

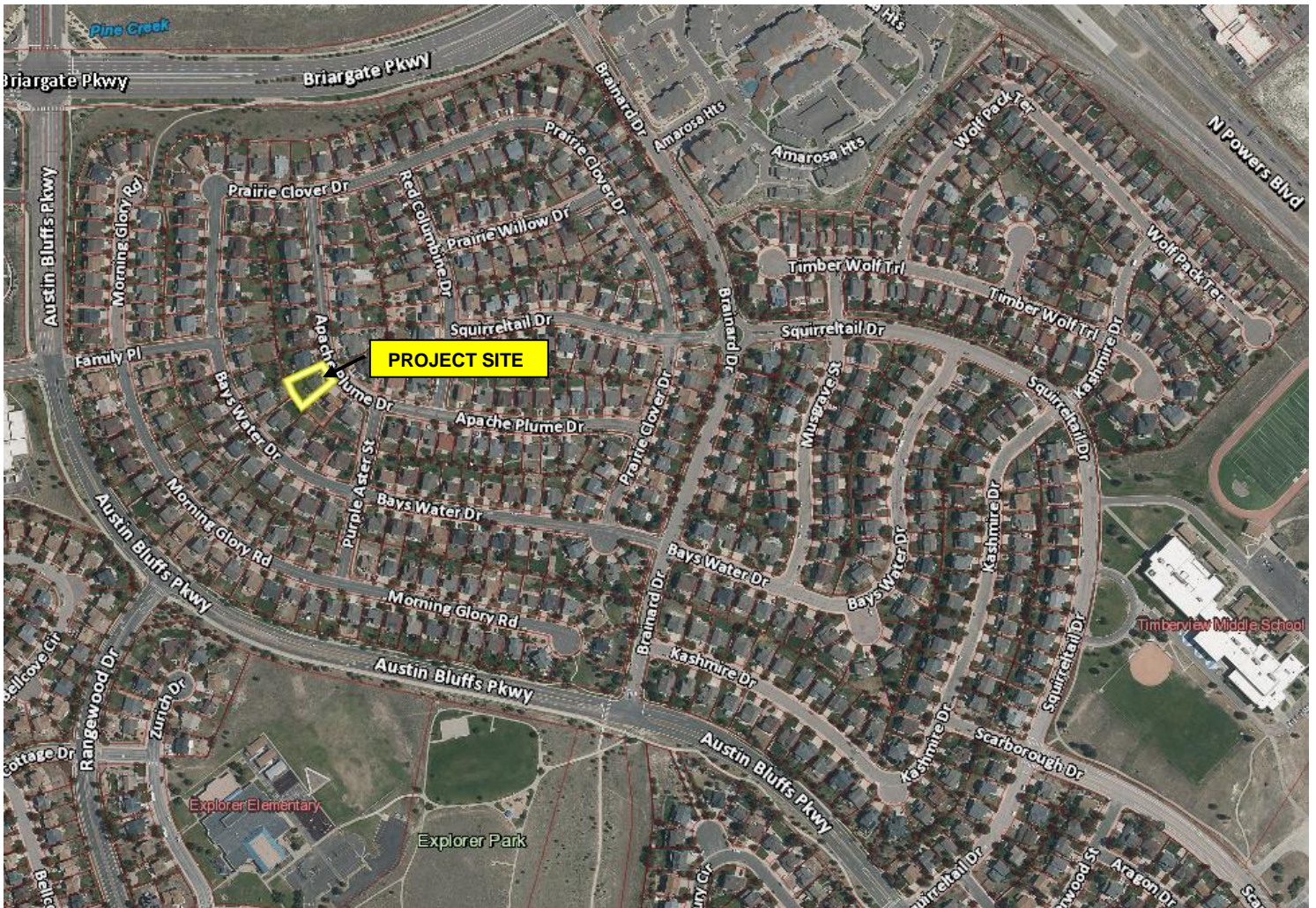
CITY PLANNING COMMISSION AGENDA
MAY 19, 2022

