

**CITY PLANNING COMMISSION AGENDA**

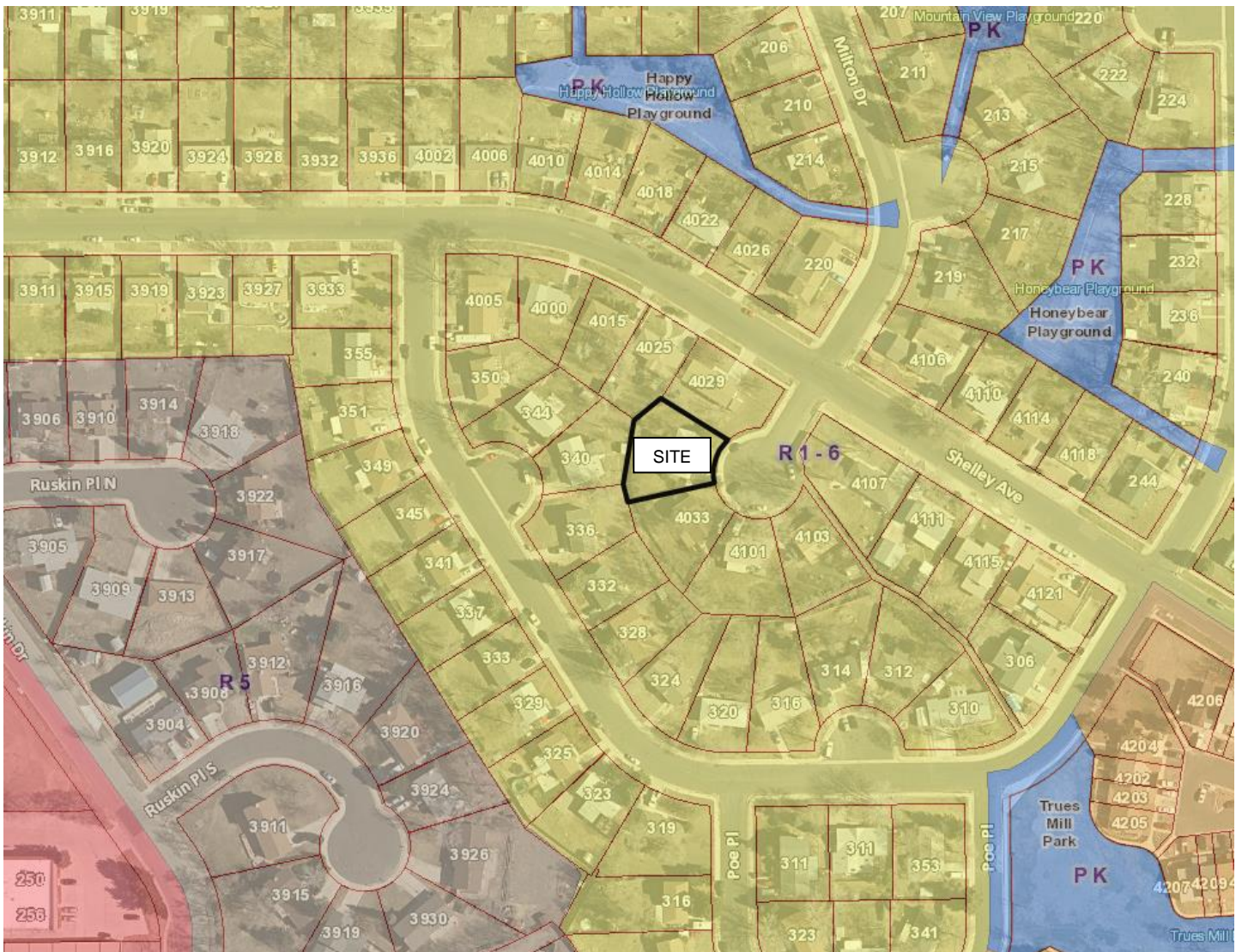
**STAFF: CONRAD OLMEDO**

**FILE NO(S):**  
**CPC CU 16-00036 – QUASI-JUDICIAL**

**PROJECT: 4031 SHELLEY AVENUE**

**APPLICANT: SAMANTHA AND VALENTIN HERNANDEZ**

**OWNER: SAMANTHA AND VALENTIN HERNANDEZ**



### **PROJECT SUMMARY:**

1. Project Description: A request by Valentin and Samantha Hernandez for approval of a conditional use to allow a licensed large daycare home for seven (7) to twelve (12) children. The property is zoned R1-6000 (Single-Family Residential) with an AO (Airport Overlay), is 8,600 square feet in size, and is located at 4031 Shelley Avenue. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Approval of the application subject to conditions.

