
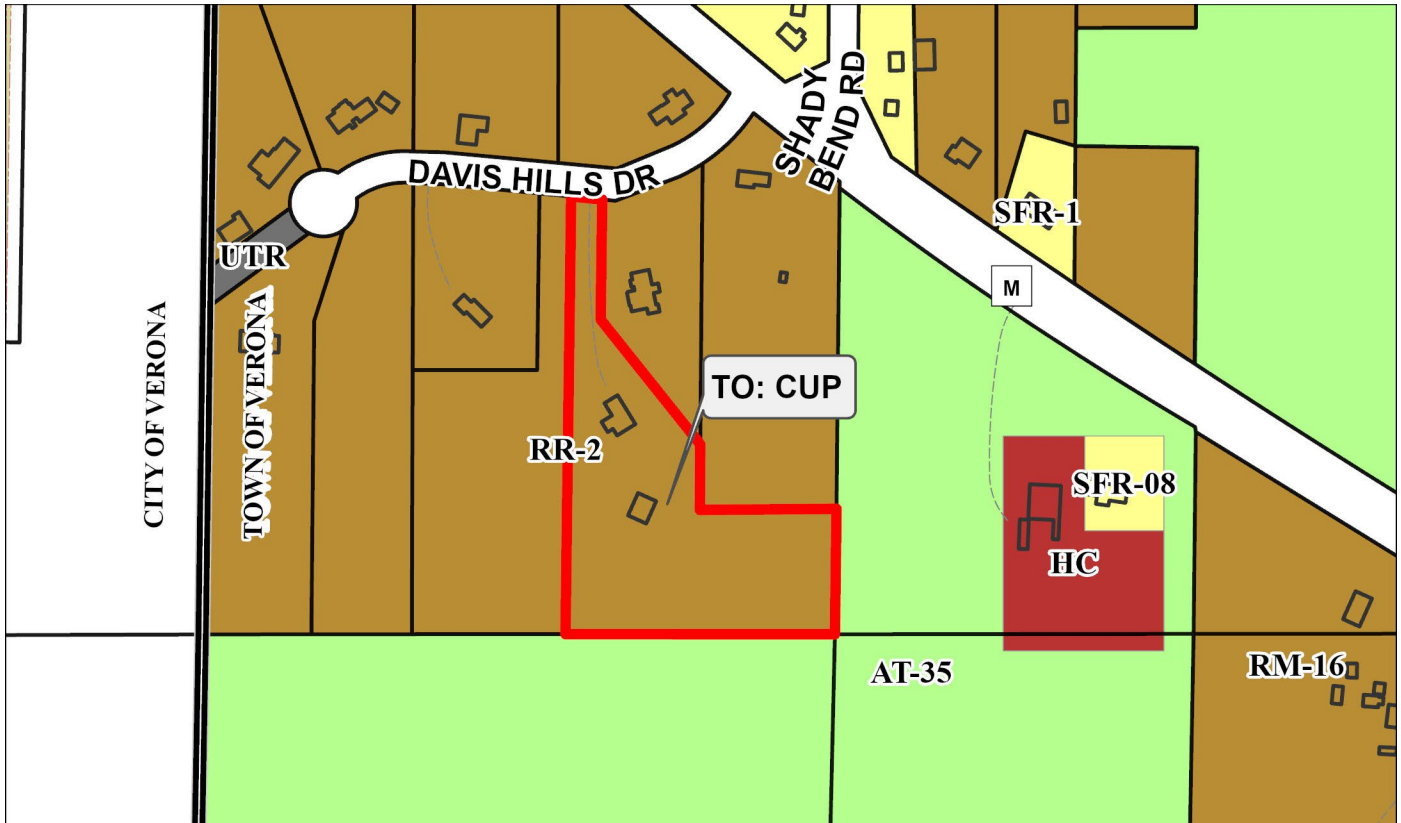


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> August 27, 2024 Report updated for the September 24th ZLR Committee meeting	Conditional Use 02632	
	<u>Zoning Amendment Requested:</u> TO CUP: C.U.P. FOR A NONPROFIT COMMUNITY USE (OUTDOOR HEAD START PROGRAM FOR UP TO 8 CHILDREN)	<u>Town, Section:</u> VERONA, Section 25	
	<u>Size:</u> 5.5 Acres	<u>Survey Required:</u>	<u>Applicant:</u> ALEJANDRO AND ERIN ARANGO-ESCALANTE
	<u>Reason for the request:</u> C.U.P. FOR A NONPROFIT COMMUNITY USE (OUTDOOR HEAD START PROGRAM FOR UP TO 8 CHILDREN)	<u>Address:</u> 2110 DAVIS HILL DRIVE	



DESCRIPTION: Applicants request a CUP for a community nonprofit use (outdoor Head Start program) for up to 8 children on a rural residential lot with RR-2 zoning. The application was submitted by Todd Jindra on behalf of Reach Dane and landowners Alejandro and Erin Arango-Escalante. The operation would be an early childhood education program for children 2 to 3 years of age operated by Reach Dane, the provider for Head Start programs in Dane County. The owners live on the property and have agreed to host the program on a 2.8-acre portion of their property in the back yard. Reach Dane has a primary facility elsewhere, and would use this property as a “satellite” location for outdoor program time whenever weather allows, similar to a field trip.

According to the application, there are several such nature-based programs in Wisconsin but this would be the first Head Start program in the country to have this type of option. The proposal includes:

- Operating hours Monday-Friday 7:00am-4:30 pm (year round with some breaks)
- Maximum of 6 program staff on site (incl. 3 teachers, 1 family services worker, 1 aide to assist with food prep)
- 1 yurt structure for classroom and office use (with electrical for lights, computers, stove & refrigerator)
- A fenced in garden area with a picnic shelter, fire pit, and sanitary facilities
- A portable lavatory and heated composting toilets for sanitary purposes (as specified in the application, with the specific facilities being subject to approval by Public Health Madison & Dane County)
- A small bus would transport children and staff to and from the site in the morning and afternoon. 1 or 2 staff may drive to the site in their own vehicles.

