

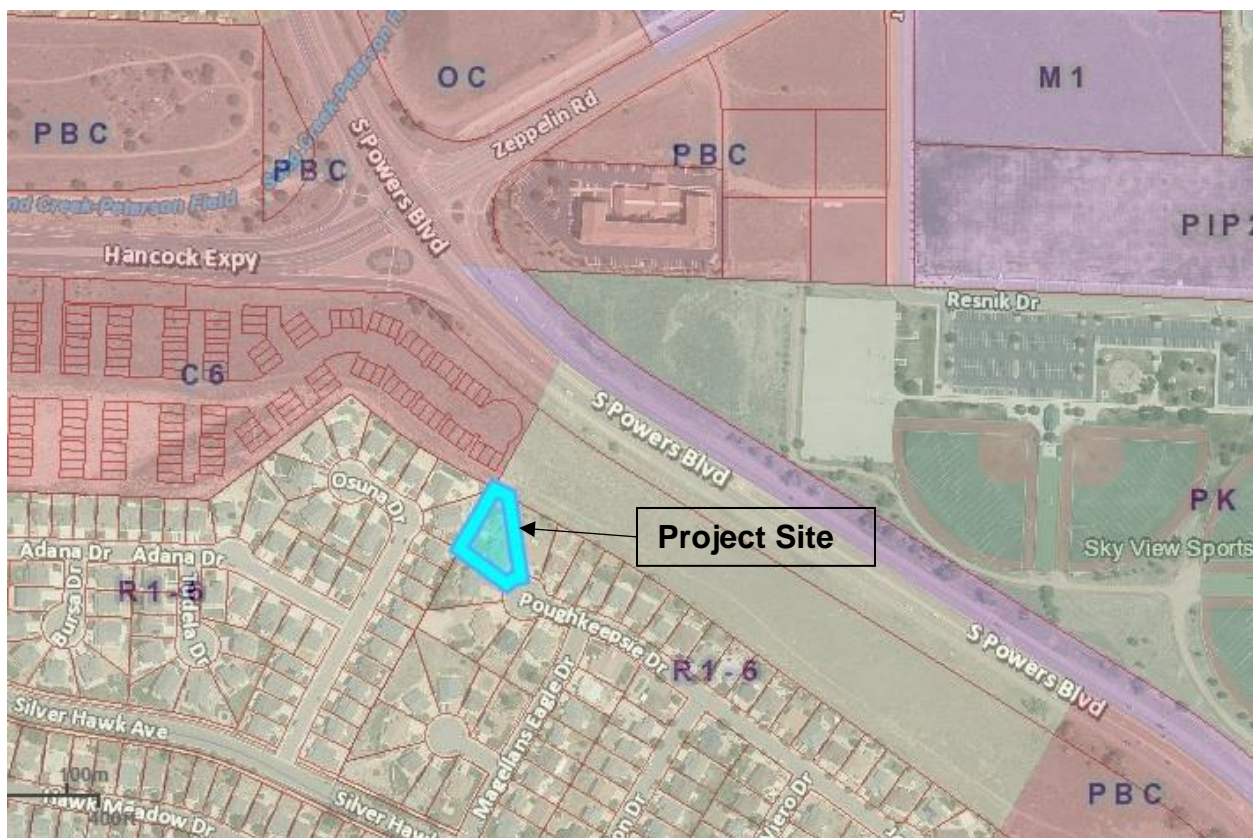
CITY PLANNING COMMISSION AGENDA
AUGUST 10, 2022

STAFF: MATTHEW ALCURAN

FILE NO:
CPC CU 22-00063 – QUASI-JUDICIAL

PROJECT: THE CRADLE FAMILY CHILD CARE

OWNER/APPLICANT: SILVIA RIPPY



PROJECT SUMMARY:

- **Project Description:** This project application (The Cradle Family Child Care) is a request for a conditional use development plan to allow a large daycare home at 2911 Poughkeepsie Drive. The proposed project consists of the establishment of a large home daycare for a maximum number of twelve (12) children and infants to the existing small daycare home, in an established residential neighborhood area. **(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.

BACKGROUND:

- **Site Address:** The property address is 2911 Poughkeepsie Drive
- **Existing Zoning/Land Use:** The subject property is currently zoned R1-6,000/AO (Single-Family Residential with Airport Overlay) and includes a single-family dwelling unit.
- **Surrounding Zoning/Land Use:**
 - North: C6/AO (General Business with Airport Overlay) and R1-6,000/AO (Single-Family Residential with Airport Overlay) and is approved future resident development and vacant land.
 - South: R1-6,000/AO (Single-Family Residential with Airport Overlay) and is residentially developed.
 - East: R1-6,000/AO (Single-Family Residential with Airport Overlay) and is residentially developed.
 - West: R1-6,000/AO (Single-Family Residential with Airport Overlay) and is residentially developed.
- **PlanCOS Vision:** According to the PlanCOS Vision Map (**see “PlanCOS Vision Map” attachment**), the project site is identified as a Reinvestment Area & Community Hub.
- **Annexation:** The subject property was annexed into the City on May 27, 1980, under the Drennan Road Site Addition (Ord. 80-77).
- **Master Plan/Designated Master Plan Land Use:** The project site is part of the Soaring Eagles Master Plan – Implemented (Privately Initiated).
- **Subdivision:** The property was platted Lot 13 Soaring Eagles Subdivision Filing No. 6.
- **Zoning Enforcement Action:** None
- **Physical Characteristics:** The .37-acre property is located at the end of a cul-de-sac within an established single-family residential neighborhood and is residentially developed with a single-family dwelling unit. The property is adjacent to a residential street type.
- **State Action:** Bill 22-213 introduced in State Senate on April 19th, 2022 proposes allocating at least 95 million dollars toward child care facilities throughout the state of Colorado mentioning that in order “to assist the state's workforce in returning to work and maintaining employment without facing the difficult choice between working and accessing quality child care, it is critical that the state allocate and quickly distribute funding to existing and new child care providers throughout the state and that such actions constitute critical government services” (SB22-213; State of Colorado).

