

January 5, 2022

Public Notice Portion of Project CUPD-22-0015

Response to Public Comment Regarding: Conditional Use Permit for Large Family Child Care Home at 50 Mikado Drive East, Colorado Springs, CO 80919, Stacie Warren

In response to the public comments and concerns raised by my neighbors and the HOA, I would like to assure they have been heard and understood. I have lived in neighborhoods where dogs barked incessantly and people parked in my driveway without consideration, so I completely understand everyone's desire to maintain a peaceful, enjoyable neighborhood. My family loves living in this area and seeks to preserve the same home experience as do others living here.

I would like to expound upon my previous letter of intent to help my neighbors better understand who I am as a member of our Raven Hills community as well as an individual, to hopefully help assuage mentioned concerns. As a mother of three daughters, I fully know the impact family and community have on rearing healthy, happy, successful children. My oldest daughter is a non-profit contract specialist, my middle daughter is a labor and delivery RN, and my youngest is still in high school and has a passion for volunteering at a local animal rescue center.

I became an educator many years ago after becoming a mother because of my passion for supporting growth and development in young children. At that time, we lived in a neighborhood much like this one where we walked our children to school and enjoyed the dedication our community had in providing a healthy network of neighbors in which to grow families.

As our children become adults and move on in the world, it can be easy to forget how incredibly important it is to continue supporting young families who are in desperate need of healthy, safe, enriching spaces for their children to grow while parents are working hard to support their families and communities. Our community is currently experiencing a childcare crisis and live in an area that is considered a "childcare desert." As a community, we hold responsibility to support one another in being able to care for our most vulnerable population, just as we needed when we were young parents or as we need in our older age.

Now I would like to address my neighbor's specific concerns:

1. No covenants have been broken, nor can an in-home childcare create a precedence of commercial business in our HOA:

In 2020, Governor Polis signed Senate Bill 10-126 of the Colorado Common Interest Ownership Act (CCIOA) that implements legal protections for in-home childcare entities, declaring them an important part of HOA communities. The CCIOA determines the legal parameters of all Colorado HOAs.

I am unsure where the breakdown in communication of this changed law occurred within our own community, but Raven Hills HOA has not yet incorporated this law into their covenants; therefore, the members of the HOA were not informed about how this law impacts them as a community. With this amendment, no HOA can prohibit in-home state licensed childcare programs within their community, notwithstanding their

declarations regarding home businesses. Nor can they prohibit increased traffic due to the childcare facility, nor can they refuse reasonable fences that are required per state regulations. Our HOA has not properly informed our community to these legal changes. <https://dre.colorado.gov/blog-post/new-bill-allows-home-child-care-homeowners-association-communities>

Because this is a protected service, the covenants should have reflected it as such as soon as it became law. In-home childcare is not considered a commercial business per city and state descriptions, but rather an ancillary extension of a residence that provides necessary support to the community. Therefore, no precedent can be set for allowing commercial business within our HOA: This protection only applies to in-home childcare.

I would never purposely set out to break our HOA covenants or my neighbors' trust. I have followed the guidelines set by the Colorado Office of Early Childhood and by the requirements set forth by city planning, step by step. In fact, I contacted the Community Manager at Diversified Properties March 17th, 2022, when I first moved in, describing my program and intended expansion, giving them proof of additional liability insurance that extends protections for the HOA. At that time, I thought I had contacted the proper person of our Homeowners Association based on the contact list in my HOA welcome packet. The board did not receive that communication, which explains their message that they had only been recently notified.

I apologize for that misunderstanding and miscommunication. There was no intent whatsoever to move forward without the board's awareness. I naively assumed they chose not to respond because in-home childcare is a protected service, so I was equally surprised as everyone else when the email blast came out asking HOA members to write their opposition of my request for rezoning to city planning.

2. Licensing and Zoning:

To address licensing questions raised by public comments, Colorado Office of Early Childhood is the licensing entity for all preschool and childcare facilities (school districts, Head Start, private preschool establishments), and small or large childcare programs, residential or non-residential. As a private child-care provider, I can teach a curriculum of my choosing, which is Waldorf pedagogy. So, whether I refer to my program as a childcare or a preschool, the licensing is the same within a residential space. Once I move to a non-residential space, I will pursue a specific preschool license which requires explicit educational qualifications.

