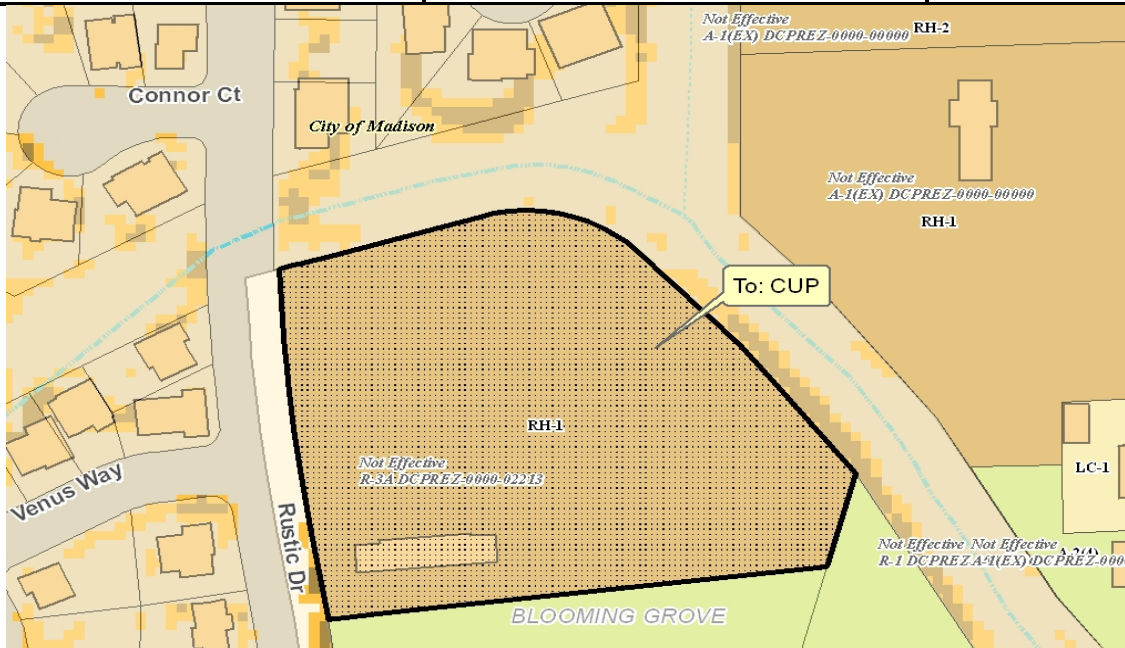




# Staff Report

Zoning and Land Regulation Committee

Public Hearing: <b>August 25, 2015</b>	Petition: <b>CUP 2323</b>
Zoning Amendment: <b>None</b>	Town/sect: <b>Blooming Grove Section 02</b>
Acres: <b>4.3</b> Survey Req. No	Applicant <b>Nancy D Turcotte</b>
Reason: <b>Daycare center</b>	Location: <b>4560 Rustic Drive</b>



**DESCRIPTION:** Rebecca Katzenmeyer would like to purchase this property and convert the existing duplex into a small daycare center. The proposal is to start the facility by providing services to 8 children. The facility has the ability to expand to service 40 children. Ms. Katzenmeyer currently operates the Toad Hill Montessori School at 4418 Milwaukee Street in Madison.

**OBSERVATIONS:** The property located in a 40-acre Town island surrounded by the City of Madison. There is an existing duplex located on the 4.3 acres. The surrounding neighborhood consists of a single-family residential subdivision to the west and north. There are larger rural residential lots to the east and south. A regional storm water management waterway is located along the east property line. No sensitive environmental features observed. Since this property is still in the Town of Blooming Grove, there are no sidewalks along the east side of Rustic Drive.

**TOWN/CITY PLANS:** The subject property is located in the "rural residential" land use district. The purpose of this district is "to maintain the rural character of the town with lower densities and preserved open space within the development". The subject property is also included in the City of Madison *Sprecher Neighborhood Development Plan*, where it is located within the "Low Density Residential" land use district. Low density is considered less than 8 dwelling units per acre. Daycare centers are generally considered complementary to residential neighborhood areas.

**CITY OF MADISON:** The City of Madison has no objections to the proposal. The proposal does not interfere with planned roadways for the area.

**RESOURCE PROTECTION:** The property is located outside a resource protection area.

**STAFF:** The existing driveway does not have an adequate width to facilitate safe vehicular movement. In addition, Rustic Drive does not have a pedestrian path along the property. It is suggested that an adequate drive and parking facility be installed prior to operation of the daycare center to ensure safety of customers.

**TOWN:** Approved with no conditions.

**8/25 ZLR:** The petition was postponed due to public opposition. The neighbors raised concerns regarding traffic volume, noise levels of children, parking, and effects on property values and taxes.

Traffic Volume: In speaking with the City of Madison Engineering Department, Rustic Road is designed as a local street. It is designed to handle 3,000 vehicles per day. A 40-child daycare will produce approximately 160 vehicle trips per day. The daycare would not be a traffic concern as long as adequate parking was available on site.

Noise levels of children: The hours of operation are limited to 7:00am to 6:00pm. The daycare will not be open on the weekends. The amount of children able to be outside at one time is 12. The nearest residence to the outdoor activity area is 225 feet. Staff feels that the limit hours of operation, the limited amount of children outside at any one time, and the distance to neighboring residences, will not create a nuisance in the neighborhood.

Parking: Parking will be prohibited on Rustic Drive. The daycare will have adequate parking for both employees and customers. Aisle width and parking stalls have been increased to ensure ease of parking on site.

Property Values: In speaking with City of Madison Assessor's Office, they found no reduction in home sale prices of houses in close proximity to daycare centers around the Madison area.

**Staff Update:** The conditions have been revised to reflect the concerns expressed at the public hearing. The maximum amount of children has been reduced from 50 to 40 students. The parking layout was amended to provide additional spaces.

## **Proposed Conditional Use Permit # 2323**

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:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. 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
6. 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 enrollment at the daycare center shall be limited to 40 children.
2. Hours of operation shall be from 7:00am to 6:00pm Monday through Friday.
3. Arrival and departure times shall be staggered to minimize traffic.
4. The parking area on the south side of the building shall be devoted to employee parking. The driveway shall be widened to a minimum of 24 feet and the parking area installed per the presented plan prior to the operation of the daycare center.
5. The proposed parking area on the north side of the facility shall be installed at the time the facility exceeds 8 children. The parking area shall be designed to one parking space per 2.5 students. The parking area shall have a minimum of 28 feet wide drive aisle with 9'x18' stalls.
6. Parking shall be prohibited along Rustic Road or until such time as a sidewalk is installed along the east side of Rustic Drive.
7. The sanitary system shall be approved by the Department of Health for the operation of the daycare facility prior to opening.
8. Exterior lighting shall conform to the presented site plan.
9. A change of use permit shall be obtained from the Dane County Zoning Division to convert the duplex into a daycare facility.
10. All signs shall comply with Dane County Code of Ordinances.