

CITY PLANNING COMMISSION AGENDA
June 16, 2022

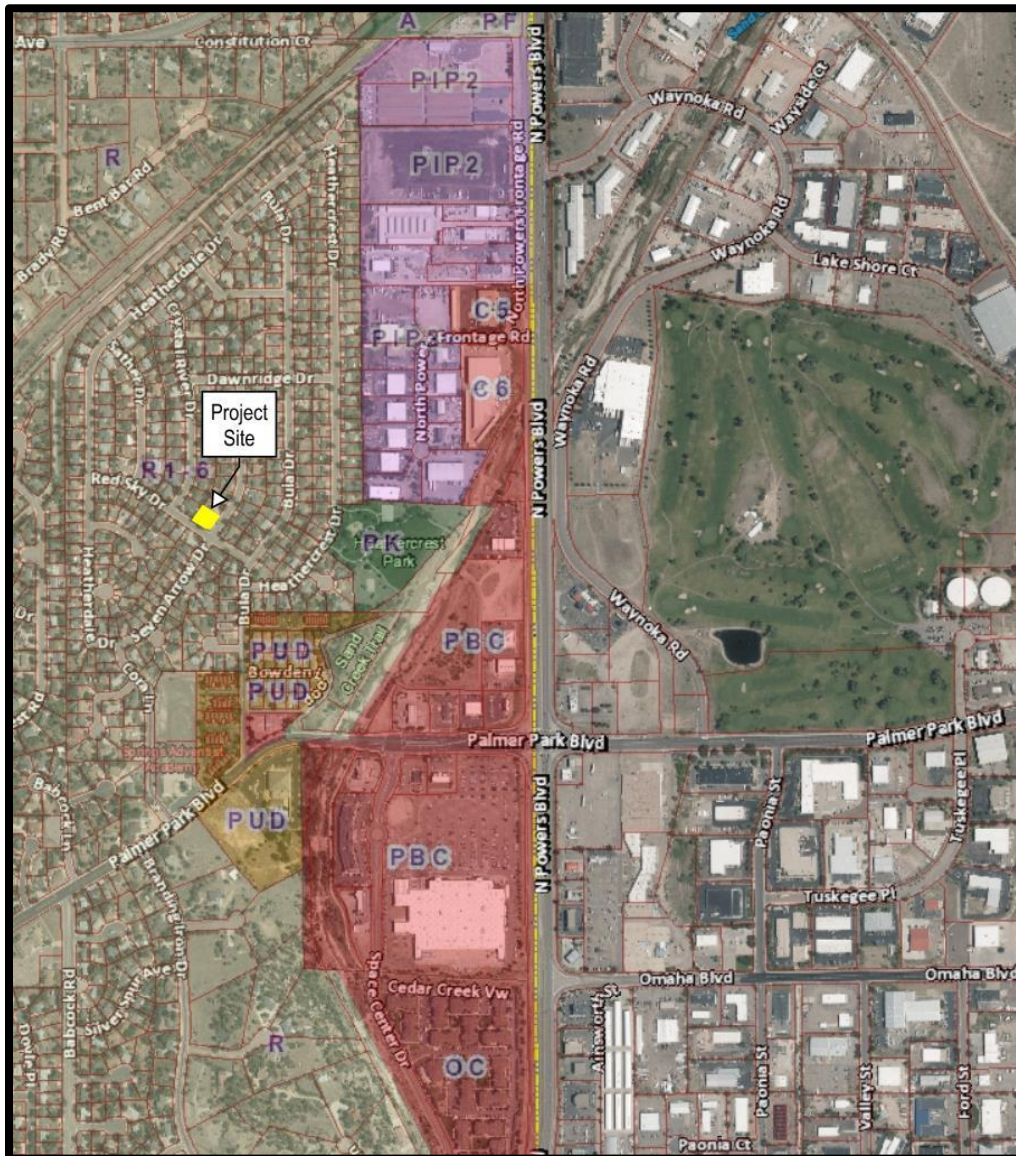
STAFF: WILLIAM GRAY

FILE NO:
CPC CU 22-00072 – QUASI-JUDICIAL

PROJECT: SEVEN ARROW LARGE IN-HOME DAYCARE

OWNER: DAVID AND JESSICA POUNDS

APPLICANT: JESSICA POUNDS



PROJECT SUMMARY:

1. Project Description: This project application is for approval of a conditional use development plan for Seven Arrow In-home Large Daycare located at 1970 Seven Arrow Drive. The plan will allow the establishment of a large daycare home with attendance of seven (7) to twelve (12) children in a R-1 6000/AO (Single-family residential with Airport Overlay) zone district (**see “Conditional Use Development Plan” attachment**).
2. Applicant’s Project Statement: (**see “Project Statement” and “Project Statement Supplemental” attachments**)
3. Planning and Development Team’s Recommendation: City Planning staff recommends approval of the application.

