



Meeting Date: September 1, 2020

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: Tara Vargish, Director, Development Services

From: Sandy Vossler, Senior Planner, Development Services

Title: **RESOLUTION APPROVING A USE BY SPECIAL REVIEW FOR LOT 31, BLOCK 27, THE MEADOWS FILING 18 ALLOWING A LARGE IN-HOME DAYCARE (Located at 2893 Deerfoot Way)**

Executive Summary

On August 13, 2020, the Planning Commission voted 6-1 to recommend approval of a Use by Special Review allowing a large in-home daycare, as presented. No members of the public offered written comments prior to the meeting, nor joined the meeting to address the Planning Commission.



Figure 1: Vicinity Map

Taylor and Amy Lewison, property owners and operators of Ms. Amy's Tot Academy, located at 2893 Deerfoot Way, Castle Rock, CO, have submitted a land use application for a Use by Special Review (UBSR) to allow a large in-home daycare on the premises (**Attachment B**). Their property is located in The Meadows subdivision (**Attachment A**).

The property is zoned Planned Development (PD) within the Meadows PD, 4th Amendment. The zoning allows small in-home daycare centers as an accessory use to single-family dwelling units without special Town Council approval. The Meadows zoning allows large in-home daycare centers, if approved by Town Council as a Use by Special Review.

Per the Town of Castle Rock Municipal Code, a small in-home daycare may provide care or education for six children, plus two additional school age children. A large in-home daycare may operate with seven to twelve children, plus two additional school age children.

The Lewisons have been operating a small in-home, state licensed daycare from the dedicated area of their finished, walk-out basement, for approximately two years. Approval of the UBSR will allow them to expand their services and care for six to eight additional children. No changes to the interior or exterior of the home are necessary to meet State licensing requirements.

Notification and Outreach Efforts

The first neighborhood meeting, to be held prior to submittal of the land use application, was waived in early March due to the evolving COVID19 restrictions on public gatherings. The second neighborhood meeting was held June 4, 2020 via a virtual meeting format. Three members of the public joined the meeting. Mr. and Mrs. Lewison presented the proposed Use by Special Review to allow a large in-home daycare. They discussed the staggered drop-off times, the available parking and the dedicated daycare space in their home. Staff explained the uses permitted by right and those requiring a special approval, as established in the Meadows PD Zoning Regulations, 4th Amendment.

Two of the attendees, neighbors of the Lewisons, asked general questions about the number of aides required by the state, the number of infants allowed, and whether the children are taken on outings to neighborhood parks. The neighbors acknowledged the need for childcare providers and did not express any concerns with the change to a large in-home daycare. A third attendee joined later in the meeting. She resides in Metzler Ranch; however, she owns three homes in The Meadows. She expressed strong opposition to any in-home daycare providers in residential neighborhoods, noting her concern that daycare facilities operating in residential areas would change the neighborhood character from residential to business/commercial. The third neighborhood meeting was waived by the Town Manager.

Requests for external referrals were sent to the various utility providers, public service providers and jurisdictional partners, with no objections being reported.

Posted, written and published public notices were completed in accordance with the Town of Castle Rock Municipal Code rules for noticing public hearings.

Planning Commission Action

Planning Commission held a virtual public hearing on August 13, 2020 to consider the proposed Use by Special Review. No neighbors or other members of the public participated or offered comments during the hearing. The Commission voted 6-1 to recommend approval. The dissenting Commissioner expressed concerns that traffic and parking on the street would increase and impact the neighbors.

Discussion

Background

The Lewisons home is located southwest of the intersection of Meadows Boulevard and Low Meadow Boulevard. The property is zoned single-family residential, which allows small in-home daycare centers as an accessory use, subject to the licensing requirements of the State of Colorado. The Meadows zoning allows large in-home daycare centers, if approved by Special Review.

The Lewisons have operated Ms. Amy's Tot Academy as a small in-home, licensed childcare facility, for two years. Their home has a finished walk-out basement, which is dedicated entirely to the daycare facility.

The daycare space includes a kitchen and eating area, play and reading area, a bathroom and nap room (See Figure 2). A separate entrance to the daycare space is provided for parents dropping off or picking up children. No changes to the daycare space are necessary or proposed to accommodate the additional children allowed in a large in-home daycare. The outdoor play space is provided in the backyard, and meets the requirements of the State.