OBSERVATIONS / FACTUAL INFORMATION: The property is in rural residential use and is 5.5 in size. The surrounding land uses contain other rural residential lots, agricultural lands, and a contractor business; the surrounding zoning is RR-2 Rural Residential, AT-35 Agricultural Transition, and a small area of HC Heavy Commercial. The property is near to (less than 1,000 feet away from) a commercial business park within the City of Verona's jurisdiction.

A nonprofit community use is an allowable conditional use in the RR-2 zoning district. The Head Start program provides educational and health-related support for families in the area.

RESOURCE PROTECTION: There are no resource protection corridors on or within 300 feet of the property.

COMPREHENSIVE PLAN: This property is within a Rural Residential 4-8 Acres planning area under the Town of Verona / Dane County Comprehensive Plan. Although the plan does not contain specific language regarding child care facilities, it does include the following general policy language regarding home-based businesses:

The Town will prohibit home-based businesses within residential subdivisions, or groups of rural residences, which would cause safety, public health, or land use conflicts with adjacent residential uses due to such things as increased noise, traffic, and lighting, unless these detrimental effects can be sufficiently addressed.

The proposed use is technically not a business but a small educational program for up to 8 young children; the scale would be similar to an in-home daycare. For questions about the town plan, contact Senior Planner Brian Standing at (608) 267-4115 or standing.brian@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a conditional use permit. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The CUP application describes the proposed operations plan. The applicant states that the proposed use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the nearby residents and falls in line with two conditional uses within the RR-2 Rural Residential Zoning District, "day care centers" and "nonprofit community uses".

Staff notes that the program would be run by an established, licensed operator of early childhood education programs. They are working with Public Health on the details of the sanitary facilities, which would not need to use or impact the existing private water well or septic system. In addition, transportation would be provided by the program to minimize the number of vehicles visiting the site.

