

CITY OF SHEBOYGAN

REQUEST FOR CITY PLAN COMMISSION CONSIDERATION

ITEM DESCRIPTION: Application for Conditional Use Permit with exceptions by Judy Moncree to operate Oneness Childcare Center in the multi-tenant facility located at 509B Superior Avenue. NC Zone

REPORT PREPARED BY: Steve Sokolowski, Manager of Planning and Zoning

REPORT DATE: June 24, 2022

MEETING DATE: June 28, 2022

FISCAL SUMMARY:

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| Budget Line Item: | N/A |
| Budget Summary: | N/A |
| Budgeted Expenditure: | N/A |
| Budgeted Revenue: | N/A |

STATUTORY REFERENCE:

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| Wisconsin | N/A |
| Statutes: | |
| Municipal Code: | N/A |

BACKGROUND / ANALYSIS:

Judy Moncree is proposing to operate Oneness Childcare Center in the multi-tenant facility located at 509B Superior Avenue. The applicant states:

- 509B Superior Avenue is presently a vacant tenant space in the multi-tenant facility. The 2,000sf tenant space is located at the southwest corner of the building adjacent to the alley and on the far south end of the west parking lot.
- Childcare services will be provided to children varying in age from three (3) weeks to 12 years old.
- The tenant space will be prepared for 30 to 40 children and indoor activities will include math, reading, writing, exercise, eating, nap, etc.
- There will be cots provided for each child – approximately 30—35 children and 10-20 babies. The cots will be shared throughout the day/night but only one (1) child will use a cot at a time. Sanitation performed after each use. No overnight sleeping will occur.
- There will be a 144sf (12 x 12) fenced in playground area along the backside of the building (applicant states northeast side of the building but staff believes the pictures indicate the west side of the building). This is located within the parking lot adjacent to the alley and the applicant has provided pictures that state the fencing is proposed to block the alley from the parking lot.

- Outdoor activity will include walking, swings, toys, houses, bikes, etc.
- Business hours will be 5:00am to 11:30pm Monday through Friday and 6:00am to 9:00pm on Saturday and Sunday. There will be two shifts and each shift will have 30 to 40 children.
- The daycare will have a director, 4-6 licensed teachers, a secretary and 2 van drivers.

STAFF COMMENTS:

The applicant will need to work with the building inspection department regarding the proposed use of the facility. Occupancy shall be granted only at such time as all permits, codes, licensing requirements, etc. have been met.

Applicant will need to submit all the required permits and licenses required to operate the daycare prior to occupancy of the facility.

The applicant has not provided any sign information other than to indicate where signage might be added. Applicant shall work with staff with regards to constructing a well-designed sign package for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission if there any concerns.

A couple of comments:

- Has the applicant operated such daycares previously?
- Has the applicant been working with the State of Wisconsin concerning the required license to operate such a daycare? What is the status of such State of Wisconsin license?
- Based on the photos submitted by the applicant, it appears Mrs. Moncree may be occupying this space already. Is this the case?
- The applicant states that meals are to be prepared on site. How will this occur and will the applicant be installing new equipment for cooking/preparing meals?

The biggest concern that staff has which has not been adequately addressed by the applicant is the outdoor playground area planned to be located within the parking lot and adjacent to the alley. There is minimal information with regards to how the children playing in this playground area will be protected from vehicles in the parking lot and alley. The applicant states there will be a chain link fence and 3 foot tall car blockers surrounding the play area (staff is under the assumption the car blockers are protective bollards).

Concerns include:

- What are the exact dimensions of the playground and where exactly will the playground be located on the property?
- What is the applicant proposing for fencing and protective bollards (design, materials, colors, heights, etc.)?

- How does the proposed bollards and fencing protect the children from a vehicle accidentally running into this playground area?
- Where exactly will the bollards be placed to protect the children from an unforeseen crash. What is the bollard spacing requirement?
- Who will be installing the fence and bollards?
- How will drivers know that this alley access to the parking lot is no longer available.
- Why does the playground need to be right along the alley? Why can't the playground be more interior to the parking lot and not on the property line/alley?

Staff is extremely concerned about this safety issue and does not believe the applicant has not appropriately addressed this concern. Staff has serious safety concerns with the proposed location of this outdoor playground area and cannot recommend approval of this playground location without much more detail in terms of how the applicant is addressing these potential safety concerns.

ACTION REQUESTED:

Staff does not believe the applicant has appropriately addressed the outdoor playground safety concerns and recommends the conditional use permit be held so that the applicant can submit updated information that appropriately addresses these safety concerns and that this matter be reconsidered only at such time that the applicant has provided detailed information addressing these safety concerns.

If the Plan Commission was to approve the proposed daycare conditional use permit, staff would be recommending the following conditions:

1. Prior to operation/occupancy, the applicant shall obtain all licenses and occupancy permits as well as meet all required codes including but not limited to building, plumbing, electrical, HVAC, fire, health, State of Wisconsin, Sheboygan County, etc. An occupancy permit will be granted only at such time as the applicant has met all requirements.
2. Applicant is responsible to ensure that the proposed child care center uses are meeting all Federal, State and Local codes and licensing requirements. Applicant shall provide the required license prior to issuance of an occupancy permit to occupy and operate from this address/site.
3. If using dumpsters, the dumpster(s) shall be screened/enclosed and constructed of like materials and colors of the facility.
4. Outdoor storage of materials, products, equipment, toys, etc. shall be prohibited except within the playground area.
5. The applicant shall submit the outdoor play ground plans back to the Plan Commission for review and approval before any outdoor playground can be opened and operated from this site (location, fencing, bollards, designs, materials, colors, dimensions, heights, etc.).
6. Any fencing/retaining wall shall be installed per Section 15.720(3)(c) of the City of Sheboygan Zoning Ordinance.
7. Maximum height of such fence will be six (6) foot high.
8. Applicant shall submit proposed fence plans to staff for review. If staff has any concerns with proposed signage design, the matter may be brought back to the Plan Commission for their consideration. Applicant shall obtain the necessary permits prior to installation.

9. All new lighting shall be installed per Section 15.707 of the City of Sheboygan Zoning Ordinance. There shall be no spillover light onto adjacent properties or the streets.
10. Applicant shall obtain the necessary sign permits prior to installation. Proposed signage will be individual letter signs (no flat panel or interior lit cabinet signs). Applicant shall work with staff with regards to constructing a well-designed signage for the site that utilizes colors and materials similar to the building. Staff may bring the proposed signage design back to the Plan Commission for review/approval.
11. If there are any exterior alterations, those alterations will be reviewed by the City of Sheboygan Architectural Review Board.
12. At such time as the daycare moves or stops operating from the site, the owner shall be required to remove the playground and bring back the parking lot to its original state.
13. If there are any amendments to the approved use and/or site plan, the applicant will be required to submit a new site plan and/or conditional use application reflecting those amendments.

ATTACHMENTS:

Conditional Use Permit Application and required attachments.