



# Staff Report

Public Hearing: February 24, 2015

Petition: Rezone 10797  
CUP 2299

Zoning Amendment:  
C-2 Commercial District to R-2  
Residence District

Town/sect:  
Burke  
Section 12

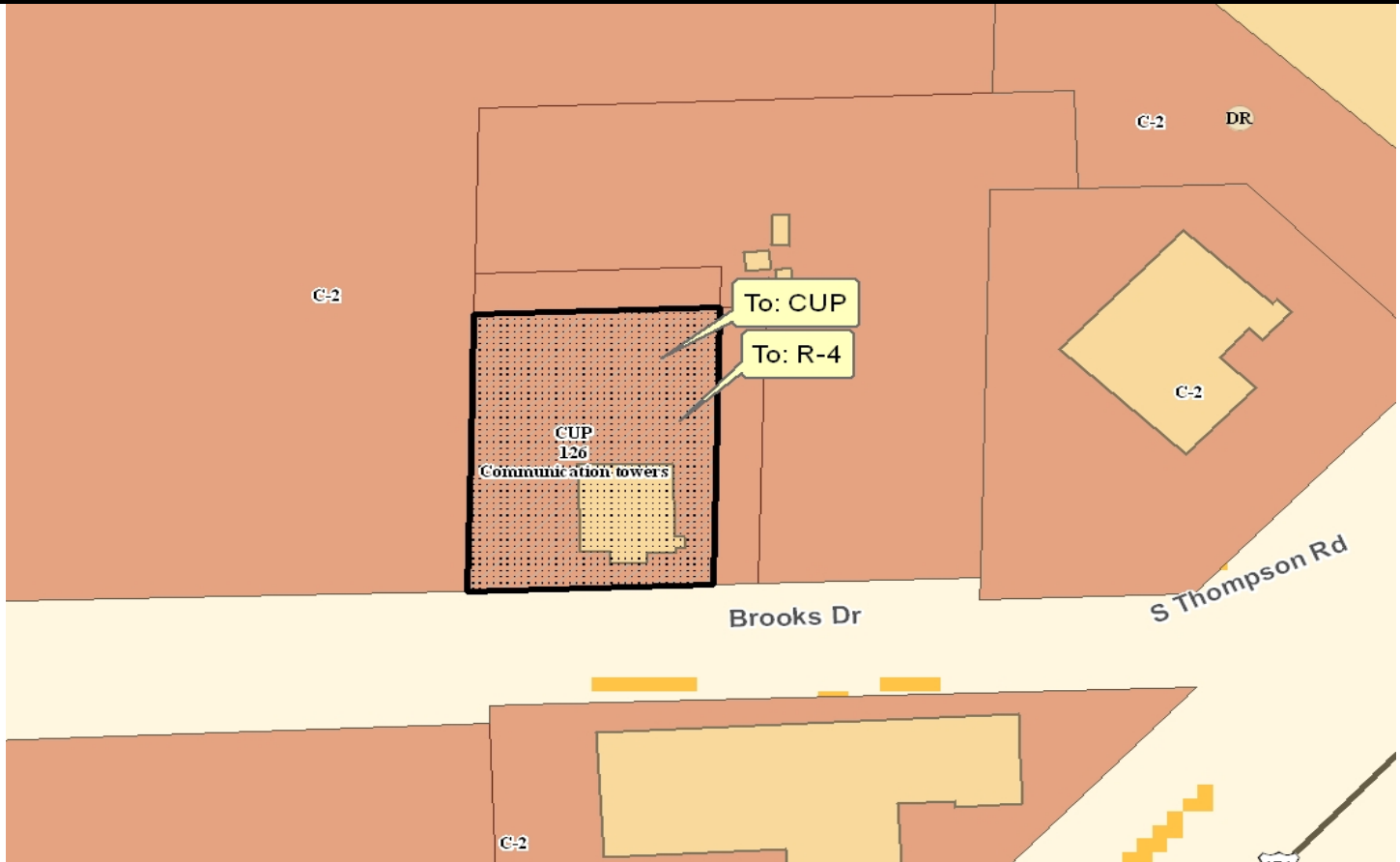
Acres: 0.76  
Survey Req. No

Applicant  
Brooks Drive LLC

Reason:  
Community arrangement for >15  
persons  
CUP Description: Community  
arrangement

Location:  
3392 Brooks Drive

Zoning and Land Regulation Committee



**DESCRIPTION:** This application is for a change in zoning from C-2 Commercial to R-2 Residential with a conditional use permit (CUP) for a community living arrangement (CLA) of greater than 15 people. The proposal is to establish a homeless shelter for single mothers and their children utilizing the existing building on the property. As described in the application materials, the interior of the building would be renovated to accommodate up to 17 families. The facility would be operated by Shelter from the Storm Ministries and be open 24 hours a day with either two full-time, or four part-time, employees.

