

Little Monkey's Treehouse Childcare Appeal

CPC CU 21-00196

City Council

May 24, 2022

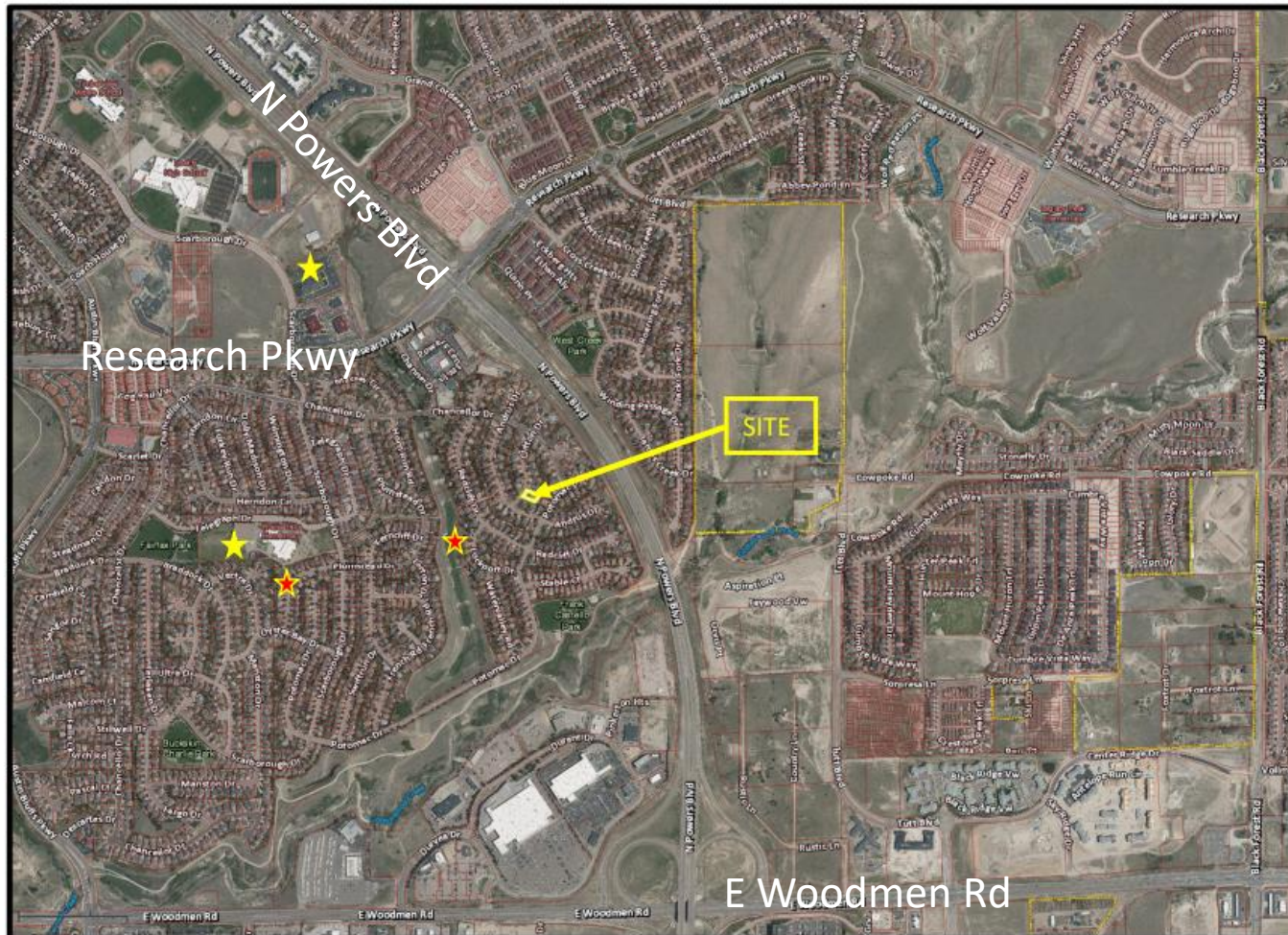
Tamara Baxter, Senior Planner



Context Map



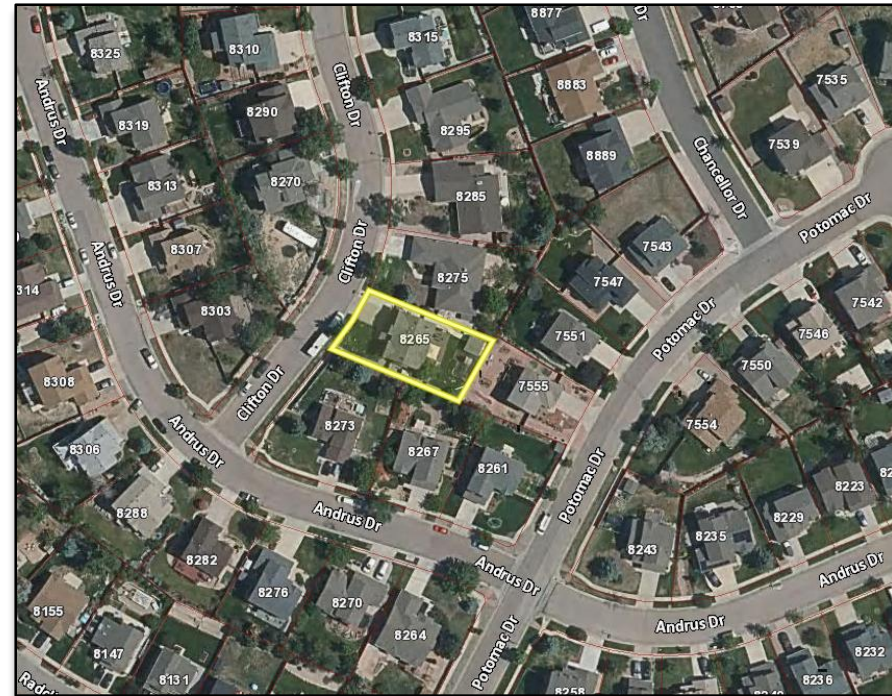
- ★ Daycare Homes: no more than six (6) children fulltime plus two (2) part-time
- ★ Daycare associated with school: Prairie Hills Elementary, Goddard School



Background



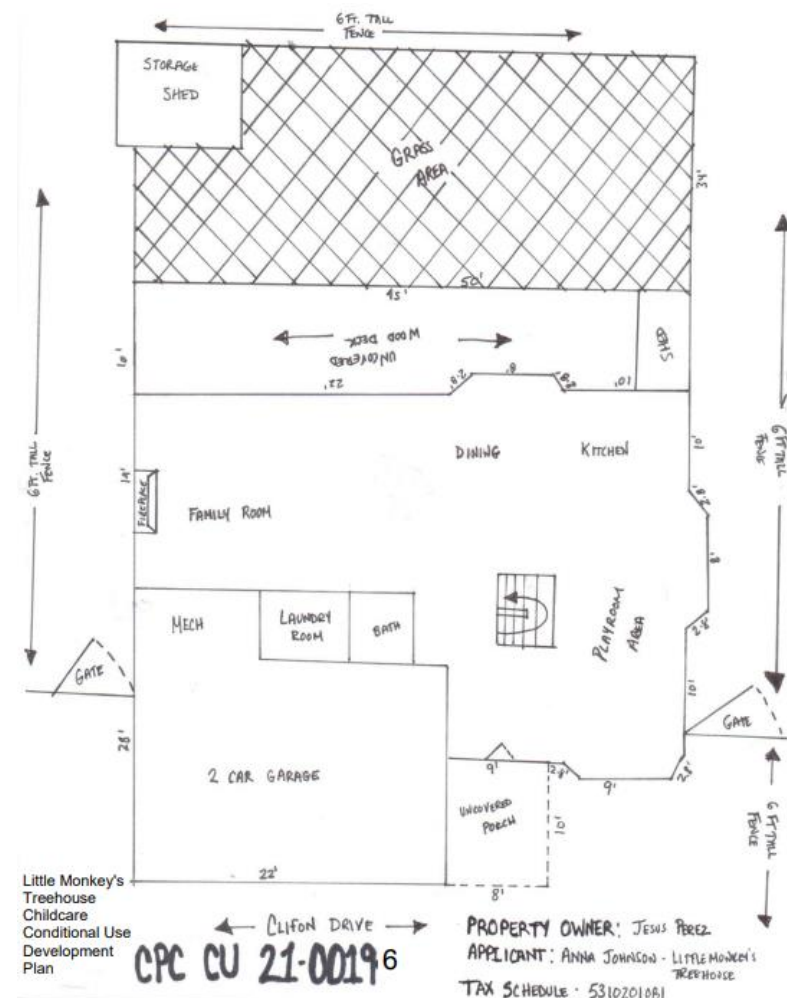
- Property location at 8265 Clifton Drive
 - Lot 45, Fairfax Ridge Filing No. 3
- Zoned R1-6/AO (Single-Family with Airport Overlay)
- A Home Day Care Permit was issued by the City in 2006 (DCP-17539)
 - No more than six (6) children full time plus two (2) children part time,
 - Daycare did not operate between 2006 to 2013.
- Applicant has been licensed by the State of Colorado Child Care since 2013 (#1634384) - no violations



