

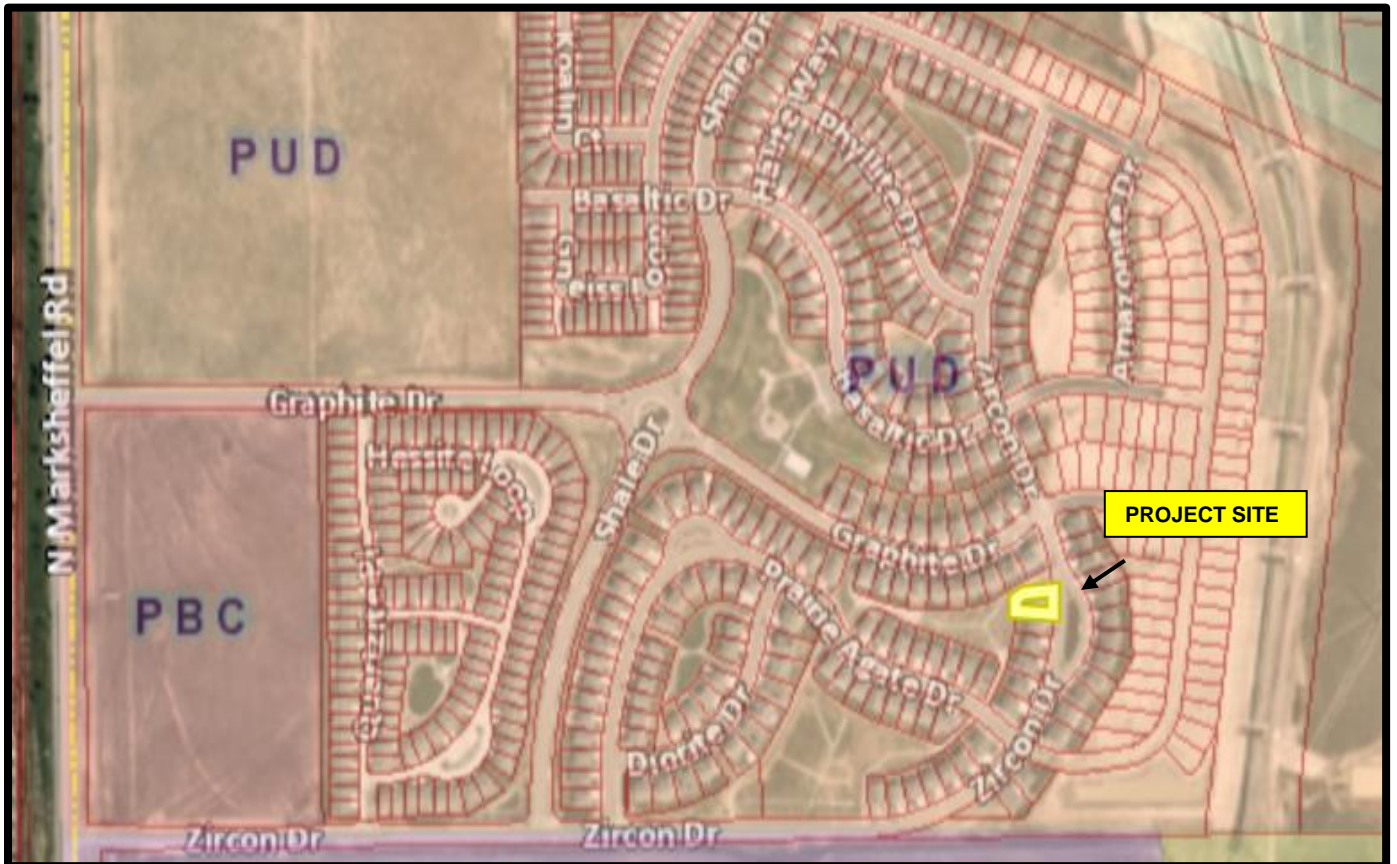
CITY PLANNING COMMISSION AGENDA  
February 8, 2023

STAFF: DREW FOXX

FILE NO:  
CUDP-22-0016 – QUASI-JUDICIAL

PROJECT: 4444 ZIRCON DRIVE – LARGE HOME DAYCARE

OWNERS/APPLICANTS: ALEX M. LEWIS & SARITA LEWIS



### **PROJECT SUMMARY:**

- Project Description: This project is a request for a conditional-use development plan to allow a large daycare home at 4444 Zircon Drive. The proposed project consists of the establishment of a large home daycare for a maximum number of twelve (12) children and infants, in an established residential neighborhood (**see “Site Plan” attachment**).
- Applicant’s Project Statement: (**see “Project Statement” attachment**).
- Planning and Development Department Recommendation: City Planning staff recommends approval of the application on the consent of the City Planning Commission.