My current qualifications include an active Colorado State Teachers License, master's level education and experience in Early Childhood Special Education, a master's degree in Professional Writing (I write educational, parenting, and childhood development articles), and I am currently enrolled in a Doctoral program for Developmental Psychology. I am also a certified Early Childhood Waldorf Teacher and a certified Simplicity Parenting educator.

I say these things to express my personal and professional experience and capacity to easily manage the allowable number of children in a manner that is respectful and considerate of every person impacted by our in-home childcare service. In the past I have taught teachers how to manage their classrooms and positively respond to

behavior so that chaos doesn't ensue, and children can be actively engaged in learning. It would be wonderful if every one of my concerned neighbors could see how beautiful and purposeful our program is before assuming it is a detriment to our community, but I also understand that members of the HOA were responding to only a partially explained situation.

As soon as the zoning process is completed, and if it is approved, I will send all pertinent licensing and zoning information to the board. At that time, all licensing and zoning information becomes public records, searchable on relative databases.

- 3. Increased Noise and Traffic:** We have procedures in place to prevent further congestion and potential noise. Our children are outside from 10:50am to 11:40am and sometimes in the afternoon between 3:00pm to 3:30pm. While a 5 feet buffer between play space and the fence does not eliminate noise, it does mitigate noise along the fence line. I do not allow my children to yell for the sake of yelling or to make incessant noise. That is overstimulating for most children and annoying to most people, including myself. We play constructively, learning to build, create, share, and participate in skills such as balance, climbing, jumping, hopscotch, etc.

Although work schedules largely vary for people and some are retired or work from home, my program is over well before a traditional workday ends. It is closed during holidays and typical school breaks, when more neighbors are likely to be home and enjoying time outside. These are breaks where I also enjoy working in the yard and being in our lovely neighborhood, so I chose to be closed during these times.

As far as traffic is concerned, currently, two families have multiple children enrolled, one family walks, and another two families carpool with each other, although I realize that can change year to year. In addition, I stagger drop off and pick up times to ensure there are rarely ever more than a couple families briefly in my driveway or in front of my home at one time. To further reduce traffic at pick up times, several children leave at half day each day after our daily skills class ends, which further staggers the pick-up time and decreases the number of children in attendance for the full day.

I am in close contact with my immediate next-door neighbors who say they have not been negatively impacted at all by the traffic or noise. Three of those neighbors wrote lovely letters of support, which demonstrates the lack of negative impact on the immediate surrounding area.

Causing distress among my neighbors is the farthest thing from my intention, in fact, that is the opposite of my hope in adding to a community that supports all ages of life. I appreciate the energy invested in protecting our neighborhood and promise to exert equally as much energy in doing the same.

Respectfully,

Stacie Warren

Lange, Peter C

From: Stacie Warren <stacie.ellen14@gmail.com>
Sent: Thursday, December 8, 2022 7:16 PM
To: customerservice@diversifiedprop.com; Robert W; Lange, Peter C
Subject: URGENT RESPONSE NEEDED - Day Care Proposal with the City - [#XN1384572]
Attachments: Certificate of Liability.PDF

CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!

Good evening Raven Hills Board Members,

My intent to apply for a large family home childcare was announced to you March 16th, 2022. I've attached the notification and ensuing communication written to Ms. Funk of Raven Hills Board at that time regarding our current status and our plan for expansion. In my message I offered to speak to the board and included my certificate of liability and educator's license. I did not hear any response or opposition, nor a request for additional information. I understand your job as our HOA board is to represent every homeowner in order to keep our community safe and welcoming, including representing my rights as well. I know that yours is a volunteer position and greatly appreciate your time and effort.

While working through the state licensing and planning processes I have operated a single-skill class of children since moving into our home nine months ago, without any opposition or complaints from neighbors or the board for these nine months. Here is a link to the Colorado Office of Early Childhood that describes what a single-skill exempted class entails: https://www.coloradoofficeofearlychildhood.com/OEC_Providers?p=Providers&s=Legal-Exemption-from-Child-Care-Licensing&lang=en. Once fully licensed and zoned, there should be little to no change in traffic and noise that has been occurring for the previous nine months because of my effective management practices.

