



Meeting Date: July 20, 2021

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
Brad Boland, AICP, Planner II, Development Services Department

Title: **Resolution Approving a Use by Special Review Application for a Large In-Home Day Care at 978 McMurdo Circle (Lot 6, Block 1, Castle Oaks Estates Filing 5)**

Executive Summary

The applicant, Kylee Thompson, is requesting approval of a Use by Special Review for a large in-home daycare at her residence located at 978 McMurdo Circle. A Use by Special Review is required for day care centers including in-home day care per the Castle Oaks Amendment No. 1 Planned Development (PD). A large in-home day care may operate with seven to twelve children, plus two additional school age children. The applicant, operating as High Five Pre-school, has been permitted to operate as a small in-home day care since October 15, 2017. The Use by Special Review requires public hearings before the Planning Commission for review and recommendation to Town Council.

The Planning Commission voted 6-0 to recommend to Town Council approval of the Use by Special Review at a public hearing held on July 8, 2021.



Figure 1: Vicinity Map

Background

Existing Conditions and Surrounding Uses

The property is located within the Castle Oaks Estates Filing Number 5 subdivision, a residential subdivision that is part of the Castle Oaks Amendment No. 1 PD. The house is within the greater Terrain development. The home, addressed as 978 McMurdo Circle, sits on an 0.15-acre lot and is 2,976 square feet in size. The home is two stories with an unfinished basement. The home is of similar size and architectural style as the surrounding homes in the neighborhood.

High Five Pre-school provides a pre-school curriculum to children 3-5 years old. High Five Pre-school currently operates from Tuesday through Thursday from 9:30 a.m. to 12:30 p.m. and follows the Douglas County School district calendar. The current enrollment is six children.



Figure 2: Existing Home

Zoning Regulations

The Castle Oaks Estates PD was originally annexed into the Town as part of the Villages at Castle Rock in 1981. The property was then rezoned in 2002 to its current zoning as the Castle Oaks Estates Amendment No.1 PD. The large in-home daycare is required to be approved through a Use by Special Review. Small in-home daycares are permitted and licensed as home occupations by the Town. Home occupations are a permitted accessory use as per the Castle Oaks Estates Amendment No. 1 PD.

Discussion

Use

While High Five Pre-school provides a pre-school curriculum, has limited hours of operation, and follows the Douglas County School district calendar, it does operate under the day care licensing requirements of the state and Town. The Town's definitions of both small in-home day care and large in-home day care start with "means the care and/or education for periods...".

High Five Pre-school is seeking to upgrade its current small in-home day care license to a large in-home day care license. A small in-home day care license allows for up to six children, plus two additional school age children. A large in-home day care license allows for up to 12 children, plus two additional school age children. The immediate purpose of seeking the

upgraded license is to increase enrollment to 8 children. All other facets of the operation are intended to stay the same at this time.

The Use by Special Review approval would not limit the number of children enrolled beyond the large in-home day care license and would allow High Five Pre-school to potentially increase their enrollment to 12 children, plus two additional school age children, if so inclined at a future date. While not planning on changing the days and or hours of operation that it currently operates at this time, the Use by Special Review Operational Conditions of Approval does allow for operation Monday through Friday, 9 a.m. to 4 p.m. This will allow flexibility to best meet their student and family needs moving forward. The hours of operation reflect that High Five Pre-school does not operate as a standard in-home day care as the 9 a.m. start time is after, and the 4 p.m. end time is before traditional work start and end times.

Development Standards

The existing home meets all of the required development standards of the Castle Oaks Amendment No. 1 PD.

Notification and Outreach

Public Notice

Public hearing notice signs were posted on the property on June 22, 2021. Written notice letters were sent to property owners within 500 feet of the property, at least 15 days prior to the public hearings.

Town staff published notice of the Planning Commission public hearing on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Neighborhood Meetings

A neighborhood meeting was held on April 19, 2021 virtually on Zoom. Two neighbors attended the meeting and stated their support for the application.

A second neighborhood meeting was scheduled for July 8, 2021 to provide interested neighbors a chance to view the plans that were to be presented to Planning Commission and Town Council. No residents attended the meeting.

External Referrals

An external referral was sent to the HOA and no response was received. As per Senate Bill 20-126, HOAs can no longer prohibit licensed family child care homes, including large in-home day cares through a declaration, bylaws, or rules and regulations. Despite this, an HOA may still offer a statement of support of opposition should they choose. In this case, as stated, no response has been received from the HOA.

The applicant has also provided letters from neighbors, with and without students of High Five Pre-school, that were originally submitted to the HOA. These have been included in this packet (Attachment C).

Analysis

This independent staff analysis takes into account the representations made in the application and attachments submitted to date.

Use by Special Review and Approval Criteria and Analysis 17.39.010

Use by Special Review applications shall also be evaluated under the following criteria:

- A. Demonstrates design compatibility with the scale, architectural character and other prominent design themes found within the surrounding neighborhood.*
- B. Demonstrates compatibility of the proposed use with existing and planned uses on adjacent properties.*
- C. Mitigates adverse impacts or nuisance effects such as, but not limited to, visual impacts, noise, vibrations, light intensity, odors, loitering or level of outdoor activity, hours of operation or deliveries.*
- D. Will not result in undue traffic congestion or traffic hazards. Adequate off-street parking must be provided. Pedestrian access must be adequately addressed when this type of access is identified as a significant component or need of the proposed use.*
- E. Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact.*

The existing home design and scale is similar to the homes in the area and no changes to the home are proposed. The additional traffic associated with a potential of six additional children will be negligible. Hours of operation are outside of peak traffic times. No issues with drop off/pick up traffic were reported by neighborhood meeting attendees. Letters from neighbors state that they believe there have been no negative impact by drop off/pick up traffic with the pre-school as it currently operates. The four required parking spaces are accommodated within the garage and driveway. The property has standard residential landscaping.

Budget Impact

The proposed use will not impact the Town's budget.

Findings

All staff review comments have been addressed. Town staff has found that the proposed Use by Special Review for a large in-home day care at 978 McMurdo Circle addresses the following:

- Generally, conforms with the objectives of the Town Vision and the Comprehensive Master Plan,
- Meets the requirements of the Castle Oaks Estates Amendment No. 1 PD,

- Meets the review and approval criteria of the Municipal Code, Use by Special Review 17.39.

Recommendation

The Planning Commission voted 6-0 to recommend to Town Council approval of the Use by Special Review at a public hearing held on July 8, 2021.

Proposed Motion

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

Attachments

Attachment A: Resolution

Attachment B: Exhibit 1: Use by Special Review

Attachment C: Neighbor Letters