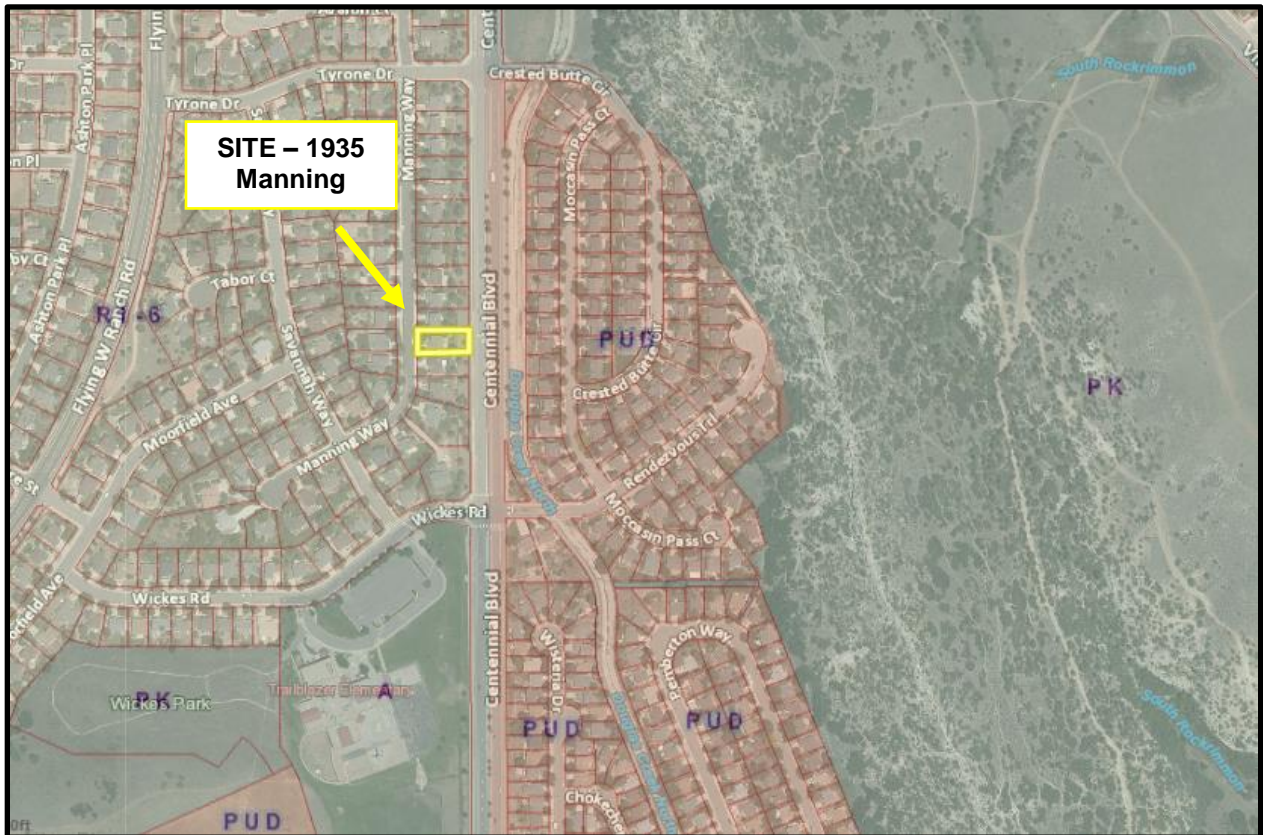


**CITY PLANNING COMMISSION AGENDA
NOVEMBER 09, 2022**

STAFF: ALLISON STOCKER

**FILE NO:
CUPD-22-0009- QUASI-JUDICIAL**

PROJECT: 1935 MANNING WAY – LARGE HOME DAYCARE
OWNERS/APPLICANTS: AUBREY BIONODOLLO
APPLICANT: AUBREY BIONODOLLO



PROJECT SUMMARY:

1. Project Description: This project application is for a conditional use development plan for a large home daycare located at 1935 Manning Way. If approved, the proposed application would allow a licensed large daycare home with a maximum of twelve children on a property in a R1-6000/HS (Single-Family Residential with Hillside 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 1935 Manning Way.
2. Existing Zoning/Land Use: The subject property is currently zone R1-6000/HS (Single-Family Residential with Hillside Overlay) and is residentially developed.
3. Surrounding Zoning/Land Use:
 - North: R1-6000/HS (Single-Family Residential with Hillside Overlay) and is residentially developed.
 - South: R1-6000/HS (Single-Family Residential with Hillside Overlay) and is residentially developed.
 - East: PUD/HS (Planned Unit Development with Hillside Overlay) and is residentially developed.
 - West: R1-6000/HS (Single-Family Residential with Hillside 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 an Established Suburban Neighborhood.
5. Annexation: The subject property was annexed into the City under the Flying W Addition #1, Annexation Ordinance # 4201.
6. Master Plan/Designated Master Plan Land Use: The project site is part of Mountain Shadows Master Plan. The Master Planned Land Use designation is high density residential.
7. Subdivision: The property was platted under the Mountain Shadows Filing No. 16 as Lot 45.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property 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 250 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 several phone inquiries and five (5) emails regarding the project. **(see “Public Comments” attachment)** The Applicant provided a response letter addressing the main concerns that were brought up within the public comments **(see “Public Comments Response” attachment)**, and City Planning staff received a follow-up email from one public commenter in response to the response letter that Staff distributed on behalf of the Applicant.