BACKGROUND:

1. Site Address: The project site is addressed at 1970 Seven Arrow Drive.
2. Existing Zoning/Land Use: The subject property is zone R-1 6000/AO (Single-family residential with Airport Overlay) and is residentially developed.
3. Surrounding Zoning/Land Use:
North: R-1 6000/AO (Single-family residential with Airport Overlay) and is residentially developed.
South: R-1 6000/AO (Single-family residential with Airport Overlay) and is residentially developed.
East: R-1 6000/AO (Single-family residential with Airport Overlay) and is residentially developed.
West: R-1 6000/AO (Single-family residential with Airport Overlay) and is residentially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as an Established Suburban Neighborhood.
5. Annexation: The subject property was annexed into the City under the Smartt’s Addition #9 Annexation Plat (December 1, 1963).
6. Master Plan/Designated Master Plan Land Use: The project site is not part of a master planned area.
7. Subdivision: The property is platted as Lot 29, Villa Loma Filing No. 8.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is residentially developed and is in an established single-family residential neighborhood.

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 342 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. City Planning staff received three written comments for the project. One comment letter supported the proposed application and cited no concern with traffic, drop-off/pick-up, or noise. The other letters, a total of two, opposed the application and focused on traffic concerns, increased noise of children, property maintenance, and loss of neighborhood character (**see “Public Comment” attachment**). The Applicant provided a response letter to address the public comment (**see “Public Comment Response”**).

Staff input is outlined in the following sections of this report. Staff sent the conditional use development application plan to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, and City

Traffic Engineering. City Planning staff notes that the following review agencies provided project specific comments:

- City Traffic - The City's Traffic Engineering Division stated that there are no traffic issues with the large daycare home project.
- City Fire – The City's Fire Department (CSFD) did not have any comments or exceptions with the development plan as submitted.
- City Engineering – The City Engineering Development Review (EDR) had no comments with the project.
- SWENT -Stormwater Enterprise (SWENT) had no comments for this project.

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

1. Review Criteria / Design & Development Issues:

a. Conditional Use Development Plan Proposal

The Applicant's proposal is for a Conditional Use Development Plan to establish a large daycare home for a maximum of 12 children in accordance with City Code Section 7.3.105(B)(2) which requires a conditional use in most residential zone districts. (**see "Conditional Use Development Plan" attachment**). A Home Day Care Permit was issued by the City of Colorado Springs on April 20, 2018 (Permit Number DCP-95368). A State of Colorado Child Care license was issued on August 16, 2010, for a home daycare (#1596282).

The site configuration for Seven Arrow Large In-home Daycare consists of a 9,244 square foot lot, with pedestrian and vehicle access from Seven Arrow Drive. The daycare will operate Monday through Friday from 6:00 am to 6:00 pm, closed on weekends. Drop-off and pick-up will be staggered times. Parents arriving and departing with their children will do so within the two-car driveway and, if necessary, via on-street public parking directly in front of the residence (**see "Conditional Use Development Plan"**). The parking will not interfere with the neighborhood. Some families have more than one child in the daycare, thus keeping traffic at any given time to a minimum along Seven Arrow Drive. Staff finds that the proposed drop-off and pick-up design is safe for kids and parents. The Applicant noted that there will be one employee. Typically, no outside employees are allowed as part of a home occupation, but in accordance with City Code Section 7.3.105 (B)(1), one part-time teaching assistant that does not reside in the home may work at the daycare.

According to the State of Colorado, the indoor floor space per child must be 35 square feet per child and the outdoor play area per child is at least 75 square feet per child. In accordance with State of Colorado standards for a maximum of 12 children, 420 square feet is the minimum indoor floor space necessary and 900 square feet is the minimum for outdoor play area. The Applicant has provided 1,131 square feet of indoor and 1,890 square feet of outdoor play area, which exceeds the State's minimum requirement noted above. The outdoor area is fully fenced with a wood fence and a gate on both the west and east side of the residence. This outdoor area is designated for the children's playground area with a variety of playtime activities with adult supervision. Children are not permitted to be in the front yard of the property. City Planning staff finds these conditions to adhere with the State of Colorado requirements for a large daycare home, as well as City Code Section 7.3.105(B)(1-5), as stated below:

1. No more than one part time employee who does not reside in the home may work at the home.
2. Substitute providers are allowed when the normal provider cannot be present.

3. One wall sign not more than two (2) square feet is allowed.
4. No part of the required outdoor space shall be situated within any front building setback. The required outdoor space shall be screened from adjacent residential properties when necessary and appropriate to reduce play area sounds; and,
5. Subject to the approval of a daycare permit from the Community Development Department.

b. Findings for Granting a Conditional Use Development Plan

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

City Planning Staff finds that the request will not injure the value and quality of the surrounding neighborhood, as the immediate area is currently developed with similar single-family residential uses. There are other childcare operations in the immediate area. Based on the State of Colorado Office of Early Childhood website, there are three (3) licensed daycare homes (with attendance of no more than six (6) children full time plus two (2) children part time), one (1) daycare center, and two (pre-schools) within a mile of the residence. The proposed daycare has been operating at this location since 2018 as a licensed daycare. The value and quality of the surrounding neighborhood will not be injured by the proposed request for a large daycare home request.