### **BACKGROUND:**

1. Site Address: 4031 Shelley Avenue.
2. Existing Zoning/Land Use: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence
3. Surrounding Zoning/Land Use: North: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
South: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
East: R1-6000/AO (Single-Family Residential with an Airport Overlay)/Existing Single-Family Residence  
West: R1-6000/AO (Single-Family Residential) with an Airport Overlay)/Existing Single-Family Residence
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Pikes Peak Vista Addition #1
6. Master Plan/Designated Master Plan Land Use: No master plan exists
7. Subdivision: Eastborough Subdivision Filing Number 4
8. Zoning Enforcement Action: No current zoning enforcement action
9. Physical Characteristics: The site is improved with an existing single-family residence, located in a cul-de-sac, and has minimal grade change.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

The public process for the review of this application included posting of the site and sending of postcards during internal review and for the Planning Commission Public Hearing to 100 property owners within a standard 500-foot radius. A neighborhood meeting was held on March 30, 2016 with one neighbor in attendance. Concerns raised at the neighborhood meeting were noise levels during the day created by children playing for an excessive period of time in the back yard and traffic of parents dropping-off and picking-up children.

Staff also sent the plans to the standard internal and external review agencies for comments including: Colorado Springs Fire Department, City Engineering, City Traffic, Colorado Springs Police Department, El Paso County Health Department, and the Council of Neighborhoods and Organizations.

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

1. Review Criteria / Design & Development Issues:  
The 4031 Shelley Avenue project proposes a licensed large daycare home that will allow seven (7) to twelve (12) children. The site has an existing single-family residence located in a cul-de-sac. Drop-off and pick-up of children will occur along the northwesterly portion of the cul-de-sac that is most adjacent to the subject property. Parents will accompany children through a gate on the south side of the residence and enter the basement (where daycare will operate). A fenced and shaded playground area will be on southwest corner of the property. To address concerns raised at the neighborhood meeting, the applicant proposes outside playtimes to be from 10:00 a.m. to 11:00 a.m. and from 3:30 p.m. to 4:30 p.m., weather permitting. There is not an existing licensed daycare home on the property (for six (6) full-time and two (2) part-time children); however, the applicants have worked with children before and are familiar with daycare home operations.

On street parking is available within the cul-de-sac. The house immediately to the north of the subject property is a corner lot with driveway access off Shelley Avenue, not off the cul-de-sac; therefore, on street parking will not block driveway access.

Criteria for Granting a Conditional Use:

To approve the conditional use all of the three review criteria must be satisfied.

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

The proposed conditional use will not substantially injure the surrounding neighborhood but will enhance the neighborhood by providing localized daycare services.

**B. 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.**

The proposed conditional use is consistent with the Zoning Code and the request does not hinder the public's health, safety, and general welfare.

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

The proposed conditional use is consistent with the Comprehensive Plan of the City by meeting: *Objective N 2: Enhance Neighborhoods*, *Policy N 201: Protect Established and Stable Neighborhoods*, and *Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions*.

2. Conformance with the City Comprehensive Plan:

The proposed conditional use meets the following objective, policy, and strategy of the City Comprehensive Plan:

*Objective N 2: Enhance Neighborhoods*

The proposed conditional use will allow an existing single-family residence to have a licensed large daycare home which provides an additional service to the immediate community. The proposed use serves as an enhancement to the neighborhood by allowing local child care services to exist.

*Policy N 201: Protect Established and Stable Neighborhoods*

The proposed conditional use is in character with the existing single-family residence and is compatible with the surrounding single-family residential uses. The proposed use allows a licensed large daycare home to occur and does not compromise the existing neighborhood.

*Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions*

The proposed conditional use is evaluated as a compatible intensification of land use that is compatible with the existing neighborhood conditions. The proposed use allows for a service that may be lacking in the immediate neighborhood and represent a cohesive land use with the surrounding land uses.

3. Conformance with the Infill Comprehensive Plan Supplement:

The proposed conditional use is consistent with the following guiding principle:

*Creates Community Benefit*

The proposed conditional use increases the opportunity for the community to have access to daycare services and is a benefit because the use is a local neighborhood service.

4. Conformance with the Area's Master Plan:  
This property is not part of a master plan.

**STAFF RECOMMENDATION:**

**CPC CU 16-00035 – CONDITIONAL USE**

**Approve** the conditional use for 4031 Shelley Avenue, based upon the finding that the conditional use complies with the conditional use review criteria in City Code Section 7.5.704 subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use:

1. Include permit file numbers on site plan: CPC CU 16-00036
2. Include a note on site plan indicating outside playtime schedule of 10:00 AM to 11:00 AM and 3:30 PM to 4:30 PM.