As far as neighbors are concerned, my immediate neighbor to the west has their youngest daughter enrolled in my program and my immediate neighbor to the northeast is hoping to enroll her daughter when she turns three years old. To me, that demonstrates not only a community need for my services but also how welcoming our neighbors are to this type of program within our community.

With regards to parking, I stagger drop off and pick up times to ensure there are no more than 2-3 cars here at one time, with my driveway and curb space allowing for up to six cars directly in front of and beside my home. Again, there have been no complaints in regards to increased traffic or noise, so there seems to be no issue with these concerns. Having Rockrimmon Elementary two blocks down the street from us has a much greater significant impact on traffic flow in the neighborhood, but I was sure to schedule my drop off and pick up times before the school's high traffic times so as to not impact those families coming and going from school.

As far as safety is concerned, in addition to homeowner's insurance I have a small business liability policy through BiBerk Insurance Company and have attached my certificate of liability. The children stay on my property and we do not enter Raven Hills' common areas. I also am a very experienced early childhood educator who ensures the safety and wellbeing of each child as well as our environment. State licensing ensures our home and property are up to current codes, which is additional insurance to the HOA that our premises is well kept and safe for children and their families.

With that said, the argument that operating a state-licensed childcare is in violation of HOA covenants is a moot point. In 2020, Governor Polis signed Senate Bill 20-126 of the Colorado Common Interest Ownership Act that implements legal protections for in-home childcare entities, declaring them as an important and protected part of HOA communities. With this amendment, no HOA can prohibit an in-home state licensed childcare facility within their community,

notwithstanding their declarations regarding home businesses. Nor can they prohibit increased traffic due to the childcare facility, nor can they refuse reasonable fences that are required per state regulations.

You may read more about these statutes here: <https://dre.colorado.gov/blog-post/new-bill-allows-home-child-care-homeowners-association-communities>. I recommend the board review current CCIOA statutes and confer with your legal team on how to amend HOA covenants to reflect the updated laws regarding protection of in-home licensed childcare programs.

As a member of this community who loves her neighborhood and plans on living here for years to come, I will do everything within my power to ensure the quality of life of my neighbors is always maintained. If there ever is a complaint from a community member, please let me know and I will address it promptly until there is an equitable resolution. I am still happy to present additional information to the board and offer a tour of my childcare space and yard to further demonstrate my practices that intentionally mitigate noise, traffic, and safety concerns the board may still hold.

Warmest regards,
Stacie Warren
50 Mikado Dr, E

----- Forwarded message -----

From: **Stacie Warren** <stacie.ellen14@gmail.com>

Date: Wed, Mar 16, 2022 at 9:13 PM

Subject: New HOA Member

To: <amandaf@diversifiedprop.com>

Hello Ms. Funck,

My name is Stacie Warren, and my family just purchased 50 Mikado Dr E in Raven Hills. I wanted to let you know that I am a licensed Colorado educator who operates a small social skills early childhood class in our home. Currently, I am well-within the state requirements for a license-exempt, single-skill class. You may see here the types of child-related programs/activities that are exempt from licensing requirements:

https://www.coloradoofficeofearlychildhood.com/OEC_Providers?p=Providers&s=Legal-Exemption-from-Child-Care-Licensing&lang=en. It is very similar to teaching music lessons or hosting Girl Scouts at one's home.

However, I am pursuing state licensure to expand my in-home program. After reading the HOA bylaws and covenants and, as I understood them, did not see any obvious restrictions. I know under the Colorado Common Interest Ownership Act that in-home childcare programs are considered an important and protected part of HOA communities, but I also want to ensure I am complying with Raven Hill's requirements surrounding such programs. I have included a copy of my liability insurance and my educator license number. It can also be publically searched at this CDE link: <https://cool.randasolutions.com/Public/Search>

I have changed my address with my insurance company and am awaiting an updated certification that shows the Mikado address. As soon as I get that and as soon as I receive my childcare license from the state, I will forget both to you. Meanwhile, if there is any further information or requirements needed from me, please let me know and I will respond right away.

Warmest regards,
Stacie Warren