

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING  
FEBRUARY 25, 2025  
6:30 P.M.**

**CASE NO. USR23-002 – LITTLE SUNSHINE’S PLAYHOUSE & PRESCHOOL  
USE BY SPECIAL REVIEW**

**ERNIE ROSE, SENIOR PLANNER**

**LOCATION**

The Copperleaf Little Sunshine’s Playhouse & Preschool Use by Special Review (USR) site is located southwest of the intersection of East Quincy Avenue on Copperleaf Boulevard. It is in Commissioner District No. 3 and zoned MU PUD.



**Vicinity Map - (site is indicated by orange box)**

	<b>Zoning</b>	<b>Land Use</b>	<b>Subdivision</b>
<b>North</b>	MU	Apartments	Copperleaf
<b>East</b>	M-U	Commercial	Copperleaf
<b>South</b>	M-U	Single Family Residences	Copperleaf
<b>West</b>	M-U	Apartments	Copperleaf

## **PROPOSAL**

Little Sunshine’s Playhouse & Preschool, applicant, and Lennox at Copperleaf, property owner, propose a 10,967 square-foot childcare facility on a 2.03-acre parcel. The proposal includes constructing two play areas, a 3,910-square-foot playground and a 2,640-square-foot infant playground, associated parking, sidewalks, and landscaping.

## **BACKGROUND**

The subject property is in Use Area Parcel M of the Copperleaf Preliminary Development Plan (Z13-003). The Copperleaf Preliminary Development Plan zone is known as a “Town Centre” and requires a Use by Special Review (USR) for a daycare facility at this location. Additionally, this property is governed by the Copperleaf Development Agreement, which was executed in 2005. Properties in Use Area M must have site plans reviewed by the Planning Commission through the Final Development Plan process, as required in the Copperleaf Development Agreement. The Planning Commission will make an overall recommendation on the Final Development Plan. The case is then forwarded to the Board of County Commissioners for approval of the Final Development Plan (FDP) process (Land Development Code Section 5.3.4.B.1 adopted August 15, 2019) and the daycare land use through the Use by Special Review (USR) process (Land Development Code adopted January 31, 2011, and revised January 3, 2017).

The Planning Commission approved the Final Development Plan (FDP) with a 7-0 vote on January 21, 2025. The FDP aspect of this case was added to the BOCC Consent Agenda for February 25, 2025. The BOCC will address the daycare land use through the Use by Special Review (USR) process and will only consider the USR during the public hearing.

## **DISCUSSION**

Staff review of this application included comparing the proposal to 1) applicable policies and goals outlined in the Comprehensive Plan; 2) a review of pertinent zoning regulations, including the approved Copperleaf PDP; and 3) Use by Special Review regulations in the Land Development Code local; and 3) analysis of referral comments.

## **ANALYSIS OF THE FINAL DEVELOPMENT PLAN APPLICATION**

### **1. The Comprehensive Plan**

The Arapahoe County Comprehensive Plan (Comp Plan) designates this site as “multi-family.” Multi-family areas are anticipated to have a residential development in a range of higher-density housing types and neighborhood commercial uses, with convenient connections to work, commercial centers, and leisure areas, transitioning between commercial and lower-density residential uses. The applicant’s proposal for a childcare facility meets the guidance provided by the Comprehensive Plan for Multi-Family Areas. The application is in general conformance with the following Goals and Policies of the Comprehensive Plan:

*Policy GM 1.1 – Direct Growth to the Urban Area.*

The proposed application is within an approved mixed-use development. The daycare provider will provide a necessary service to the surrounding residential area.

*Goal EHI – Expand the County’s Existing Economic Base*

The proposed development will contribute to the County’s economic base by allowing more parents to enter the workforce due to reliable childcare.

*Goal GM 1.2 Encourage Infill Development and Redevelopment*

The proposed infill development is compatible with existing land uses in the Urban Area.

*Goal PFS11 – Ensure the Provision of Adequate Public Facilities and Services.*

Based on responses from service providers, adequate public facilities and services are present in the area.

2. Land Development Code Review

As noted above, the Copperleaf Development Agreement requires a Use by Special Review for childcare facilities, and the proposed USR approves the daycare center land use. This section analyzes the review criteria Use by Special Review. The Land Development Code requires that the following criteria be used when evaluating a Use by Special Review:

- a. *Recognize the limitations of existing and planned infrastructure, by thorough examination of the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.*

East Cherry Creek Valley Water and Sanitation District (ECCV) approved the project during the referral process.

The site is located southwest of the intersection of E. Quincy Ave. on Copperleaf Blvd. Both roadways provide automobile and pedestrian sidewalks that connect to the greater metro area roadway and pedestrian sidewalk network. RTD bus service is available at Picadilly Street and Copperleaf Boulevard.

Xcel Energy indicated no opposition to the project and included information regarding the application process for any new natural gas or electric service or modification to the existing facilities.

South Metro Fire Rescue District (SMFRD) will serve the proposed development.

The Engineering Services Division has evaluated the proposal, considering the existing and proposed infrastructure, and has determined that it is adequate to support the proposed use.

- b. *Assure compatibility between the proposed development, surrounding land uses, and the natural environment.*

The proposed use is compatible with the surrounding uses: it is located amongst residential and commercial development making the facility convenient to the public.

The proposed development site is surrounded by lands that are undergoing development review or have recently been constructed. The subject and surrounding properties are all zoned and master planned by the Copperleaf PDP. This continuity in zoning provides ample opportunities for the Copperleaf master developers to coordinate activities occurring on the various individual properties as they develop. Various retail and neighborhood services businesses, places of worship, and schools are located within and surrounding areas near the Copperleaf development.

