

CITY PLANNING COMMISSION AGENDA
April 21, 2022

STAFF: TAMARA BAXTER

FILE NO:
CPC CU 21-00196 – QUASI-JUDICIAL

PROJECT: LITTLE MONKEY TREEHOUSE CHILDCARE

OWNERS/APPLICANTS: JESUS PEREZ AND ANNA MARIE JOHNSON



PROJECT SUMMARY:

1. Project Description: This project application is for approval of a conditional use development plan for Little Monkey's Treehouse Childcare located at 8265 Clifton Drive. The plan will allow the establishment of a large daycare home with a maximum of twelve (12) children in a R1-6/AO (Single-Family with Airport Overlay) zone district. **(see "Conditional Use Development Plan" attachment)**
2. Applicant's Project Statement: **(see "Project Statement" attachment)**
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 8265 Clifton Drive.
2. Existing Zoning/Land Use: The subject property is zone R1-6/AO (Single-Family with Airport Overlay), and is residentially developed.
3. Surrounding Zoning/Land Use:
North: R1-6/AO (Single-Family with Airport Overlay), and is residentially developed.
South: R1-6/AO (Single-Family with Airport Overlay), and is residentially developed.
East: R1-6/AO (Single-Family with Airport Overlay), and is residentially developed.
West: R1-6/AO (Single-Family 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 a Newer Developing Neighborhood.
5. Annexation: The subject property was annexed into the City under the Briargate Additional #5 Annexation Plat (September 28, 1982; Ordinance 82-138).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the Briargate Master Plan (Fairfax Neighborhood). The Master Planned Land Use designation is residential low-medium residential. The Briargate Master Plan is implemented.
7. Subdivision: The property was platted as Lot 45, Fairfax Ridge Filing No. 3.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is residentially developed and is located 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 114 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 one written comment for the project, which focused on traffic concerns, increased noise of children, and opposition of size of daycare (small home daycare business seeking large home daycare approval) **(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 January 1, 2006 (Permit Number DCP-17539). A State of Colorado Child Care license was issued on July 13, 2013, for a home daycare (#1634384). The Applicant indicated that she did not operate a home day care between 2006 to 2013.

The site configuration for Little Monkey Treehouse Childcare consists of a 8,080 square foot lot, with pedestrian and vehicle access from Clifton Drive. The daycare will operate Monday through Friday from 7:15 am to 4:00 pm, closed on weekends. The daycare will fall Academy School District 20 calendar. The daycare will be closed days that Academy School District 20 is closed such as summers, spring break, thanksgiving break, Christmas break, snow days, etc. Drop-off and pick-up will be staggered times. Parents arriving and departing with their children will do so within the three-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 Clifton 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, most likely her mother-in-law to assist with the large home day care. 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 1,162 square feet of indoor and 1,700 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 child care operations in the immediate area. Based on the State of Colorado Office of Early Childhood website, there are two (2) licensed daycare homes (with attendance of no more than six (6) children full time plus two (2) children part time) within a mile of the residence. There is also childcare associated with Ranch Creek Elementary School in Wolf Ranch and Prairie Hills Elementary School in the Fairfax neighborhood. There is a private school to the north (The Goddard School) which provides licensed childcare. The proposed daycare has been operating at this location since 2013 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 (**see “Context Map” attachment**).

- 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 indented 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, increased noise from children, covenants does not allow home enterprises such as daycares, and operating outside of proposed business plan. The Applicant adequately addressed

the concerns raised by the general 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 will kept at any given time to a minimum.
- **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 7:00 am to 4:00 pm, Monday through Fridays, and follow the Academy School District 20 calendar. There will be no daycare during summer months or holidays. The noise from the daycare large home project will not exceed the permissible noise levels outlined in City Code Section 9.8.104.
- **Daycare is not allowed per covenants:** The applicant has maintained a valid State license for 9 years, since July 2013, of a small home daycare (#1634384). The subject property had a violation regarding the parking of an RV and the operation of the small daycare in 2019. The applicant has valid home day care permit with the City (DCP-17539). This violation was closed out by Neighborhood Services Division March 2019. Neighborhood covenants are civil and not enforced by the City of Colorado Springs. The applicant noted that there is not an active homeowner’s association for this area. The proposed large daycare home has been reviewed per the criteria outlined in City Code Sections 7.3.105(B)(2) and 7.5.502(E). It is anticipated that the large daycare home will operate with little to no impact on the surrounding residents.

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 Little Monkey's Treehouse Childcare within the Briargate Master Plan. The Master Planned Land Use designation is residential low-medium residential. The neighborhood surrounding the project, west of North Powers Boulevard, is developing with residential land uses, commercial, and public school. The Applicant's request for a large daycare home is complementary and supportive of the current land use patterns for the area. 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.

City Planning staff finds that the Little Monkey's Treehouse Childcare project to be complimentary and supportive of the vision for the Briargate Master Plan. (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 Little Monkey's Treehouse Childcare project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 21-00196 – CONDITIONAL USE DEVELOPMENT PLAN0

Approve the Conditional Use Development Plan for the Little Monkeys Treehouse Childcare project in the R1-6/AO (Single Family 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).