Project Description



- Request to increase the maximum number of children to twelve (12) – Large Home Daycare
 - Interest of existing clients that have siblings
 - Community need for childcare services
- Meets State of Colorado Child Care requirements for outdoor and indoor space per child.
 - Indoor space/child – 35 square feet per child (420 square feet minimum for 12 children)
 - Provided – 1,900 square feet
 - Outdoor space/child – 75 square feet per child (900 square feet minimum for 12 children)
 - Provided – 1,485 square feet (completely fenced)



Business Operation



- Monday thru Friday; 7:15 am – 4:00 pm; No weekends
- Follow Academy School District 20 calendar for closed days (summer, breaks, snow days)
- Drop-off and pick-up – staggered times
- On-site parking within driveway
- Mother-in-law will assist with daycare



Little Monkey Treehouse Childcare - Parking Plan for dropoff and pickup



Application



- Staff reviewed the application in accordance with City Code
 - Section 7.5.704 (Conditional Use)
 - Section 7.5.502 (Development Plan)
 - Section 7.3.105.B.1-5 (Large Daycare Home)
- Staff found the request to be consistent with the standards and criteria of these City Code Sections.
- Staff recommended approval the Planning Commission

Planning Commission Action



- Planning Commission hearing on April 21, 2022
- Presentation was made by City Staff, applicant's husband and appellant
- Two additional call-in public comment (1 in favor, 1 opposed)
- Commission approved the request by a vote of 6-2-1 (In Favor, Against, Absented)

Stakeholder Notice/Comment



Public Notification and Involvement:

- Public notice was mailed to 269 property owners (1000' buffer):
 - Internal review
 - prior to Planning Commission hearing; and
 - prior to today's Council hearing.
 - The appellant was notified by postcard each time

- The site was also posted on the three occasions

- During internal review and prior to Planning Commission hearing, seven written correspondence received in opposition

Appeal of PC Approval



- Appeal of Commission decision was submitted by Ms. Sandra Foss, an adjacent neighbor

- **Private or Civil Matters**
 - Neighbor conflicts
 - Destruction of private property
 - Devaluing of property
 - Day Care not allowed per covenants
 - Property lies within the Northeast Colorado Springs Neighborhood Association.
 - Attempts to reach out this Association have been made
 - Not clear if Association is active and if covenants have lapsed
 - Per City Code Section 7.2.103, covenants are civil not enforced by the City of Colorado Springs



