

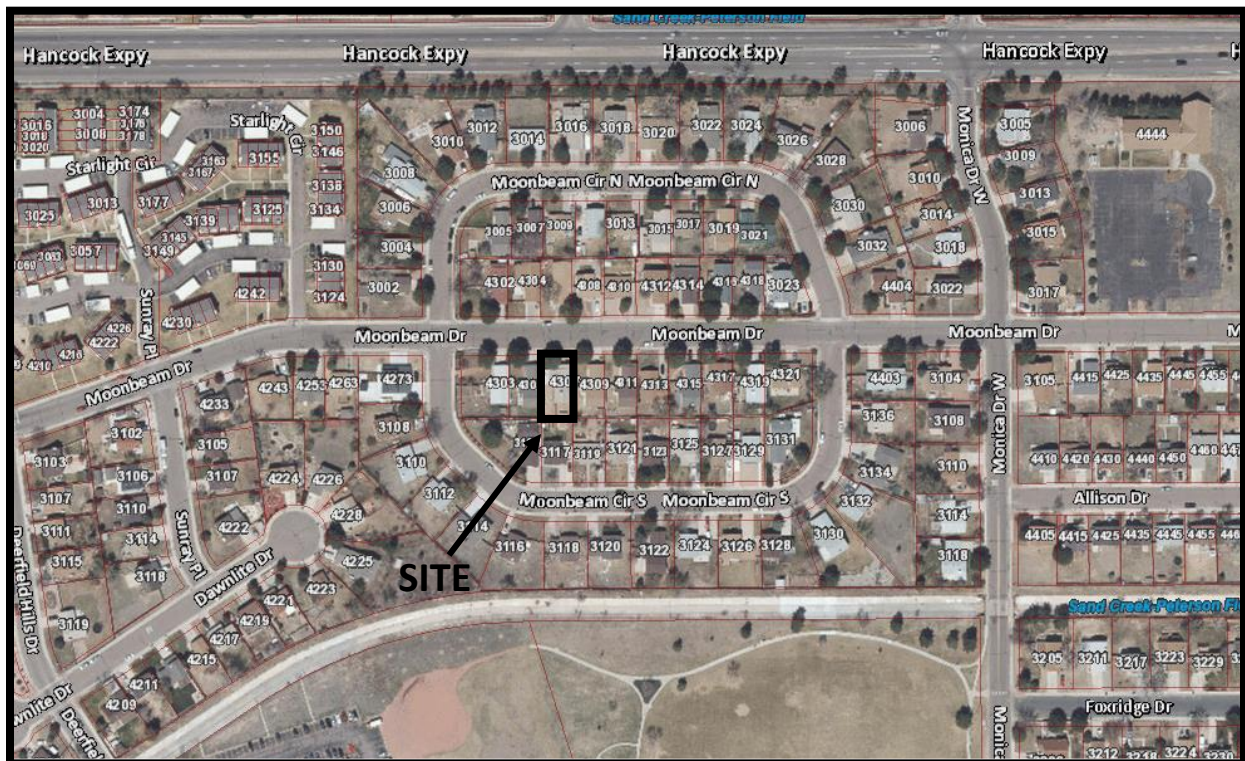
**CITY PLANNING COMMISSION AGENDA**  
**December 20, 2018**

**STAFF: RACHEL TEIXEIRA**

**FILE NO(S):**  
**CPC CU 18-00120 – QUASI-JUDICIAL**

**PROJECT: LARGE DAYCARE HOME – 4307 MOONBEAM DRIVE**

**OWNER/APPLICANT: LYSCHEL HARTWAY**



**PROJECT SUMMARY:**

1. Project Description: This project is a request for a conditional use to allow a large daycare home in the PUD/AO (Planned Unit Development with Airport Overlay) zone district. A large daycare home allows a maximum of twelve (12) children. The property is addressed as 4307 Moonbeam Drive and is located southeast of Jet Wing Drive and Hancock Expressway. The State of Colorado and the City of Colorado Springs have currently permitted a small home daycare for the site, which allows a maximum of six full-time children and two part-time children. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Staff recommends approval of the conditional use application.

**BACKGROUND:**

1. Site Address: 4307 Moonbeam Drive
2. Existing Zoning/Land Use: PUD/AO (Planned Unit Development with Airport Overlay)/Single-Family Residences
3. Surrounding Zoning/Land Use:

North of Moonbeam Drive, South, East and West: PUD/AO (Planned Unit Development with Airport Overlay)/Single-Family Residences

4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Pinehurst Addition #3, November 1969
6. Master Plan: Pinehurst Master Plan
7. Subdivision: Pinehurst Subdivision Filing No. 1 and A Replat of Emmanuel Baptist Church
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property consists of 0.114 acres with a 1,692 square foot single-family residence with an attached garage. There is a driveway to the north with fencing around the property.

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

Staff noticed 384 property owners with a 1,000 foot buffer distance at the initial application submittal. Several neighbors provided written correspondence with four e-mails in opposition to the proposal (**FIGURE 3**). Those comments/issues in opposition to the large daycare home include high-volume traffic, excessive speeds, daycare not compatible to residential neighborhood, and residence is too small for large daycare home.