STAFF: KATELYNN WINTZ

FILE NO(S):
CPC CU 22-00032 – QUASI-JUDICIAL

PROJECT: 4239 APACHE PLUME DRIVE

OWNER: SHARON WREN



PROJECT SUMMARY:

1. Project Description: This project is a request for a conditional use development plan to allow a large daycare home at 4239 Apache Plume Drive. The proposed project consists of converting an existing, permitted, home daycare to establish a large home daycare for a maximum of twelve (12) children and infants, in an established residential neighborhood.
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 property address is 8239 Apache Plume Drive.
2. Existing Zoning/Land Use: The subject property is currently zoned R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is developed with a detached single-family residential home.
3. Surrounding Zoning/Land Use:
North: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
South: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
East: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
West: R1-6000/DF (Single-Family Residential with Design Flexibility Overlay) and is residentially developed.
4. PlanCOS Vision: According to the PlanCOS Vision Map, the project site is identified as an established suburban neighborhood.
5. Annexation: The subject property was annexed into the City on September 28, 1982 under the Briargate Annexation Addition No. 5 (Ord. No. 82-138).
6. Master Plan/Designated Master Plan Land Use: The project site is part of the implemented Briargate Master Plan (Gatehouse Neighborhood). The Master Planned Land Use designation is residential low (R-L, 2-3.49 DU/gross acre).
7. Subdivision: The subject property was platted under the Sagewood Filing No. 4 subdivision plat.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The 8,390 square foot lot is residentially developed. The property includes an estimated 3,600 square feet of fenced outdoor space.

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 280 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. Staff received several comments in opposition to the proposed project citing concerns about traffic, compatibility of the use in the neighborhood, and noise (see "**Public Comments**" attachment). The applicant provided a written response to the received public comments (see "**Comment Response**" attachment). The interested residents responded with a petition opposing the application for the same reasons as noted above (see "**Petition**" attachment).

Staff input is outlined in the following sections of this report. Staff sent the project to internal and external review agencies for review and comments per standard distribution. The review agencies either had no comment upon initial review or the provided comments have been addressed through plan revisions.

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

1. Review Criteria / Design & Development Issues:

a. Background

The applicant currently operates a licensed small home daycare with a valid state license and City permit. The daycare has been operational in this location for six (6) years with no known violations. The applicant now proposes a large home daycare requesting the ability to provide care for 7 to 12 children in a residential neighborhood which requires a conditional use.

b. Conditional Use Development Plan

The applicant seeks a conditional use development plan to allow a large home daycare for up to 12 children in an R1-6000 zone district where the use is conditionally permitted. The property is located at 4239 Apache Plume Drive situated south of Briargate Boulevard and east of Austin Bluffs Parkway. The subject property is located within three-quarters of a mile (0.75-mile) from Explorer Elementary, Timber View Middle School and Liberty High School.

Per the provided plans, the applicant has staggered drop off times and currently has three parking spaces for drop-off and pickup within their driveway and has one on-street space in front of their property. For the current and project future student capacity, the applicant has indicated that the available parking is adequate to satisfy their needs at this time. Additionally, Apache Plume Drive is considered a public residential street so if additional parking is needed the customers may conceivably utilize any available on street spaces that do not impede traffic or block driveways for neighboring residences. Per the project statement, the applicant intends to be the sole provider at the daycare at this time, although per City Code Section 7.3.105 (B) (1), one part-time employee that does not reside in the home may work at the daycare.

The backyard of the residence has been designated as the outdoor play area for the children. As proposed, and in accordance with City Code Section 7.3.105(B)(2), the applicant has provided 625 square feet of indoor and 3,600 square feet of outdoor play area. City planning staff finds these conditions to adhere with the City Zoning Code and State of Colorado requirements for a 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 sq. ft. inside of the residence and 900 sq. ft. outside the residence to remain in compliance with the State. The outdoor area is fully fenced with a 6-foot-high wood fence. Children are not permitted in the front yard of the property. Staff finds that there is adequate space at the residence for the play space requirements.