Appellants Statement



➤ Concerns related to City Code

➤ **Inconsistent with local zoning and violation of zoning regulations**

- Daycare homes are permitted residential zone districts
- Large daycare homes through conditional use approval are permitted as long as meet the applicable development standards
 - Additional standards in City Code for large daycare home ensure the intent and purpose of City Code to promote public health, safety and general welfare.
- The Applicant has been operating a small daycare home at this location since 2013 with required City permit and State license

Appellants Statement



➤ City Code related items

➤ **Increased Noise**

- Children noise is common in residential neighborhoods
- Applicant has her own children that have friends over in evenings and on weekends
- Noise is regulated by City Code and thresholds are established

➤ **Increased Traffic**

- Traffic Engineering reviewed the request and had no comment with respect to traffic for this project.
- Some families have multiple children therefore not a substantial increase in vehicles

Appellants Statement



➤ City Code related items

➤ **Lack of Notification**

- 269 property owners within 1000' feet were notified.
- Property was posted on three occasions

➤ **Commission meeting unfairly and improperly conducted**

- Public hearing held on April 21, 2022
- Meeting protocol was followed
- City staff, applicant's husband, and appellant presented
 - Two call-in public comments were taken
 - All written (email or mail) received were provided to Planning Commission members

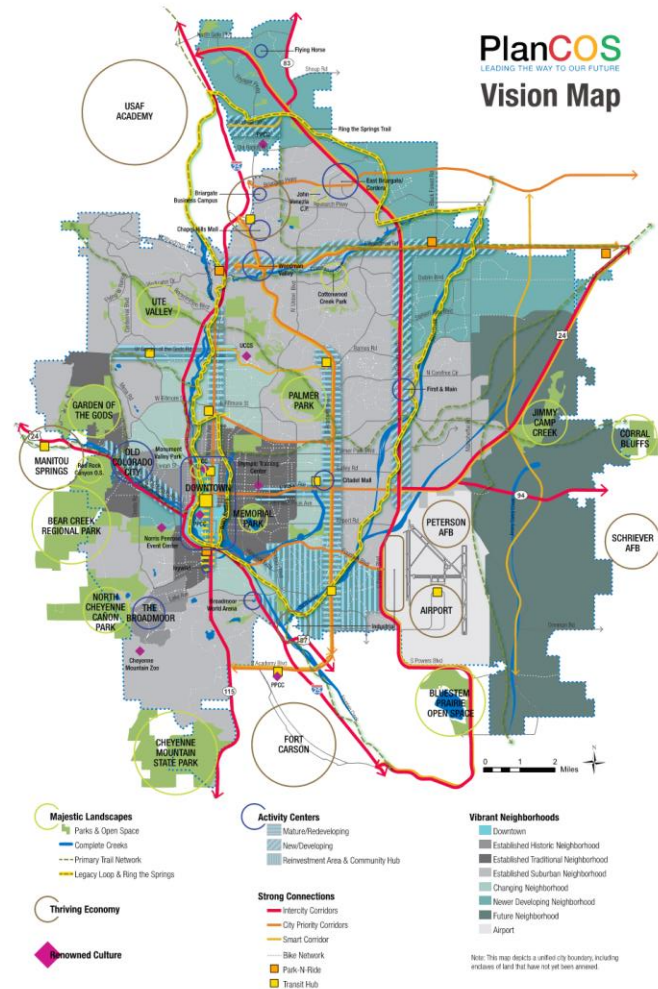
PlanCOS Conformance



Ch. 2 – Vibrant Neighborhood

➤ Strategy VN-3.C-03:

- Provide ongoing small business assistance with navigating the City's land entitlement and other permitting processes.
- Daycare services are in demand throughout the City of Colorado Springs.



Recommendation



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Deny appeal, upholding Planning Commission's action of the Little Monkey's Treehouse Childcare Large Home Daycare Conditional Use Development Plan, based on the findings that the applicant complies with the review criteria set forth in City Code Sections 7.5.704 (Conditional Use) and 7.5.502.E (Development Plan), and that the appeal criteria found in City Code Section 7.5.906.B are not met.