
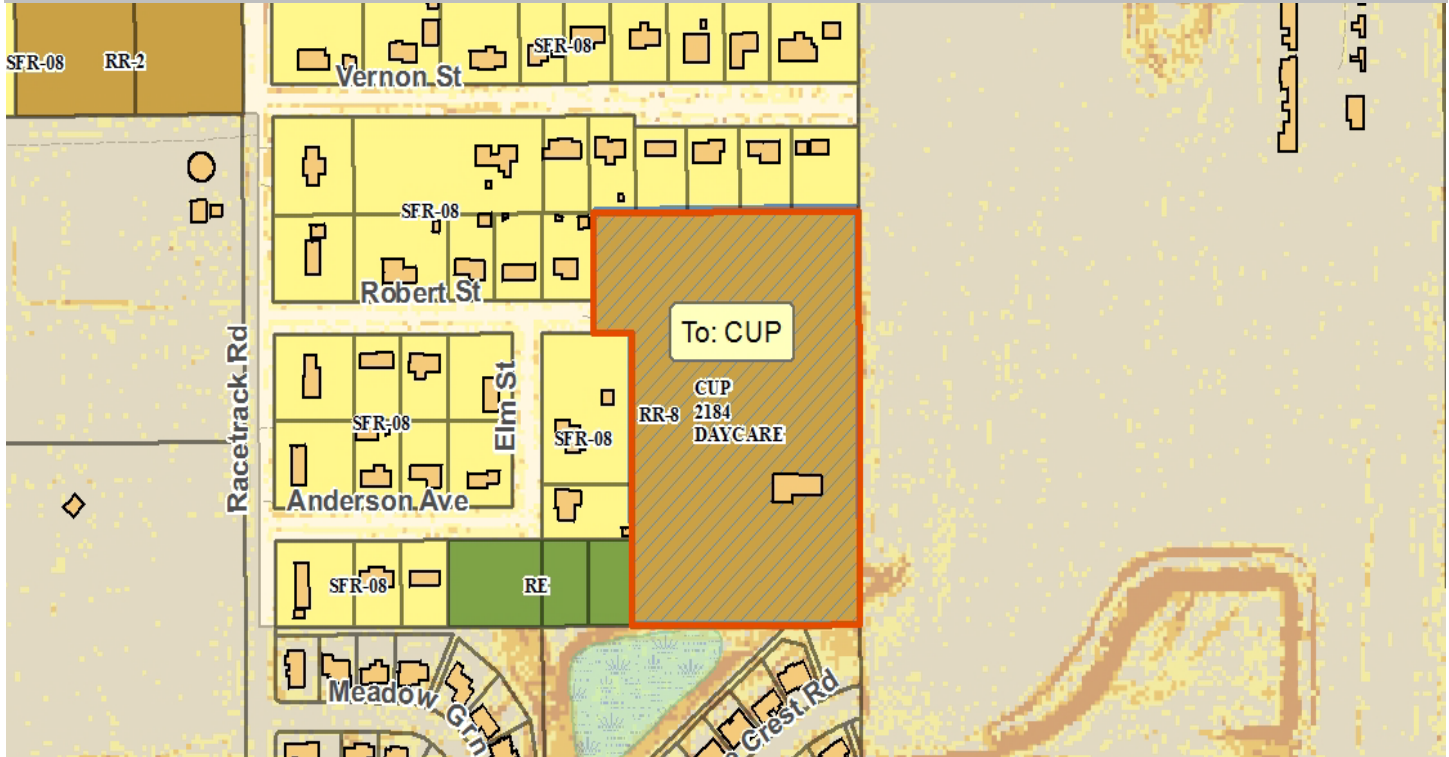


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| Staff Report  Zoning and Land Regulation Committee | <i>Public Hearing:</i> February 22, 2022 | CUP 02554 |
| | <i>Zoning Amendment Requested:</i> TO CUP: Expansion of an existing daycare center from 50 children to 100 children | <i>Town/Section:</i> DUNKIRK, Section 9 |
| | <i>Size:</i> 10.23 Acres | <i>Survey Required.</i> |
| | <i>Reason for the request:</i> Expansion of an existing daycare center from 50 children to 100 children | <i>Applicant</i> DAVID & CLAUDIA ANDERSON |
| | | <i>Address:</i> 2402 ROBERT STREET |