Proposed Use by Special Review

A small in-home daycare limits the number of children to six, plus two school-aged children. Expanding to a large in-home daycare will allow the Lewisons to serve more families, help meet the demand for childcare in the community and grow their business. The current interior space and the outdoor play area meet the State's space

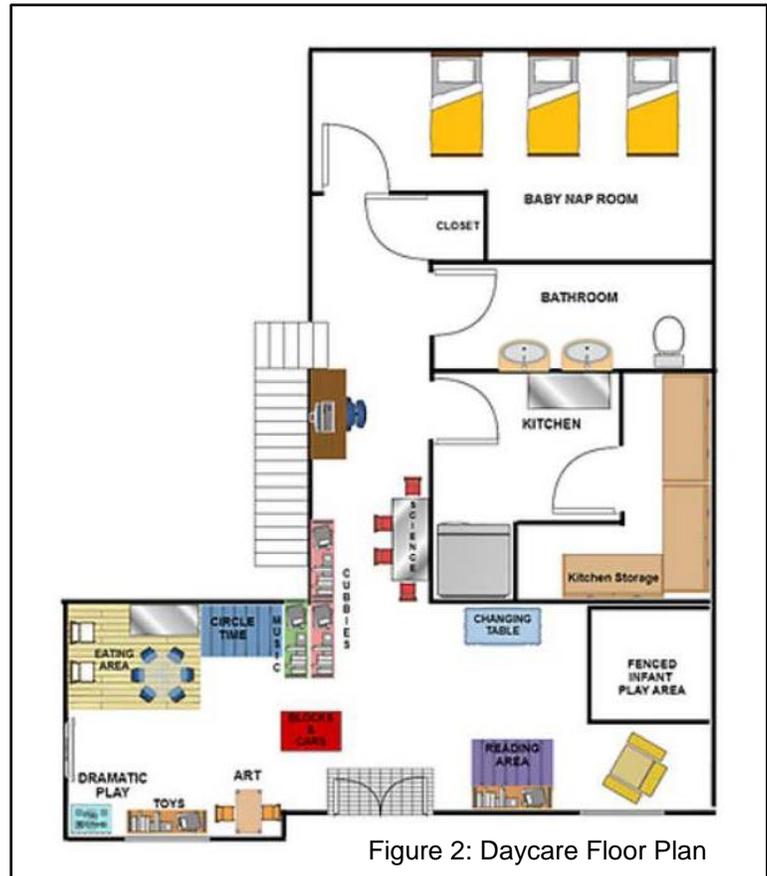


Figure 2: Daycare Floor Plan

requirements for a large in-home childcare facility without any changes. The outdoor play area is located in the backyard and is directly accessible from the interior daycare area. The Town of Castle Rock Fire Department has inspected the residence and daycare space and determined that the Fire Code provisions for a large in-home daycare have been met.

The daycare operates Monday through Friday. Normal hours of operation are 7:30 am to 6:00 pm with drop-offs between 7:30 am and 9:30 am and pick-ups between 4:00 pm and 6:00 pm. The hours have been slightly modified during the period of COVID19 restrictions to allow time necessary for cleaning and sanitizing on a daily basis.

The Town Code requires one parking space per employee and one space per six children. There are two spaces in the garage that provide parking for the two owner/operators, and two additional spaces are available in the driveway for parents' vehicles. Anecdotally, the Lewisons indicate that due to the two-hour window for drop-off and pick-up, and parents' varying schedules, there are rarely more than one or two cars present at the same time. The distribution of arrivals and pick-ups, also avoids a noticeable influx of cars into the neighborhood.

The Lewisons offer an age-appropriate preschool curriculum to the children on a daily basis. On occasion, the children are taken to a nearby neighborhood park as a short field trip. This is only done with the parent's approval and when an additional aide is available to assist. When the weather permits, the children have an hour of play time outdoors in the backyard of the residence. The outdoor time is limited to one hour at mid-day to mitigate noise impacts from the children at play.

