

Report to the Manitowoc Plan Commission

Meeting Date: February 27, 2019

Request: PC 12-2019: Little Scholars Day Care, LLC; Request for a Conditional Use Permit for the Establishment of a Child Day Care at 1402 Clark Street (ClarkBridge Hall) under MMC 15.190(3)f and 15.370(27).

Reason for Request: Child Day Care establishments over 16 individuals requires the issuance of a Conditional Use Permit. The request is being made pursuant to Manitowoc Municipal Code (MMC) Section 15.190(3)(f) - R-6 Conditional Uses and Section 15.370(27) Conditional Use Permits.

Existing Land Use for Subject Property: The property is located at 1402 Clark Street and is referred to as Clark Bridge Hall (former Vocational School).

Existing Zoning for Subject Property: R-6 Multiple Family District

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, South, East	Multiple industrial uses including Northern Wisconsin Produce Co. (Cold Storage), warehouse buildings and Manitowoc Composites	I-2 Heavy Industrial
West	Residential housing and Tj's Sports Bar	R-6 Multiple Family and B-3 General Business

Statute and Municipal Code:

Pursuant to Section 15.370(27)c of the Municipal Code the following criteria shall be considered when considering a Conditional Use Permit.

“the Plan Commission and Council shall consider whether the requested use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)c as well as compliance with regulations of the particular zoning district which the conditional use would be located.”

In 2017 the Wisconsin legislature passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits. The statute is copied and pasted below.

“ §62.23(7)(de) Conditional use permits.

1. In this paragraph:

a. “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.”

In essence, a local government cannot deny a CUP if the applicant agrees to meet all the conditions and the conditions must be reasonable and measurable.

Report

Barbara Shannon, d.b.a. Little Scholars Daycare LLC is proposing to open a 32 child day care in the Clarkbridge Hall building located at 1402 Clark Street; formerly known as the Vocational School. The Daycare would be for children from the age of birth to 4 years old. The anticipated opening date is April 1st, 2019. The space is in the former Generations Senior Daycare facility. In 2007, a conditional use permit was issued to a different daycare facility (The Peanut Gallery) which has since closed.

The daycare is currently working with the State of Wisconsin on licensing.

Site Assessment

The property has historically been used for a variety of uses such as: school, dance studio, gymnastics, adult day care and child day care. There is ample off street parking including a drop off and pick up location.

Compliance Analysis

The applicant will need to comply with all state and local licensing and permit requirements.

Public Comments Notices were mailed out to all abutting or fronting property owners pursuant to Municipal Code. As of the date of this writing no comments were received.

Timeline

Common Council Public Hearing – March 18 (notices in the paper on March 4 & 11)

Recommendation: The Community Development Department recommends issuance of a Conditional Use Permit to Barbara Shannon d.b.a. Little Scholars Daycare, LLC under the following conditions.

REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
BARBARA SHANNON d/b/a LITTLE SCHOLAR DAYCARE LLC
LOCATED AT 1402 CLARK STREET
3/18/2019

Re: PC12-2019: The CUP is granted exclusively to Barbara Shannon, d/b/a Little Scholar Daycare LLC (hereinafter referred to as "Daycare"), located 1402 Clark Street, (parcel #052-000-189-170.00); the Daycare is required to comply with the following conditions:

- A. The CUP shall not become effective and binding until the: (1) Common Council approves the CUP as outlined herein, and (2) the Community Development Department is provided written documentation evidencing the issuance of a license to the Daycare by the State of Wisconsin for a **maximum capacity of 32 children.**
- B. The CUP shall not be assignable or transferrable without the written approval of the Manitowoc City Plan Commission and Common Council.
- C. Compliance with all state and local regulations and licensing requirements.
- D. The hours of operation for the Daycare shall be from 5:00am – 6:00pm, Monday – Friday.
- E. All employees shall be required to park in the off-street parking lots that are north and south of the school building.
- F. The CUP shall automatically terminate effective the date any license granted to the Daycare by the State, is closed, denied, revoked, or terminated.
- G. Non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.

Little Scholars Daycare LLC

1402 Clarkbridge Hall Manitowoc, WI

Phone: (920) 661-7728

We are a daycare that will provide a safe, loving, and an educational environment for children birth to 4 years old. We will be staffed by childcare professionals trained in early childhood development. Our projected open date is for April 1st.

The space we are renting is the former Generations Senior Daycare. It has its own entries and exits separate from the rest of the building. It also has its own parking lot separate from other tenants. The parking lot is large and more than sufficient to cover our needs of parents dropping off/picking up their children. There was also a previous daycare in Clarkbridge Hall called the Peanut Gallery approximately 5 years ago.

We will be open from 5am to 6pm.

We have applied for our daycare license through the state of Wisconsin. We applied to be approved for 32 children. We currently have a waiting list of 20 children. We have been approved by the Manitowoc Building Inspector and Architect Duwayne Hameister to have 32 kids.

Based on 32 children the breakdown is as follows:

Birth to 2 1/2---4 children

2 1/2 to 3 1/2---12 children

3 1/2 to 4--- 16 children