- ii. *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.*

Based on City Code Section 7.3.101, residential zone districts are intended to provide for "...residential living with a broad range of dwelling unit densities and development types..". Residential zone districts are also envisioned to allow for and/or accommodate other land uses should certain standards be met and approvals be granted. The applicant's request to develop a large daycare home use is consistent with the additional standards set forth in City Code Section 7.3.105(B)(2) for a large daycare homes, which are structured to mitigate potential impacts that apply to certain uses conditionally permitted in residential zone districts; thus, ensuring the intent and purpose of City Code to promote public health, safety and general welfare is adhered with.

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

The proposed large daycare home and conditional use site plan conforms to the goals and policies of the City Comprehensive Plan (herein referred to as "PlanCOS"). This project provides a service for the greater vicinity as there is a need for childcare in Colorado Springs and is a compatible use with the residential neighborhood. Refer to Section 3 below for additional details.

2. Public Comment

Staff received several comments during the initial review of this project, which included increased traffic, parking, and increased noise from children. A letter of support was also received from the neighbor adjacent and north of the proposed daycare that supported the proposed use and indicated that there have been no issues with traffic, parking, and noise. The Applicant adequately addressed the concerns raised by the public (**see "Public Comment Response"**). City planning provides the following responses to the above referenced comments:

- Traffic: As stated above in the Conditional Use Development Plan proposal section of this report, the children will not be dropped off and picked-up at the same time, the drop-off and pick-up times vary, and those times are staggered per child/family. This approach will keep

traffic impacts to a minimum. It is a similar varied or staggered traffic pattern that is not unordinary in a residential neighborhood where daily you have residents people leaving and arriving from work, receiving package deliveries, transporting kids to and from school or having contractors arrive and leave to service their furnace or A/C. In addition, the residential streets of this neighborhood are designed in their width, number of lanes and speed limit for the volume of traffic necessary to meet and accommodate the local needs of the neighborhood. This includes safe vehicle, bike and pedestrian travel and on-street parking.

- **Parking:** As stated above in the Conditional Use Development Plan proposal section of this report, the parking requirement complies with City Code Section 7.4.203: Parking Space Requirements by Use. The parking for the large daycare home will not interfere with the neighborhood.
- **Noise and Business Operation:** Sound from children is common in a single-family residential neighborhood. The daycare hours of operation will be 6:00 am to 6:00 pm, Monday through Fridays. The noise from the daycare large home project will not exceed the permissible noise levels outlined in City Code Section 9.8.104.

Staff finds the proposed use to be consistent with the purpose for uses in residential zone districts, as set forth in City Code Section 7.3.101, the findings for granting conditional use development plan, as set forth in City Code Section 7.5.704, the criteria for a large daycare home, as set forth in City Code Section 7.3.105(B)(2), and a development plan, as set forth in City Code Section 7.5.502(E).

3. Conformance with the City Comprehensive Plan:

City Planning staff has evaluated the proposed application for conformance with the City's current comprehensive plan ("PlanCOS"), adopted in January 2019. According to PlanCOS Vision Map (**see "PlanCOS Vision Map" attachment**) and Vibrant Neighborhood Framework Map, the project site is identified as an 'Established Suburban Neighborhood'. The Thriving Economy Framework map does not have a designation called out, however allowing the use of a large home daycare at this location further Typology 6: Critical support recommendation to provide fundamental services and activities. The intent of the plan is to preserve and enhance existing and established neighborhoods and to evaluate land use proposals in existing stable neighborhoods. Daycare services are in demand throughout the City of Colorado Springs and the large home daycare will continue to provide a service to the residents within this developed portion of the City of Colorado Springs.

- *Strategy VN-3.C-3: Provide ongoing small business assistance with navigating the City's land entitlement and other permitting processes.*

City planning staff finds the project in question and its associated application to be in substantially conformance with PlanCOS and its guidance.

4. Conformance with the Area's Master Plan:

The Seven Arrow Drive In-home Daycare is not part of a master planned area. The Applicant's request for a large daycare home complements and supports the needs of the surrounding neighborhood where it is being proposed. In addition, it fits with the current land use patterns and uses of the area (see "**Context Map**" attachment). Through the review of the conditional use 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 findings for authorizing a conditional use, as set forth in City Code Section 7.5.704, the overall area impacts of the project were analyzed, and staff finds the Seven Arrow Drive In-home Daycare project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 22-00072 – CONDITIONAL USE DEVELOPMENT PLAN0

Approve the Conditional Use Development Plan for the Seven Arrow Drive In-home Daycare project in the R-1 6000/AO (Single-family residential with Airport Overlay), based upon the finding that the request meets the findings for granting a Conditional Use as set forth in City Code Section 7.5.704 and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).