DESCRIPTION: Applicants Kate & Luke Dennis operate the existing nonprofit daycare center, [Fort Little Green](#), on the property under Conditional Use Permit (CUP) #2184, issued in January 2012. The current CUP is subject to an enrollment limit of 50 children. Applicants are requesting an amendment to that condition to allow up to 100 children in the summer months (June-August) to allow for an expansion of their summer camp programming. A new building with plumbing/electric is proposed, along with a garage and new access drive and 40-stall parking area.

OBSERVATIONS/ FACTUAL INFORMATION:

Location, size, existing use and characteristics of subject property: The ~10 acre property is located at the end of Robert Street. Existing use of the property is residential and the site of Fort Little Green daycare. The property is located in a residential neighborhood with a large tract of undeveloped land abutting to the east. There are approximately 30 residences located within 500’ of the property.

Utilities, access, drainage, and other necessary site improvements: Applicant’s site plan shows a proposed new building, garage, access drive, and parking area. The new driveway and parking area will require Dane County stormwater and erosion control permits. Any new septic system will require review and approval by the Dane County Environmental Health Division.

TOWN PLAN: The property is within the town’s Agricultural Preservation Area. The City of Stoughton Plan shows this area being part of the Southeast neighborhood planning area. The land is adjacent to the city’s short-term urban growth area, which will incorporate traditional neighborhood design principles.

RESOURCE PROTECTION: No resource protection areas located on the property.

STAFF: Town plan policies indicate the need to develop additional childcare facilities and capacity. In the chapter on Utilities and Community Facilities, the plan notes the following, *“In the coming years, childcare will likely be a pressing need. While the town will not provide childcare, it should allow for this type of use in appropriate areas in the town.”*

Fort Little Green was established in 2012 and has been providing services in the 10 years since. The current conditions of approval are as follows:

1. Capacity of the preschool shall be limited to 50 children.
2. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.
3. A circle drive shall be implemented within 1-year from the date of approval of the Conditional Use Permit
4. Adequate off-street parking shall be installed on site to accommodate vehicle parking as required under Dane County Code of Ordinance section 10.18.
5. The well and septic system shall have proper capacity to accommodate the additional persons.
6. This Conditional Use Permit will expire upon the sale or termination of Fort Littlegreen (daycare center) by Luke or Kate Dennis.

Staff is aware that the applicant is working with an engineering firm on plans for the new building and other improvements and has requested that additional details be provided in the site and operations plans. The town of Dunkirk is not anticipated to complete its action on the petition in time for consideration at the 2/22 ZLR hearing.

Staff recommends postponement of the petition at the public hearing to consider public input, and provide time for the applicant to submit additional information in support of the petition.

STAFF UPDATE: The petition was postponed at the February 22nd public hearing due to no town action. No opposition was presented at the ZLR hearing. The town of Dunkirk board has since approved the petition (see below and attached).

Staff recommends approval of the petition with the following conditions. Note that these include the applicable prior conditions, town conditions, as well as the standard conditions for approval of a Conditional Use Permit from section 10.101(7).

1. Capacity of the preschool shall be limited to 50 children during the school year. Summer enrollment shall be limited to 100 children.
2. This approval does not include approval for any new site or building development. Any future building or related site expansion shall require a new Conditional Use Permit.
3. Hours of operation of the preschool shall be limited to 7:00am to 6:00pm, Monday through Friday.
4. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
5. 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.
6. 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.
7. 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.
8. 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.

9. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
10. Off-street parking must be provided, consistent with s. 10.102(8).
11. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
12. 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.
13. 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.
14. 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.
15. 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.
16. This Conditional Use Permit will expire upon the sale or termination of Fort Littlegreen (daycare center) by Luke or Kate Dennis.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com

TOWN: Approved, with the following conditions: "Expansion of an existing daycare from 50 children to 100 children. This approval of this CUP does not include approval for any site or building development."