Staff input is outlined in the following sections of this report. Staff sent plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, Academy School District 11, Police and E-911. Staff determined that this application is outside the two-mile buffer for USAFA notification. While all comments received from the review agencies were addressed, please find below subject matter specific comments that were received from a couple agencies.

- Traffic Engineering - The City's Traffic Engineering Division has stated that there are not traffic issues with the large daycare home project.
- Engineering Development Review - The Engineering Review has stated that there are no comments on this item.
- Colorado Springs Fire Department (CSFD) - CSFD does not have any exceptions with the development plan as submitted.

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

1. Review Criteria / Design & Development Issues:

a. Background information

The Applicant has operated a small home daycare since 2019 which has consisted of six (6) full time children and two (2) part time children. The Applicant is licensed by the Colorado Department of Early Childhood and is in full compliance with the requirements for the program. The Applicant seeks approval for a conditional use development plan to allow expansion to a large home daycare to allow a maximum of twelve (12) children. At this time, the Applicant has a waitlist for her program, including sets of siblings and children who live within the neighborhood. This request will allow the Applicant to continue providing high-quality childcare and continue serving as a valuable resource for the community.

b. Conditional Use Development Plan Proposal

The Applicant proposes a large home daycare for a maximum of twelve children. The property is located at 1935 Manning Way. The site configuration for the large home daycare consists of a 9,750 square foot lot and 839 square feet of childcare and classroom space. The daycare will operate Monday through Friday from 7:45AM to 5:30PM, closed on weekends. Drop-off and pick-up will be staggered times. The Applicant has indicated that many of the children that attend the daycare live within the neighborhood and are sets of siblings, which shall limit the traffic and parking impacts from the proposed use. Additionally, the Applicant's own children are included within the daycare's maximum number of children until they reach the age of twelve. Parents arriving and departing with their children will do so within the two-car driveway and, if necessary, via on-street public parking in front of the residence. This will keep traffic at any given time to a minimum. Staff finds that the proposed drop-off and pick-up design is safe for kids and parents. The Applicant presently does not have a second employee. However, per State Statute, a second employee will be needed when there are at least eight (8) children within the daycare at a time.

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. The Applicant has provided 70 square feet of indoor space per child and 221 square feet of outdoor play area per child. There is adequate space within and outside of the residence for the play space requirements. 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)(2). The outdoor area is fully fenced with a wood fence. The fence encompassed the back yard with a gate on the east side of the residences. This outdoor area is designated for the children's playground area with a variety of playtime activities with adult supervision and children are not permitted to play outside until after 8:30AM. Children are not permitted to be in the front yard of the property.

The Applicant provides all daycare attendee parents with a Parent Expectation Handbook that includes expectations for the parents and the children's programming. Within this handbook, the Applicant includes information about the safety rules, pick-up / drop-off process, and expectations for respecting the neighborhood.

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. 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 (herein referred to as "PlanCOS"). This project provides a service for the greater vicinity and is a compatible use with the residential neighborhood.

d. Public Comment

Within the administrative review public notice, four individuals have provided public comments in response to this application. The primary concerns of the comments were increase in traffic, lack of parking / parent's parking in front of other people's property, and concerns for increase in noise. **(see "Public Comments" attachment)** The Applicant provided these individuals with a response letter addressing these concerns. **(see "Public Comments Response" attachment)** City Planning staff finds that the Applicant has adequately responded to the comments and items raised.

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:

Staff has evaluated the proposed application for conformance with PlanCOS adopted in January 2019. According to PlanCOS, the project site is identified as an Existing Suburban Neighborhood. 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 PlanCOS is to preserve and enhance existing and established neighborhoods and to evaluate land use proposals in existing stable neighborhoods. The large home day care will provide a service to the residents within this still developing portion of the City. This proposal contributes to PlanCOS Strategy VN-2.A-3, by supporting land use decisions and projects that contributes to *“meeting the needs of residents and families through various life stages...”*. Additionally, this proposal meets Strategy VN-3.C-03, which is the City’s commitment to *“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.

3. Conformance with the Area’s Master Plan:

The large home daycare project is located within the Mountain Shadows Master Planned area. The master planned land use designation for the project site is high density residential. The neighborhoods surrounding the project are developed with residential land uses, public parks, and public schools. **(see “Context Map” attachment)** The Applicant’s residential accessory use proposal is complementary and supportive of the current land use patterns. 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(B), the overall area impacts of the project were analyzed, and Staff finds the large home daycare project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CUPD-22-0009 – CONDITIONAL USE

Approve the conditional use development plan for the 1935 Manning Way project, based upon the findings that the request meets the review findings for granting a conditional use, as set forth in City Code Section 7.5.704, and a development plan as set forth in City Code Section 7.5.502(E).