2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

The applicant states that the proposed use will not impact any of the neighboring properties, there will be a privacy fence added to the area being used for the learning center in addition to the large tree line that will offer as noise barrier and additional privacy from the neighboring properties. The proposed area backs up to farm fields and is approximately 459 feet from the nearest house to the north and 552 feet to the house to the east.

There are two homes within 500 feet of the yard area proposed to be used for the program.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The applicant states that the immediate neighborhood has been developed with nine single-family homes with 2+ acre lots (including subject site), the property to the east and south is agriculture land. The requested use adheres to the requirements of the RR-2 zoning and does not impede the normal and orderly development and improvement of the surrounding properties. They provided letters of support from two adjacent neighbors.

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and the surrounding properties are already developed for rural residential use or are in agricultural use. The lots adjacent to the west are undeveloped but zoned for residential use. However, the operation would be small scale, involve minimal property improvements (accessory structures), and does not appear likely to impact the ability of adjacent lands to be developed or improved.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

The applicant states that the property has adequate access to the area to be used by Reach Dane, and utilities and improvements already exist on the subject property. Portable lavatory and composting toilets will be utilized for sanitary purposes.

Any sanitary facilities would be subject to review and approval by the Public Health Department. As proposed, the operation would not require additional septic system improvements. The composting toilet would see minimal use, as most of the children will be in diapers; the proposed toilet specs indicate the manufacturer also provides for maintenance services as needed. Reach Dane would use a contracted service to bring the clean water tanks and remove the waste water tanks from the proposed portable hand-washing sink. Electricity would be provided by solar cells and a generator.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Off street parking is provided for the property in the existing driveway. The applicant states there is a driveway located on site, and Reach Dane will transport children and staff to the rear of the property by bus. This would eliminate the probability of traffic congestion typical when cars are in queue to drop off or pick up children.

Staff notes the provision of a small bus for bringing children and staff to the site will eliminate the traffic and parking normally associated with a daycare or school type of operation. The existing driveway is roughly 2,100 feet long; the northern 230 feet is shared with the home to the east addressed at 2106 Davis Hills Drive. The applicants have indicated that they vetted the proposal with the neighbors prior to applying for the CUP.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The proposed use conforms to the applicable regulations of the RR-2 zoning district. A nonprofit community use is an allowable conditional use in the zoning district. The proposed buildings appear to meet RR-2 requirements.

7. That the conditional use is consistent with the adopted town and county comprehensive plans.

Based on the comments above, the proposal appears consistent with the Town and County Plans. The proposed use is not a business but a small educational program that (for comparison sake) would be no larger than a home based daycare for up to 8 children, a use that is permitted on single-family residential properties.

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to nonprofit community uses can vary, but are mostly likely to involve traffic, noise, sanitary provisions, and aesthetic impacts (such as lighting or signage). In this case, the primary concern might be noise associated with children playing outside. No lighting or signage is proposed. The applicant's CUP application addresses how other potential nuisances would be handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for nonprofit community uses.

TOWN ACTION: Pending (town meeting scheduled for September 19th).

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns, subject to the Town of Verona's review. This includes the program's limited size/scope, the provision of bus transport to minimize traffic, and the fact that the structures proposed would not rely on the residential property's well and septic system and would thus not require permanent site improvements in order to operate. However, the town review has yet to occur and additional information may need to be discussed in order to establish any necessary conditions in order to approve the permit.

AUGUST 27TH ZLR PUBLIC HEARING: The ZLR Committee held a public hearing on August 27th and postponed action on the CUP to allow time for town action. No one spoke in opposition to the proposal. No additional information was requested.

STAFF UPDATE: Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above and (2) we recommend approval with the conditions listed below.

CUP 2632 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (none, see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.

11. 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.
12. 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.

Conditions specific to CUP # 2632:

13. Sanitary fixtures are allowed on site as specified in the application, subject to approval by the Public Health Department.
14. This permit is granted for Reach Dane as the operator, and landowners Alejandro and Erin Arango-Escalante, and the permit shall automatically expire upon sale of the property or change of the program operator.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.