### **BACKGROUND:**

- Site Address: The property address is 4444 Zircon Drive.
- Existing Zoning/Land Use: The subject property is currently zoned PUD/AO (Planned Unit Development/Airport Overlay) and includes a single-family dwelling unit.
- Surrounding Zoning/Land Use:
  - North: The subject lot is surrounded by PUD (Planned Unit Development) and is residentially developed. A community trail exists directly to the north.
  - South: The subject lot is surrounded by PUD (Planned Unit Development) and is residentially developed.
  - East: The subject lot is surrounded by PUD (Planned Unit Development) and is residentially developed.
  - West: The subject lot is surrounded by PUD (Planned Unit Development) and is residentially developed.
- PlanCOS Vision: According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as a Future Neighborhood.
- Annexation: The subject property was annexed into the City on September 1, 1988, under the Banning Lewis Ranch #4 annexation plat (Ord. 88-117).
- Master Plan/Designated Master Plan Land Use: The project site is part of the Banning Lewis Ranch Master Plan. The Master Planned Land Use designation is residential.
- Subdivision: The property was platted under the Enclaves at Mountain Vista Ranch Filing No. 4.
- Zoning Enforcement Action: None
- Physical Characteristics: The .14-acre property is located within a developing single-family residential neighborhood and is residentially developed with a single-family dwelling unit. The property is adjacent to a community trail and backs up to a green space.

### **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 142 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 were received in opposition or in support of the proposed large home daycare.

City Planning staff determined that a robust agency review of the project application was not necessary, as the subject property was developed in 2019 and the proposed use did not alter or impact the current site design and layout. Additionally, no public comments were received that warranted an agency-specific solicitation of the project. As such, City Planning was the only review agency and all comments have been addressed.

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

1. Review Criteria / Design & Development Issues:

a. Background information

The Applicant currently operates as a small home daycare with six (6) full-time children and two (2) part-time children and has a valid state license (SL #1626965) and daycare permit (DCP-101461) at the subject address. The Applicant has held their Early Childhood Directors Certificate since 2012 and operated a large home daycare at their previous address, 4181 Knollvale Drive, from 2016 to 2020 with no known violations or complaints. The current small home daycare has been operational since April 2020 at the current address with no known violations. The applicant now proposes a large home daycare requesting the ability to provide care for a maximum of 12 children in a residential neighborhood.

b. Conditional Use Development Plan

The Applicant's proposal is for a large daycare home for a maximum of 12 children. The property is located at 4444 Zircon Drive project consists of .14 acres on a residential lot that is adjacent to a community trail. Access to the lot is obtained via Zircon Drive. The daycare will operate Monday through Friday from 7:30 AM to 4:30 PM. Operation of the daycare will not be occurring on weekends or federal holidays. Parents arriving and departing with their children will do so within the two-car driveway and, if necessary, by utilizing the on-street parking (see "**Site Plan**" attachment) on Zircon Drive. Parking is not permitted in front of neighboring driveways or in front of the access to the community trail. Per City Code Section 7.3.105 (B) (1), one part-time employee that does not reside in the home may work at the daycare. However, the Applicant has stated that there will not be a part-time employee at this time and may later exercise this section of the code depending on the demand for childcare.

The backyard of the residence has been designated as the outdoor play area for the children. City Planning staff finds these conditions to adhere to the City Zoning Code and State of Colorado requirements for a large daycare home. 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 420 sq. ft. inside of the residence and 900 sq. ft. outside the residence to remain in compliance with the State. As proposed, and in accordance with City Code Section 7.3.105(B)(2), the applicant has provided nearly 2,078 square feet of indoor space (basement and 1<sup>st</sup> floor), and slightly more than 1,834 square feet of an outdoor play area. The outdoor area is completely fenced with a 6-foot-high vinyl fence. Children are not permitted in the front yard of the property. Staff finds that there is adequate space at the residence to satisfy state requirements.

