

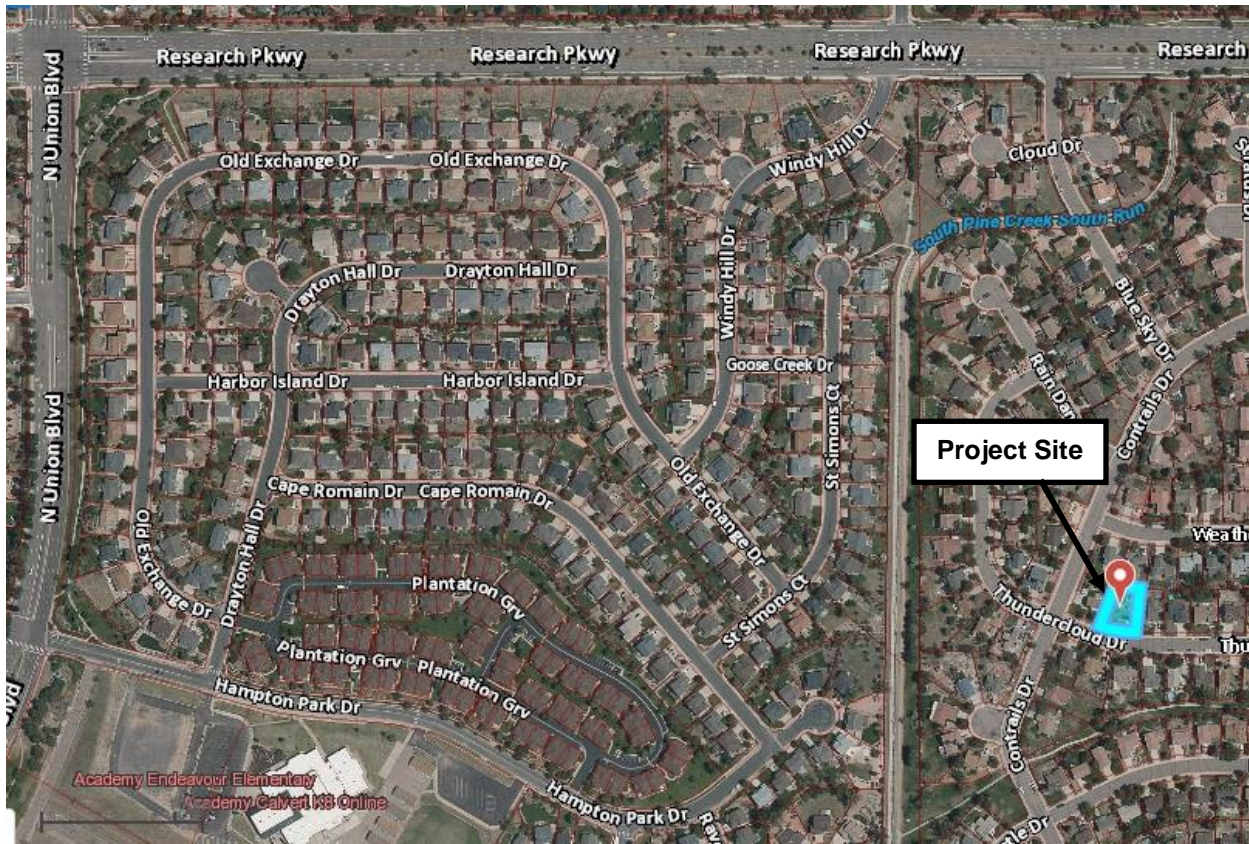
CITY PLANNING COMMISSION AGENDA
MAY 20, 2021

STAFF: MATTHEW ALCURAN

FILE NO:
CPC CU 20-00121 – QUASI-JUDICIAL

PROJECT: GRANDMA'S GARDEN HOME DAYCARE & PRESCHOOL

OWNER/DEVELOPER: LEE & DEBI LOGAN



PROJECT SUMMARY:

1. Project Description: The project application is for approval of the Grandma's Garden Home Daycare & Preschool Conditional Use Development Plan application. If approved, the proposed application will convert this small home daycare permit to a large family care home (large daycare home) with attendance of seven (7) to twelve (12) children in the R1-6/CR/AO (Single-Family/Condition of Record/Airport Overlay) zone district located at 3820 Thundercloud Drive. (see "Conditional Use Development Plan" / "Graphic" attachment).
2. Applicant's Project Statement: (see "Project Statement" attachment)
3. Planning and Development Recommendation: City Planning staff recommends approval of the application as proposed.