Use by Special Review Analysis

Staff evaluates a Use by Special Review based on the representations made in the application and attachments submitted to date, and in accordance with the requirements of Chapters 17.10, 17.38 and 17.39 to determine whether any negative impacts of the proposed use can be properly mitigated, and whether the use will adversely affect other properties.

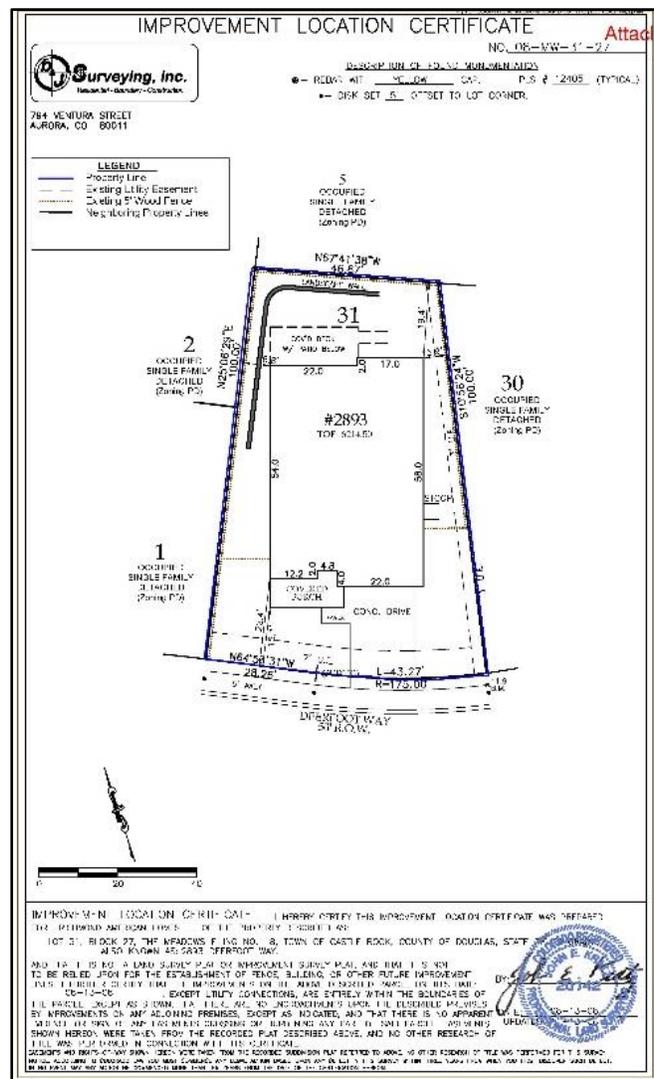


Figure 3: Plot Plan

Land Development and General Design Principles (Chapter 17.10)

The design principles set forth in this chapter apply to the design and layout of PD Plans, Site Development Plans (SDP), Subdivision Plats and Construction Documents, and would have been considered and applied at the time of the review of these submittals. The proposed Use by Special Review for a large in-home daycare does not impact the previously approved plans, nor does it require any amendments to those plans, therefore the principles outlined Chapter 17.10 are not applicable to this Use by Special Review.

Site Development Plan Review and Approval Criteria (Section 17.38.040)

A Use by Special Review application is most often considered in conjunction with the submittal and review of a Site Development Plan for new construction, a building expansion, or when the proposed UBSR will require site improvements, such as additional parking or a new building entrance. The SDP with this Use by Special Review includes the Plot Plan for this property for the purpose of showing the layout, dimensions and orientation of the existing improvements on the site.

The proposed use for Ms. Amy's Tot Academy requires no site improvements, therefore it is the use, and not changes to site, that requires consideration to determine whether the proposed use is appropriate at this location, and whether there are negative impacts that cannot be adequately mitigated. Staff's application of the review and approval criteria outlined below focuses on the location, applicability of the use, potential negative impacts and mitigation measures.

- Community Vision/Land Use Entitlements

In support of the Town's Vision and Comprehensive Master Plan, a large in-home daycare in the heart of The Meadows within a residential neighborhood serves to meet the needs of the community and offer a lifestyle option to residents, as well as the property owners. The Town seeks to provide educational opportunities that meet the changing needs of residents, and approval of a large in-home daycare with an age-based curriculum will allow the operators to reach the youngest learners.