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 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 "Colorado Shines" referral website, six other daycare facilities, small or large, exist within one mile of the subject address. The proposed use is compatible in the single-family neighborhood and will be valuable in providing this business type to the surrounding area. As previously stated, the daycare has been operational for over three 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 is 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 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 as there is a need for childcare in Colorado Springs and is a compatible use with the residential neighborhood. Refer to Section 3 below for additional details.

d. Public Comments

Staff received several comments in opposition to the project, which include high-volume traffic, parking, noise, decreased property value, increase in size of daycare, and compatibility as noted by the residential neighborhood. Planning staff provides the following responses to the above referenced comments:

- **Traffic:** As discussed, City Traffic Engineering confirmed there is adequate space for vehicle parking. The cul-de-sac on this street limits the amount of thru traffic, thus allowing for vehicle turn around at the cul-de-sac to be the safest route for traffic to leave the street after picking up and dropping off children. Traffic Engineering reviewed the project and does not find any concerns with traffic generated from this use or with the overall safety and welfare to the surrounding community.
- **Parking:** The parking requirement complies with the City Code Section 7.4.203. Per the standards, single-family residential uses require one (1) dedicated off street space. Per the plans provided, the applicant indicates that resident vehicles will be parked internal to the attached garage. This leaves three (3) spaces internal to the driveway and at least one (1) on street space for customer vehicle parking to complete pick up and drop off without impeding traffic on the residential streets. 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 providing available parking for about four (4) vehicles at one time contained entirely on or in front of the subject property. Driveway and sidewalk access will not be impeded by the parking areas.
- **Noise:** The noise on the property should not exceed the permissible noise level outlined in City Code Section 9.8.104. However, the applicant has stated that they will not be taking children outside to play prior to 9:30 AM and closes at 5:30 PM mitigating any noise impact at indecent hours of the day. According to the applicant, no noise complaints have been received during the three years of operating a small daycare.
- **Neighborhood Compatibility:** The site is surrounded by single-family residential land uses within single-family residential (R1-6) zone district. The zone district accommodates low density residential neighborhoods. 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.

- **Size:** The applicant has proposed an increase of children to care for from six to twelve. Per the applicant's project statement, in line with state regulations the increase with only the applicant as the sole provider will allow for a total of eight (8) full time children with the possibility of an increase to nine (9) in 2023 if awarded an "experienced" license. Per state requirements, this large home daycare may only provide care for 12 full-time children if a full-time assistant is hired on to assist the applicant. They indicate they are not considering hiring an assistant at this time. The increase in the number of children should not affect the general safety and welfare of the neighborhood, for the code requirements to mitigate such an effect have been satisfied. All internal and external agencies that have reviewed the project have no comment as to the potential increase in pick-up and drop-off of the children.
- **Property Value:** 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.

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 Established Suburban Neighborhood (**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.
 - 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 exist to support both immediate and surrounding neighborhoods will benefit this "Established Suburban Neighborhood".

3. Conformance with the Area's Master Plan:

The Dang Daycare project is located within the Briargate Master Planned area. The master planned land use designation for the project site is residential low (R-L). The Briargate 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. As discussed above, a home-based daycare service is one of many ways to help bridge the gap for desperately needed childcare services in our community and is generally deemed compatible with residential land uses. Predominantly residential use types may imply that the area is suitable for raising a family and some supporting use types, such as home-based daycare services, are a natural amenity for working parents in the community. It is a service provided by neighbors, friends, or family, integrated into communities that children are already conceivably residing in. 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 project to be complimentary and supportive of the immediate area.

STAFF RECOMMENDATION:

CPC CU 22-00032 – Conditional Use Development Plan

Approve the conditional use development plan for 4239 Apache Plume Drive, 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 a development plan as set forth in City Code Section 7.5.502(E).