c. Criteria for Granting a Conditional Use Development Plan

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

j. City Planning staff finds that the request will not substantially injure the value and quality of the surrounding neighborhood. This is a newer neighborhood and currently is not near businesses offering daycare services. Based on an online search record via the "Colorado Shines" referral website, only two daycare facilities exist within one mile of the subject address (See "**Colorado Shines Online Program Search**" attachment). Childcare is a compatible and valuable accessory used in single-family residential neighborhoods that support families living within or near this neighborhood offering a service that is often limited and unavailable. Parking will be limited to the subject property and the on-street availability in front of the residence. The on-street parking and insignificant increase in traffic counts

during pick-up and drop-off times are supported by Zircon Drive (residential street). Pick-up/drop-off times for customers are to be staggered throughout the morning and afternoon according to the customer, thus relieving any potential impact in increased traffic counts. To conclude, no public comments have been received and thus, no concerns have been recorded for potential injuries to the value and quality of the Enclave at Mountain Vista subdivision.

ii. **Intent of Zoning Code: 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 provides 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. The applicant's request to develop a large daycare home use will be consistent with the section referenced above. The additional standards set forth in City Code Section 7.3.105(B)(2)) for a large daycare home have been met. More specifically, these standards were designated to mitigate potential impacts that apply to certain uses allowed in residential zone districts; thus, ensuring the intent and purpose of the City Code to promote public health, safety, and general welfare are adhered to.

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

The proposed large daycare home and conditional use development plan conform 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 within the residential neighborhood. Refer to Section 3 below for additional details.

d. Public Comment

No public comments were received.

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 a 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).

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 Future Neighborhood (**see "PlanCOS Vision Map" attachment**).

Allowing the use of a large home daycare within the single-family residence is supported by specific portions of PlanCOS such as Chapter 2: Vibrant Neighborhoods and Chapter 4: Thriving Economy. It is stated within chapter two that "Creating and recreating resilient neighborhoods will require attention to physical details, connectivity, and encouragement of mixed and integrated land uses". "Reclaiming Neighborhood Space" is one of the primary goals for creating a vibrant neighborhood and is supported by establishing neighborhood-level services and supportive businesses, "to create community, vibrancy, and to address their specific vision and needs". The following are policies and strategies from Chapter Two that are applicable to the proposed use:

- **Policy VN-3.B:** Support unique and innovative community design elements and features such as urban farms and gardens, co-op housing, live/work spaces, or neighborhood gathering places.

- **Policy VN-3.C:** Promote neighborhood-level shopping and service options to include a variety of healthy food markets, coffee houses, restaurants, and other supportive businesses that increase local access and walkability.
  - o Strategy VN-3.C-3: Provide ongoing small business assistance with navigating the City's land entitlement and other permitting processes

As part of chapter four, a mix of complementary uses is a broadly desired element for all sectors of the City of Colorado Springs. The Thriving Economy Framework map does not have a designation called out, however allowing the use of a large home daycare at this location furthers Typology 6 (Critical Support) recommending providing fundamental services and activities. Daycare services are in demand throughout the city and the large home daycare will continue to provide a service to the residents within this established portion of the City.

The intent of PlanCOS is to preserve and enhance existing and established neighborhoods and to evaluate land-use proposals in existing stable neighborhoods. The large home daycare will provide a service to the residents within this established portion of the city. Being open to residents and providing opportunities for childcare services to support both immediate and surrounding neighborhoods will benefit this "Future Neighborhood".

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

3. **Conformance with the Area's Master Plan:**

The 4444 Zircon Drive project is located within the Banning Lewis Ranch Master Planned area, currently designated as an operative. The master-planned land use designation for the project site is classified as a residential medium (RM) with no immediate access to businesses offering supportive services such as a daycare. Based on the surrounding land use pattern, containing primarily single-family residential uses, and through staff's 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), the overall area impacts of the project were analyzed. Staff finds the project to be complimentary and supportive of the immediate area with little to no impact occurring on the surrounding area or the associated master plan.

**STAFF RECOMMENDATION:**

**CPC CU 20-00016 – CONDITIONAL USE**

Approve the conditional use development plan for 4444 Zircon Drive, based upon the findings that the request meets the review criteria for granting a conditional use, as set forth in City Code Section 7.5.704, and a development plan as set forth in City Code Section 7.5.502(E).