BACKGROUND:

1. Site Address: The project site is addressed 3820 Thundercloud Drive.
2. Existing Zoning/Land Use: The property is currently zoned R1-6/CR/AO (Single-Family/Condition of Record/Airport Overlay) and currently residentially developed with an existing 1,171 square foot home and an attached 480 square foot garage.
3. Surrounding Zoning/Land Use: (see “Context Map” attachment)
 - North: R1-6 (Single-Family Residential) adjacent to Weather Vane Drive and currently developed with a single-family residence.
 - East: R1-6 (Single-Family Residential) adjacent to Thundercloud Drive and currently developed with a single-family residence.
 - South: R1-6 (Single-Family Residential) across from Thundercloud Drive and currently developed with a single-family residence.
 - West: R1-6 (Single-Family Residential) across from Contrails Drive and currently developed with a single-family residence.
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 property was annexed into the City under the Vee-Bee Addition # 1.
6. Master Plan/Designated Master Plan Land Use: The project site is not part of a master-planned area.
7. Subdivision: This property is platted under the Contrails at Briargate Filing No. 2.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The project site is currently residentially developed with an existing single-family residence.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcards to 316 property owners within 1,000 feet of the site, on two occasions: during the internal review stage and before the Planning Commission hearing. The site was also posted during the two occasions noted above. Public comment was received by staff (**see “Public Comment” attachment**). Interested residents cited concerns about winter road conditions, increased traffic in the area, front yard landscaping, and clarification of a large family care home.

The applicant provided a written response to the received public comments, in a document dated December 20, 2020. (**see “Applicant’s Response Letter” attachment**)

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Stormwater, City Parks and Recreation, Engineering, City Traffic, City Fire, School District 20, Police, and E-911. Agreements between the City of Colorado Springs and the surrounding military installations establish a two-mile buffer for land use application review. This application is not within the two-mile buffer for USAFA notification.

ANALYSIS OF REVIEW CRITERIA, COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:
 - a. Background Information

The applicant currently has a license with the State of Colorado to operate a “small” daycare home. A small daycare home is State licensed and allows for attendance of not more than six (6) full-time and two (2) part-time children. This small home daycare has been operating, and licensed, for the past three (3) years. The applicant has adhered to the standards set forth in City Code Section 7.3.105.B.1:

- a. No more than one part time employee who does not reside in the home may work at the home;
- b. Substitute providers are allowed when the normal provider cannot be present;
- c. One wall sign not more than two (2) square feet is allowed;
- d. 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,
- e. Subject to the approval of a daycare permit from the Community Development Department.

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 3820 Thundercloud Drive. The site configuration for the Grandma's Garden Home Daycare & Preschool project consists of an 8,689 square foot lot. The daycare will operate Monday through Friday from 7:00 a.m. to 6:00 p.m. The applicant's large family care home will continue to be closed Memorial Day, Thanksgiving Day, and Christmas Day. Drop-off and pick-up are staggered so there is no congestion. This will keep traffic at any given time to a minimum. Parents arriving and departing with their children will do so within the two-car driveway and, if necessary, via an on-street public parking space. The parents can drop off or pick up their children along the front of the house in the street or within the 36-foot long two-car driveway. Staff finds that the existing drop-off and pick-up design is beneficial for this project because it is safe for the kids and parents pulling over for drop off. There is also a parking space designated on the side of the existing two-car driveway for the teaching assistant. 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.

As proposed, and in accordance with City Code Section 7.3.105(B)(2), the applicant has provided 1,690 square feet of indoor space and 1,500 square feet of outdoor play area. City planning staff finds these conditions to adhere with the State of Colorado requirements for a large daycare home.

Children are not permitted to be in the front yard of the property. There is adequate space within and outside of the residence for the play space requirements. 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 square feet inside of the residence to stay in compliance with the State, and there is over 1,680 square feet within the residence. The outdoor play area would require 900 square feet to remain in compliance, and there is well over 1,500 square feet of outdoor play area. The outdoor area is fully fenced with a 6-foot high wood fence and is located in the northern side of the property. This outdoor area is designated for the children's playground area with a variety of playtime activities with adult supervision.

