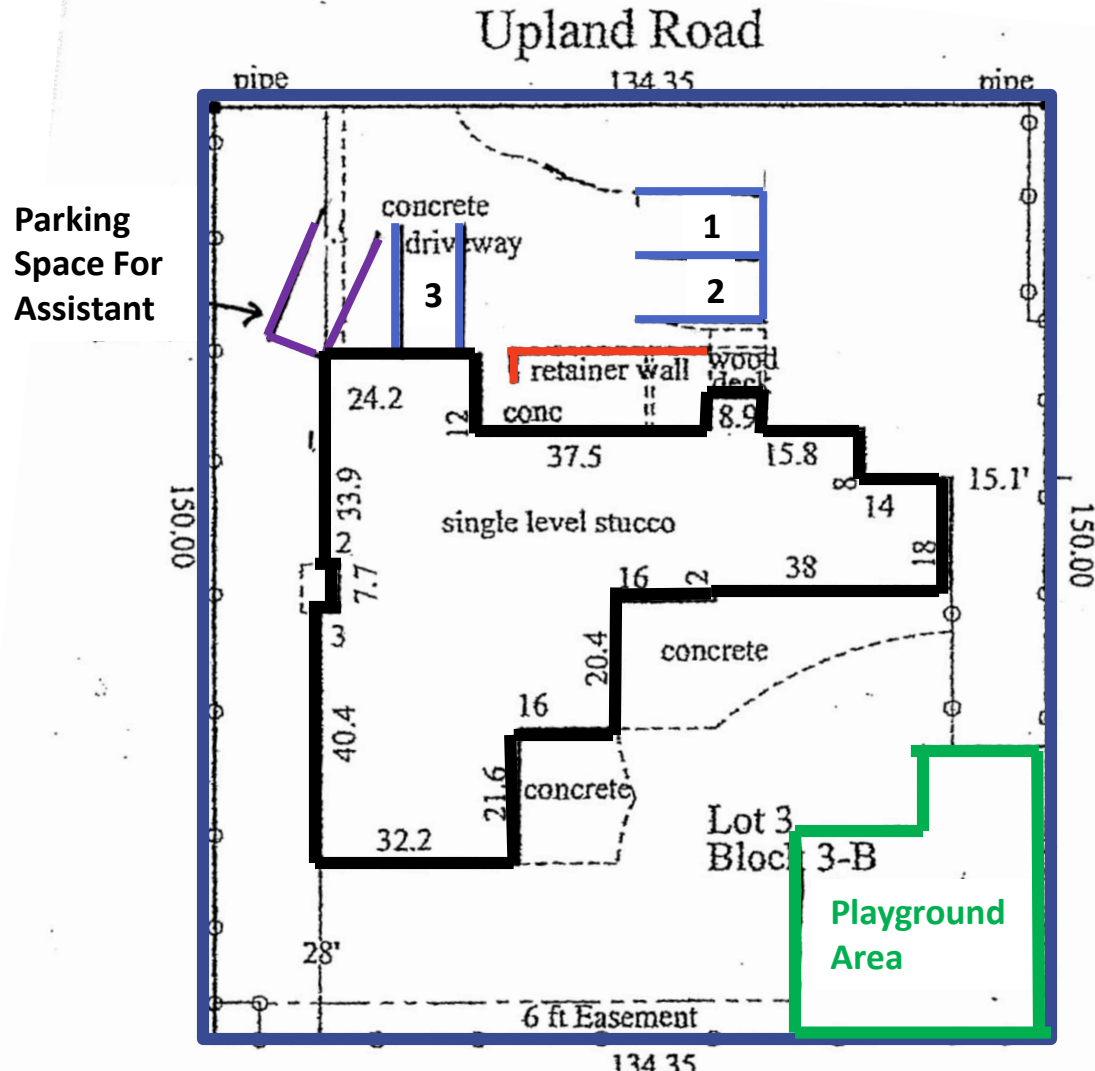


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Project: Conditional Use to allow a large daycare home. It will permit a maximum of twelve (12) children.

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Neighborhood Process and Involvement:

- Public Notification - Submittal:
 - 98 property owners - 1,000 foot distance
 - Eight e-mails in support
 - Nineteen e-mails in opposition
- Neighborhood Meeting – August 21, 2017:
 - Over forty owners and neighbors were in attendance.
- Areas of Concern:
 - Traffic/safety for children in neighborhood.
 - The wildlife potential could make this an unsafe environment for children.
 - Noise/disruption from children playing outdoors.
 - The daycare use is against the covenants.
 - 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 which could be considered a commercial business.
 - The desire to keep the neighborhood residential.

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Traffic

- The applicant has outlined the expectations for drop-off and pick-up for the parents, with staggered times between 8:45am and 9:00am in the morning, and 12:45pm and 1:00pm in the afternoon
 - to facilitate traffic flow,
 - to minimize traffic impact, and
 - to ensure safety for all.
- Copies of the sign-in and sign-out for preschool classroom and toddler room sheets between April to August 2018 have been submitted to illustrate the time of children being in and out of daycare program.
- Parents and/or guardians are required to pull all the way into the driveway, and vehicles may park directly behind another vehicle to prevent obstruction of traffic on Upland Road.
- Parents have been advised by the applicant to be cautious when backing out of the driveway due to the blind curve on Upland Road.
- Vehicles are prohibited to park on Upland Road.

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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.

Outdoor noise

- Recess typically between 11:45am and 12:45pm in designated area, an existing, 1,400 sq. ft., fenced, outdoor play area, located in the southeast corner of the property.
- This playground has an 8 ft. 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 civil matter between the HOA and the property owner of 9 Upland Road.
- The City of Colorado Springs does not enforce covenants.
- The applicant is aware that if the covenants are valid and enforceable then she may have to cease and desist the large daycare home at 9 Upland Road.

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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.
- The proposed large daycare home use will not cause a reduction in property values and in the quality of life.

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.

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Residential Neighborhood

- The neighborhood had no idea that the property owner was 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, and no structural changes will be made to the residence.
- 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, the no school days are similar to Cheyenne Mountain School District 12, and summer hours are limited to four days a week with no class on Fridays.
- Thus, the applicant has the same desire as the rest of the property owners to keep this area as a residential neighborhood.

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

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Planning Staff recommends approval for 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.

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Questions