**FACILITY AND OPERATIONS:** The exterior of the building will remain the same – the placement of the signage, the lighting, etc. Improvements will be made to the parking and landscaping. The front entrance will be for visitors and the client entrance will be on the side of the building. A fence will be installed in the back of the building to create an enclosed space where there will be a playground area. A security system will be installed. All renovations will be on the interior of the building.

This will not be an emergency shelter where people might wait at the door for temporary shelter. Clients will be screened through an application process. The program works to alleviate impending or current homelessness by providing short-term shelter and establishing mentoring relationships with case managers who assist in life skills, securing stable employment, and obtaining long-term housing.

The first phase of the shelter is to provide temporary shelter to 5 families while renovations are started on the interior of the building. The hours of operation for this phase will be 5:00 pm to 7:30 am seven days a week. When the renovations are complete, the full programming can begin, and the hours would then be 24 hours, seven days a week.

**OBSERVATIONS:** The existing building is 21 feet from the front property line, where the setback requirement is 63' to the center line or 30' from the R.O.W. line. Dane County highways commented that there was not enough information provided to estimate traffic volumes.

**TOWN PLAN:** The subject property falls within the Boundary Adjustment Area – Sun Prairie (BAA-S) of the Burke/DeForest/Sun Prairie/Madison Cooperative Plan. Shelter from the Storm Ministries intends for the property to remain in the town of Burke until annexation of the property into the City of Sun Prairie in 2037 (as defined in the Cooperative Plan). In effort to implement the Cooperative Plan, there is a four-party agreement, reached in 2007, related to lands within the town of Burke. Per the agreement all “development” that occurs within the BAA-S shall be reviewed and approved by the City of Sun Prairie before is it approved by the town of Burke.

**PLANNING STAFF:** Because the property currently in the town of Burke, it is not served by public water and sewer services, and it will not have such service until it is annexed into the City of Sun Prairie. For this reason, it is very important that the septic system is upgraded to serve the proposed use. Additional land area may be needed to accommodate a larger septic drain field, and this may become a limiting factor in how many people may reside in the facility. It is important that this issue is addressed, and it is noted in the list of recommended conditions of approval.

Surrounding uses include a few commercial uses and undeveloped land. There are no negative impacts anticipated to surrounding uses.

**TOWN:** The Town of Burke Plan Commission recommended approval of the proposal at its December 21st meeting (voted in favor 6:0). Also on 12/21/2014, the Town Board approved (vote 5:0) a resolution to conditionally approve rezone 10797/CUP 2299. The conditions are as follows:

1. The Conditional Use permit is only valid if the property is being used as a facility to serve homeless women and children as stated in the letter of intent and the property is rezoned to R-2;
2. All requirements, certifications and permits required by City of Sun Prairie, Dane County and State of Wisconsin, are met;
3. All remodeling codes are met; and
4. The property is either connected to City of Sun Prairie sewer or the steps are taken to assure that the septic system is designed to meet the needs of the building occupancy.

**CITY:** On January 20, 2015, the City of Sun Prairie Common Council passed a resolution approving the proposal. The resolution included the following four conditions of approval:

1. The conditional use permit is approved subject to the property being zoned R-2 Residential
2. All building and plumbing codes shall be met for the approved occupancy
3. The parking area shall be striped in a manner to identify each parking space
4. A landscaping plan shall be submitted for review and approved by the City prior to occupancy of the building for the proposed use.

## Proposed Conditional Use Permit # 2299

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. All building and plumbing codes shall be met for the approved occupancy
2. The septic system must be designed to meet the needs of the building occupancy, as defined in Chapter 46 Private Sewerage System Ordinance & Health Ordinance, of the DCCO.
3. The applicant must provide parking that meets parking and loading standards (10.18), for a community living arrangement, as described in Section 10.18(5)(d) of the DCCO.
4. The parking area shall be striped in a manner to identify each parking space
5. A landscaping plan shall be submitted for review and approved by the City of Sun Prairie prior to occupancy of the building for the proposed use. A copy of this plan must be provided to Dane County Zoning.
6. There shall be no outdoor storage
7. There shall be no outdoor loudspeakers