- Site Layout

As noted, there are no site improvements necessary, nor proposed with this UBSR. The Town's parking standards require one space per employee, one space per six children, plus one space per facility-owned vehicle. Operation of a large in-home daycare on the property necessitates four off-street parking spaces. The residence includes two parking spaces in the garage, which are used by the owner/operators and two parking spaces on the driveway to accommodate parents during drop-off and pick-up. In the event a parent chooses to park on the street, there is space available to accommodate parked cars without parking in front of other resident's homes or driveways.

- Circulation and Connectivity

The proposed use does not negatively impact vehicle or pedestrian circulation or connectivity. Castle Rock Fire has inspected and approved the home and daycare space for compliance with Fire Code for large in-home daycare centers.

- Service, Phasing and Off-Site Impacts

Water, sanitary sewer and storm sewer services will not be negatively impacted by the additional children in the residential daycare. No off-site improvements are required and phasing of improvements is not applicable to this application.

- Open Space, Public Land and Recreation Amenities

This criteria is not applicable to this application, as the proposed use does not require such dedications.

Use by Special Review: Review and Approval Criteria (Section 17.39.010)

- Compatible with scale, architectural character and design themes of the neighborhood

The proposed UBSR does not change the home's compatibility with the scale, architecture or design themes of the neighborhood.

- Compatible with the existing/planned uses on the adjacent properties

The primary use on this property is a single-family detached home. The owners are the operators of the daycare facility and they reside in the home. The Meadows PD Zoning regulations anticipated large in-home daycare facilities in the residential areas of the Meadows, as long as potential impacts could be mitigated. As described, the required parking is available on the lot and the days and hours of operation are consistent with routine weekday activity in a neighborhood. Outdoor play time is limited to one hour mid-day to minimize any noise impacts from children playing in the backyard. It should be noted that infants will not be included in the number of children actively playing outdoors.

- Mitigates adverse impacts or nuisance effects

The Lewisons have operated Ms. Amy's Tot Academy as a small in-home licensed daycare at this location for two years. The two neighbors who joined the neighborhood meeting specifically mentioned that they have not realized negative impacts from the operation of the daycare on the property. The daycare operates Monday through Friday, only. As mentioned previously in this report, there is a two-hour window for drop-off and pick-up contributing to staggered arrival and departure activities. Outdoor playtime activity is limited to one-hour mid-day.

- Use will not result in undue traffic congestion or traffic hazards. Adequate off-street parking is provided

The traffic associated with the additional children will be negligible. The four required parking spaces are provided on the site.

- Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact

The outdoor activity area is limited to the backyard of the residence, which has standard residential landscaping. There are no other outdoor activities that would require screening or buffering

Budget Impact

The proposed Use by Special Review will not generate impact fees.

Conditions of Approval

The Use by Special Review is subject to compliance with all Town Regulations and the following conditions:

1. The owners and residents of the home are Taylor and Amy Lewison,
2. The operators of the large in-home daycare are Taylor and Amy Lewison, and
3. The large in-home daycare is located at 2893 Deerfoot Way.

Findings

Planning Commission voted 6-1 to recommend approval, finding that the proposed Use by Special Review for a large in-home daycare

- Meets the objectives of the Town's Vision and Comprehensive Master Plan,
- Meets the requirements of The Meadows Planned Development Plan and Planned Development Zoning Regulations, 4th Amendment, and
- Complies with the Use by Special Review review and approval criteria established in Sections 17.38.040 and 17.39.010 of the Town of Castle Rock Municipal Code.

The following are hyperlinks to the review and approval criteria of Sections 17.38.040 and 17.39.010 of the Municipal Code, respectively:

https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT17ZO_CH17.38_SIDEPL_17.38.040SIDEPLREAPCR

https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT17ZO_CH17.39_USSPRE_17.39.010REAPCR

Recommendation

Planning Commission recommends approval of the proposed Use by Special Review, as outlined in this report.

Proposed Motion

I move to approve the Resolution, as introduced by title.

Attachment

Attachment A: Vicinity Map

Attachment B: Resolution