

Staff Report  Zoning and Land Regulation Committee	Public Hearing: June 28, 2022		CUP 02568
	Zoning Amendment Requested: TO CUP: Daycare Center		Town/Section: BLOOMING GROVE, Section 2
	Size: 5.1 Acres	Survey Required.	Applicant SHARON FUCCILE
	Reason for the request: Daycare Center		Address: 4500 RUSTIC DRIVE



DESCRIPTION: Applicant, Rebecca Katzenmeyer, requests approval of a Conditional Use Permit to allow a Daycare Center to be operated out of the existing residence on the 5.5 acre RR-4 (Rural Residential) zoned property. The center would be run by the owners/operators of Blooming Grove Montessori School located on the adjoining property. Applicant proposes to utilize the existing residential structure to serve up to 26 children under the age of 3 in three classrooms. There would also be additional office space for staff.

OBSERVATIONS/ FACTUAL INFORMATION: Current land use of the property is residential. Surrounding land uses are residential. The property is part of a ~40 acre “town island” comprised of 10 nearby properties bounded by Rustic Drive and Sprecher Road. The property is served by private septic and well. The applicant owns 3 adjoining parcels of land along Rustic Drive totaling ~14 acres. No new structural development is proposed. No sensitive environmental features observed.

TOWN PLAN: The property is located in the town’s low density residential planning area.

RESOURCE PROTECTION: No resource protection areas on the property.

STAFF: The applicant currently operates Blooming Grove Montessori on the adjoining property, as well as Toad Hill Children's House. Applicant proposes to relocate their Toad Hill toddler house program to the property at 4500 Rustic

Drive. That program currently serves 8 children. As noted above, the applicant would like to provide daycare services for up to 26 children. Enrollment numbers will be contingent on state licensing allowances.

Town plan policies do not explicitly address childcare services. However, the plan notes the need for increased services as population increases. Daycare facilities are often located in residential areas where the services are needed. The proposed daycare providing services for up to 26 children on a 5 acre parcel is anticipated to result in modest impacts, including increase in trip generation to/from a property.

Pending any concerns expressed at the ZLR public hearing, staff recommends approval of the Conditional Use Permit subject to the following conditions:

1. Capacity of the daycare shall be limited in accordance with the operator's state license.
2. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.
3. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
4. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
5. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
6. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
7. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
8. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
9. Off-street parking must be provided, consistent with s. 10.102(8).
10. If the Dane County Highway, Transportation and Public Works Department, town board, or city of Madison traffic engineer determine that road improvements, signage, and/or driveway modifications are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs for road improvements borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
11. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
12. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
13. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
14. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

STAFF UPDATE: The petition was postponed at the June 28th ZLR Public Hearing due to opposition from a neighbor expressing concerns about traffic safety around the curve on Rustic Drive. The applicant is contacting both the town and city of Madison traffic engineering to inquire about possible signage along Rustic Drive. Staff has modified standard condition #10 regarding road improvements to address the concerns, as follows (highlighted text added to the standard condition):

- If the Dane County Highway, Transportation and Public Works Department, town board, or city of Madison traffic engineer determine that road improvements, signage, and/or driveway modifications are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs for road improvements borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

Staff recommends approval of the petition with the 14 conditions listed above.

Any questions about this petition or staff report please contact Majid Allan at (608) 720-0167 or allan@countyofdane.com

TOWN: Approved with no conditions.