The applicant provided a written response to the concerns addressed by some of the neighbors, and the response was e-mailed to them on November 15, 2018. No written response was received from those residents in opposition. (**FIGURE 4**)

The property will be posted and mailing notification sent prior to the December 20<sup>th</sup> City Planning Commission meeting.

The conditional use application was sent to one internal agency for review and comment. City Fire was the only city review agency for this project and has no objections.

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

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

The current use is a licensed daycare home with six children full-time plus two children part-time and is allowed by city planning administrative permit with a daycare permit application in the PUD zone. The proposal is for a large daycare home allowing seven to 12 children which requires conditional use approval from the City Planning Commission. The daycare requirements under the code for the expansion are the same, except that there may be building and fire code requirements and that the minimum square footage of indoor and outdoor space per person must comply with the State of Colorado requirements for a large daycare home.

##### 2. Criteria for Granting a Conditional Use

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

City Planning Staff finds that the conditional use will not injure the value and quality of the surrounding neighborhood. The site is surrounded by single-family residential land use in the Planned Unit Development (PUD) zone district. The proposed use is compatible with the surrounding single-family residential neighborhood. There have been other large daycare homes approved by the City Planning Commission in residential zones within the city limits and no complaints have been received.

The value and qualities of this residential neighborhood surrounding the conditional use are not to be substantially injured. The applicant has adequately addressed the concerns, include high-volume traffic, excessive speeds, daycare not compatible to residential neighborhood, and residence is too small for large daycare home, as noted by the residential neighborhood. (**FIGURE 4**)

The only change to the daycare project is to add additional children and a teaching assistant to the existing daycare home. The maximum amount of children allowed for the large daycare home is to

be up to twelve children. The applicant has operated the home daycare since March 2012 as a licensed daycare home with six children full-time plus two children part-time. The neighborhood was not previously aware that the property owner was operating a small home daycare until public notices were mailed to the adjacent property owners for the expansion of the existing daycare.

The property is located southeast of the Jet Wing Drive and Hancock Expressway intersection. Parents arriving and departing to pick up their children do not do so all at once. There is a two-car driveway, and one additional space along the street in front of the residence. This is where the parents would park to drop-off and pick-up their children. There is a parking space designated on the side of the existing two-car driveway for the teaching assistant, which is not illustrated on the site plan. The parking for the large daycare home will not interfere with the neighborhood.

The daycare operates Monday to Friday from 6:30am to 5:00pm. The applicant has not received any complaints from neighborhood for the past six years regarding traffic or parking. 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 less than five minutes per child.

Children are not permitted to be in the front yard of the property and the kids do not go in the busy street. There is an existing 1,000 square foot fenced, outdoor play area located in the southwest corner of the property. This outdoor space is designated for the children with a variety of playtime activities with adult supervision. In addition, the applicant is not planning any construction to add to the existing residence. The house was recently painted and the roof was replaced. There will be no building additions to the residence.

There is adequate space within the residence for the 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 square feet inside of the residence to stay in compliance with the state, and there is over 1,700 square feet within the residence. The outdoor play area would require 900 square feet to remain in compliance, and there is well over 1,000 square feet of outdoor play area.

The applicant fully expects to continue to operate a quiet un-noticed daycare that respects the nature of the neighborhood. City Planning Staff supports the conditional use request for a large daycare home at 4307 Moonbeam Drive.

**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 request for a large daycare home use will be consistent with the intent and purpose of the Zoning Code to promote public health, safety and general welfare. The proposed large daycare home use will occupy an existing, single-family residence on a 0.114-acre parcel (5,000 square feet). The proposed use will occupy an existing single-family residence that already operates as a licensed daycare home (6 full time + 2 part time children) since March of 2012. **(PAGE 6 OF FIGURE 2)** The conditional use for the large daycare home approval will allow the applicant to accommodate up to twelve children with the help of an assistant.

Staff supports the conditional use request and recommends approval. The expansion to a large daycare home will not disrupt and impact the neighboring residential properties.

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

The proposed large daycare home use 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.

3. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates the site as General Residential. There are Comprehensive Plan objectives and strategies that support the large daycare home proposal, including:

Objective N 2: Enhance Neighborhoods

Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.

Policy N 201: Protect Established and Stable Neighborhoods

Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.

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

Evaluate land use proposals in existing, stable neighborhoods on the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.

The proposed large daycare home and conditional use development plan conforms to the Comprehensive Plan. The existing daycare home, with six full-time and two part-time children is an appropriate use. 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 proposal to enlarge the daycare home would benefit the families with young children to be educated via the Montessori curriculum. The opposing comments received from the adjacent property owners, noted under 'Stakeholder Process and Involvement', have been addressed by the applicant with the comprehensive project statement submitted in response to the concerns.

4. Conformance with the Area's Master Plan:

The development is part of the Pinehurst Master Plan. This master plan is already implemented and does not have to be amended since it is designated as single-family residential.

**STAFF RECOMMENDATION:**

**CPC CU 17-00120 – CONDITIONAL USE**

Approve the conditional use for a large daycare home at 4307 Moonbeam Drive, based upon the findings that the Conditional Use request complies with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704, and the development plan review criteria in City Code Section 7.5.502.E.