The Applicant fully expects to operate a quiet un-noticed daycare that respects the nature of the neighborhood as she currently provides with the existing small family care home.

i. Traffic

The City's Traffic Engineering Division has stated that there are no traffic issues with the large family care home project.

City Planning staff finds that the proposed project addresses all the applicable review criteria set forth in City Code.

c. Criteria 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 as principal land uses. Based on records with the City Planning & Community Development Department, no other daycare facilities, small or large, exist within the immediate neighborhood. The proposed use is found to be compatible in the single-family neighborhood and will serve the surrounding area.

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 will be consistent with the above referenced purpose section, as 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 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. This project provides a service for the greater vicinity and is a compatible use with the residential neighborhood.

d. Public Comment

Throughout the review of the project application, staff received several comments, which include high-volume traffic, parking, noise, hours of operation, daycare not compatible to residential neighborhood; residence is too small for large daycare home and decreased property values, as noted in the public comments (**see "Public Comment" attachment**). City planning provides the following responses to the above referenced comments:

- Traffic: As discussed above in the Conditional Use Development Plan Proposal section of this report, the children are not dropped off or picked-up at the same time, the drop-off and pick-up times vary, and those times are staggered per child. This will keep traffic at any given time to a minimum.
- Parking: As discussed above in the Conditional Use Development Plan Proposal section of this report, the parking requirement complies with the City Code Section 7.4.203. The parking for the large daycare home will not interfere with the neighborhood.
- Noise: The noise in the property should not exceed the permissible noise level outlined in City Code Section 9.8.104.
- Daycare not compatible to residential neighborhood: The site is surrounded by single-family residential land use in the R1-6 (Single-Family Residential) zone district. The proposed use is compatible with the surrounding single-family residential neighborhood. The applicant's small family daycare has been in operation for over three years at the subject site. The subject site had a violation regarding outdoor storage in 2018 that was addressed on January 14, 2019 and closed out by the Neighborhood Services Division. The applicant has maintained a valid State license (#1710324) and it is anticipated that that the large family daycare will operate with little to no impact on the surrounding residents.
- Residence is too small for large daycare home: As discussed above in the Conditional Use Development Plan Proposal section of this report, the residence and outdoor play area comply with the State of Colorado regulations.

- Decreased of property values: Per City Code Sections 7.3.105 (B) (2) and 7.5.502 (E), staff does not consider impacts to property values when reviewing land use applications.

The Applicant has adequately addressed the concerns, include high-volume traffic, parking, noise, hours of operation, daycare not compatible to residential neighborhood, residence is too small for large daycare home and decreased property values, as noted by the applicant's project statement and response letter (**see "Project Statement" and "Public Comment" attachment**).

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).

2. Conformance with the City Comprehensive Plan:

City Planning staff has evaluated the proposed project for conformance with the City's current comprehensive plan (herein referred to as "PlanCOS"), adopted in January 2019. According to the PlanCOS Vision Map, the project site is identified as an Established Suburban Neighborhood (**see "PlanCOS Vision Map" attachment**). The Thriving Economy Framework map does not have a designation called out, but allowing the use of a large home daycare within the single-family residence furthers Typology 6: Critical Support recommendation to provide fundamental services and activities.

The intent of the Comprehensive Plan is to preserve and enhance existing and established neighborhoods and to evaluate land use proposals in existing stable neighborhoods. The large family care home will continue to provide a service to the residents within this developed portion of the City.

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

3. Conformance with the Area's Master Plan:

The project site is not located within an adopted area master plan. The neighborhoods surrounding the project are developed with a mix of commercial, public schools and residential land uses. The applicant's residential accessory use proposal is complementary and supportive of the current land use patterns. 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 RECOMMENDATION:

CPC CU 20-00121 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the Conditional Use Development Plan for the Grandma's Garden Home Daycare & Preschool in the R1-6/CR/AO (Single-Family Residential/Condition of Record/Airport Overlay) zone district, 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 (A, B, and C) and meets the review criteria for granting a Development Plan as set forth in City Code Section 7.5.502(E).