The natural environment in this area has been replaced with urban development; the site was preliminarily graded with the Copperleaf Filing 19 Final Plat.

- c. *Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.*

The proposal, as submitted, can be served by existing public and emergency services, as indicated above. The library and school district did not comment on this application, and the Arapahoe County Sheriff's Office did not comment on it. ECCV has approved the proposed development.

- d. *Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.*

The proposed daycare facility will support the adjacent residences to the west and south and is conveniently located near employment, residential, and retail centers.

- e. *Ensure that public health and safety is adequately protected against natural and man-made hazards, which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.*

The proposal adequately protects against natural and man-made hazards, as evidenced by the Arapahoe County Engineering Services Division Report and referral agency responses.

- f. *Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.*

In collaboration with affected referral agencies, the Arapahoe County Planning and Engineering Services Divisions have evaluated the proposal's accessibility and determined that it provides adequate on-site circulation. The sidewalks are part of the local roadway network and provide pedestrian access. This development will connect to an existing sidewalk on Copperleaf Blvd and along the private drive to the south of the property.

- g. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types, and other relevant topographical elements.*

No significant physiographic features exist on or adjacent to this site.

- h. Ensure that the amenities provided adequately enhance the quality of life in the area by creating a comfortable and aesthetically enjoyable environment through conventions such as the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.*

The Copperleaf PDP requires 20% open space for this type of development. The proposal exceeds this requirement and provides 34% open space.

Given the type and style of the proposed commercial building and the fact that this site exists neither on a particularly high nor a particularly low point, impacts to mountain views will be typical of this type of development in this area.

- i. Enhance the usable open spaces in Arapahoe County and provide sufficient unobstructed open spaces and recreational areas to accommodate a project's residents and employees.*

Recreational open space needs are accommodated in the Copperleaf common open spaces, park sites, and the recreation center provided in the Copperleaf development. This FDP is not required to provide additional open space.

The FDP criteria stated above must be addressed before an FDP request is approved. They are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers. As discussed, the proposed FDP meets the criteria.

### **Request to Vary from the Land Development Code**

Section 4-1.2. B.3 of the LDC allows the applicant to submit a request to reduce parking requirements to the Planning Manager through a Land Development application. The applicant is required to provide 44 parking spaces and proposes to provide 42. The applicant has justified the proposed parking reduction as part of the letter of intent (see attached).

The Copperleaf PDP states all parking requirements will follow the County Code, as in effect on March 29, 2004, or subsequent parking codes adopted by Arapahoe County, whichever is less stringent. The applicant requests that the County apply the 2019 parking requirements, which require 1 parking space per 250 square feet. This proposal requires 44 parking spaces. The applicant is proposing 42 parking spaces, which is a 5.6% parking reduction based on the 2019 LDC requirements.

The Copperleaf Towne Centre Design Guidelines (May 24, 2004), state that waivers for reducing the parking standard can be sought at the FDP if it is not practical or feasible or may result in a less-than-appropriate design response. This statement applies to the site as adding more parking spaces will result in parallel and tandem orientation, which is not permitted under the LDC.

Additionally, the applicant cites the 2019 Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> addition, which states that the required parking ratio for a daycare use is 3.3 spaces per 10,000 sf, 1.3 spaces per employee, and .021 spaces per student. The proposed development will have 25 employees and 135 students, resulting in a required 39 parking spaces based on the 2019 ITE manual, well below the 42 spaces provided.

Arapahoe County staff supports this request for the reasons stated by the applicant.

#### 4. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing.

#### 5. Neighborhood Meetings and Outreach

A neighborhood outreach meeting was conducted at the Southeast Aurora Recreation Center, situated at 25400 E. Alexander Drive, on December 20, 2023. A sign announcing the meeting was posted on the property, and informational mailings were distributed to 61 properties within a 500-foot radius. Attendance was limited to the applicant and their engineering staff, as no community members participated in the meeting, and no comments were received.

### **STAFF FINDINGS**

Staff has visited the site and reviewed the plans, supporting documentation, referral comments, and citizen input in response to this application. Based on the review of applicable policies and goals, as outlined in the Comprehensive Plan, review of the development regulations, and analysis of referral comments, our findings include:

1. The proposed Use by Special Review generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed Use by Special Review complies with the process and review criteria outlined in Chapter 13-100, Planned Unit Development of the Land Development Code (adopted January 31, 2011), as was vested under the Development Agreement.
3. The proposed Use by Special Review meets the Arapahoe County Land Development Code, including Section 5.3.4.B.
4. The proposed Use by Special substantially conforms with the underlying Copperleaf Preliminary Development Plan and subsequent amendments.

### **STAFF RECOMMENDATION**

Considering the findings and other information provided herein, staff recommends approval of Case No. USR23-002 Little Sunshine's Playhouse and Preschool Use by Special Review is subject to the following conditions:

1. Before signing the final copy of these plans, the applicant must address the Public Works and Development staff's comments and concerns.
2. The applicant shall meet all East Cherry Creek Valley and Water Sanitation requirements.
3. The applicant shall meet all of Arapahoe County Health Department requirements and receive approval from this department before construction.

#### Alternatives

The Board of County Commissioners has alternatives that include the following:

1. Approve the proposed Use by Special Review.
2. Continue to a date certain for more information.
3. Deny the proposed Use by Special Review.

#### **CONCURRENCE**

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works and Development Department is recommending approval of this case. The Planning Commission does not review the Use by Special.

#### Attachments

Engineering Staff Report  
Letter of Intent & Application  
Referral Comments and Applicant's Response  
Exhibits