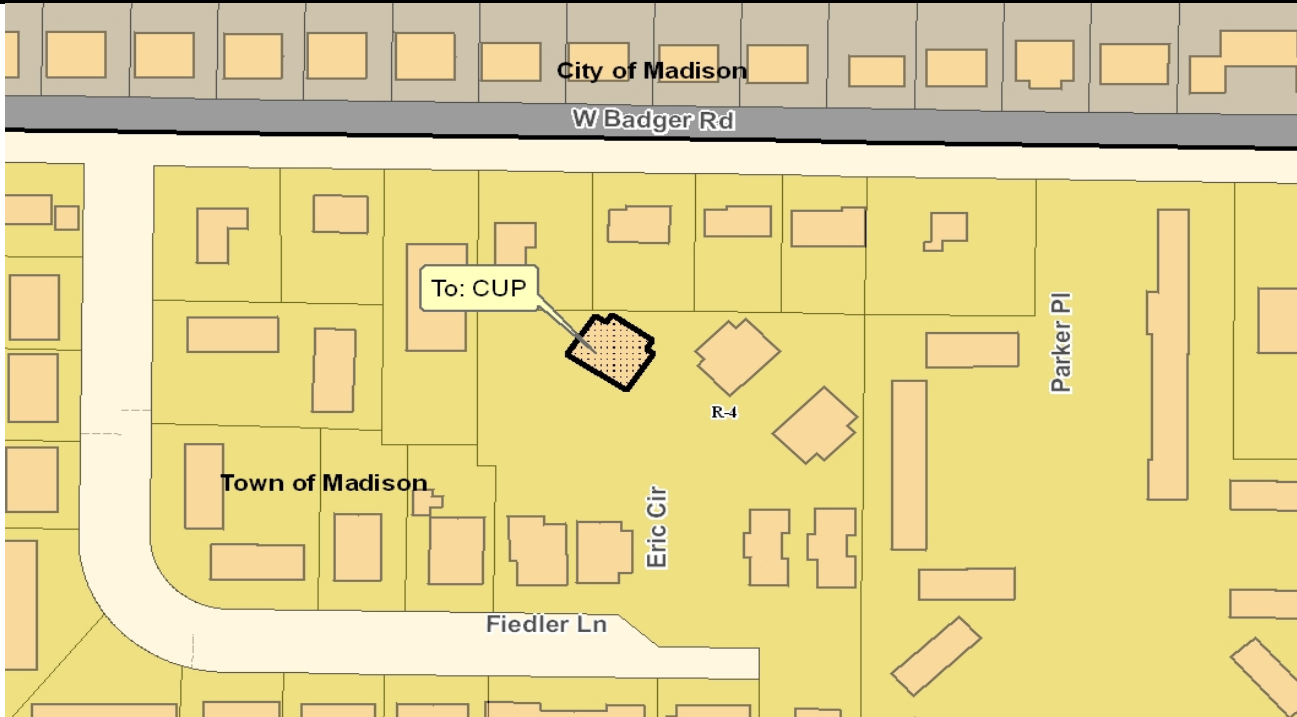




Staff Report

Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 27, 2015	<i>Petition:</i> CUP 2298
	<i>Zoning Amendment:</i> None	<i>Town/sect:</i> Madison Section 35
	<i>Acres:</i> 2.747 <i>Survey Req. No</i>	<i>Applicant</i> Mirna Paredes
	<i>Reason:</i> Daycare	<i>Location:</i> 1010 Fielder Lane Unit 20



DESCRIPTION: The applicant, Leonor Dominguez Llanos, is requesting to expand an in-home daycare business to allow up to 8 children. Currently, the applicant is operating a daycare for a maximum of 3 children. The proposed hours of operation would be between 6am-10pm, 7 days per week.

OBSERVATIONS: The residence is part of the Harmony Park Condominium Plat. The property consists of approximately 30 residential units. The parking has been designed for the residential units and not for commercial activity. There is adequate amount of open space for an outdoor activity area, however this space is owned by the Condominium Association. The operation of a day care center and the use of common space as part of a business operation may conflict with the covenants of the Condominium Plat. The property is currently zoned R-4 Residence District. Single-family residences, duplexes, and multi-family buildings are permitted by right in the R-4 Zoning District.

TOWN PLAN: The City of Madison comprehensive plan identifies this area as medium density residential. Day cares are listed as an acceptable use in this planning area.

RESOURCE PROTECTION: There are no areas of resource protection on the property.

STAFF: The County ordinances require a conditional use permit for daycare operations exceeding three children. However, Wisconsin Statutes section 66.1017 states that a municipality may not prevent a family child care home (8 children or under) from being located on a property if the zoning of the property permits a single-family residence (See attached). Staff suggests that the Committee approve the CUP or take no action to be in compliance with Wisconsin Statutes. If approved, the Committee should only condition the daycare to comply with Wisconsin Statutes 48.65.

TOWN: The Town has decided not to take action on the conditional use until a license is obtained from Wisconsin Department of Children and Families. They are also concerned that the proposed daycare violates the covenants of the Harmony Park Condominium Plat.

Proposed Conditional Use Permit # 2298

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

7. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
8. 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.
9. 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.
10. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
11. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
12. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. The family child daycare shall not exceed 8 children.
2. The daycare facility shall comply with Wisconsin Statutes 48.65.