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 196 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. Written correspondence in opposition of the proposal was received (**see “Public Comments” attached**). Comments received in opposition to the project include concerns about traffic, noise, parking, daycare not compatible to residential neighborhood, and not permitted per HOA rules.

The applicant provided a written response to the received public comments, in an email dated June 29, 2022 (**see “Public Response” attached**).

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, and Police. 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 military notification.

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

1. **Review Criteria / Design & Development Issues:**

a. Background information

The applicant currently cares for six full-time children and two part-time children operating as a small home daycare with a valid state license (SL #106254) at the subject address and has been in operation in the Colorado Springs area for the past 22 years. There are no known violations. The applicant now proposes a large home daycare requesting the ability to provide care for seven to twelve children in a residential neighborhood requiring a conditional use permit.

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 2911 Poughkeepsie Drive. The site configuration for The Cradle Family Child Care project consists of an 16,287 square foot lot. The daycare will operate Monday through Friday from 7:00 a.m. to 4:30 p.m. 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 three-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 24-foot long three-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. 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 1,421 square feet of indoor space (118 square feet per child) and 15,200 square feet of outdoor play area (1,266 square feet per child). City planning staff finds these conditions 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 1,421 square feet within the residence. The outdoor play area would require 900 square feet to remain in compliance, and there is well over 15,200 square feet of outdoor play area. The outdoor area is fully fenced with a 6-foot-high durable-vinyl/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.

c. Traffic

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

d. 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 substantially injure the value and quality of the surrounding neighborhood, as the immediate area is developed with similar single-family residential uses. Based on an online search record via the "Colorado Shines" referral website, two other daycare facilities, small or large, exist within approximately one mile of the subject address. The proposed use is compatible with the single-family neighborhood and will be valuable in providing this continued business type to the surrounding area. As previously stated, the daycare

has been operational for about two years with no known violations. The value and quality of the surrounding neighborhood will not be injured by the proposed request for a large home daycare.

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 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 and approvals are 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 the City Code to promote public health, safety, and general welfare are adhered to.

iii. Comprehensive Plan: That 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 more affordable childcare in Colorado Springs and is a compatible use with the residential neighborhood. Refer to Section 3 below for additional details.

e. Public Comment

Staff received several comments in opposition to the project, which include traffic, parking, noise, daycare not compatible to residential neighborhood, and not permitted per HOA rules, as noted in the public comments (**see "Public Comment" attachment**). City planning provides the following responses to the above-referenced comments:

- **Traffic:** City Traffic Engineering reviewed the project and does not find any concerns with traffic generated from this use or with the overall safety and welfare of the surrounding community. 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:** According to City Code Section 7.4.203 only one parking space is required for a single-family dwelling unit. As the proposed use is a commercial business within a single-family dwelling unit there is likely a need for additional parking options. Since large home daycare is not listed within the parking table found within this section of Code, it is acceptable for the Planning Manager to determine parking standards based on closely related uses. This section of Code also states that for a daycare center, one (1) space is required for every 400 sq. ft. of gross floor space. Being that the daycare is allotted about 1,421 sq. ft. of gross floor space, three additional parking spaces would be required under this determined use type. The driveway can accommodate at least three vehicles and there are at least one on-street parking spaces directly in front of the home providing available parking for a total of four vehicles at one time and satisfying the parking requirements. The parking for the large daycare home will not interfere with the neighborhood as adequate parking has been provided both curbside and within the driveway of the subject address. According to the applicant, no more than three vehicles have parked simultaneously at the residence and the applicant will be having parents drop off children at staggered times. Driveway and sidewalk access will not be impeded by the parking areas. Staff finds that the parking provided complies with City Code Section 7.4.203.

- Noise: The noise on the property should not exceed the permissible noise level outlined in City Code Section 9.8.104. According to the applicant, children will be divided into different groups and assigned play areas to keep the noise level at a minimum. In addition, sound from children is common in a single-family residential neighborhood.
- Neighborhood Compatibility: The site is surrounded to the south, east and west by single-family residential land uses within the R1-6,000 (Single-Family Residential) zone districts. The proposed use is compatible with the surrounding single-family residential neighborhoods as it is providing a needed service near those families that are likely to rely on it and has little to no impact on surrounding residents considering the density.
- Daycare not compatible to residential neighborhood: The site is surrounded by single-family residential land use in the R1-6,000 (Single-Family Residential) zone district. The proposed use is compatible with the surrounding single-family residential neighborhood.
- Not permitted per HOA rules: Per City Code Sections 7.3.105 (B) (2) and 7.5.502 (E), staff does not consider private agreements when reviewing land use applications.

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 an Reinvestment Area & Community Hub (**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 "Established Suburban 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 Cradle Family Child Care project is located within the Soaring Eagles Master Planned area. The master-planned land use designation for the project site is residential. The Soaring Eagle Master Plan was previously deemed "Implemented", according to City Code Section 7.5.402(B) (2) occurs when the area covered by a master plan is 85% or more built out. 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. Thus, staff finds the "Cradle Family Child Care" project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 22-00063 – CONDITIONAL USE DEVELOPMENT PLAN

Approve the Conditional Use Development Plan for "The Cradle Family Child Care", 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 the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E).