

TO: Plan Commission
DATE: April 27th, 2026
SUBJECT: 1200 N Fourth Street, Conditional Use Permit - CUP

A request by Melissa Mattke, agent for Gingerbread Preschool & Child Care Center, for a Conditional Use Permit (CUP) for 'Group Day-Care Center (nine or more children)'. Parcel PIN(s): 291-0815-0544-004

SITE DETAILS:

Acres: 6.02
Current Zoning: Planned Office and Institutional (PO)
Existing Land Use: The Collective Office Building & YMCA
Future Land Use Designation: Institutional

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a Conditional Use Permit to establish a Group Day-Care Center on the 1st floor of The Collective Office Building. A different Group Day Care previously occupied this location and was approved by the Plan Commission in April of 2023. The proposed Group Day-Care Center will be staffed by 12-15 employees with normal hours of operation from 6:30am to 5:30pm. The capacity of the Group Day-Care Center will be for up to 105 childcare slots.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the Planned Office and Institutional (PO) Zoning District 'Group Day-Care Center (nine or more children)' is a principal land use permitted as a Conditional Use [per § 550-30B(2)(k)]. A "Group Day-Care Center (nine or more children)' is a land use in which qualified persons provide child-care services for nine or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business or civic organization. In such instances, group day-care centers are not considered as accessory uses, and therefore require review as a separate land use [per § 550-52M].

Applicable regulations for 'Group Day-Care Center (nine or more children)' land uses include the following:

- Facility shall provide a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property [per § 550-52M(1)(a)].
 - Property owner's permission is required as part of the conditional use permit application [per § 550-52M(1)(b)].
2. Parking requirements of one space per five students, plus one space for each employee on the largest work shift will be met by allocating 72-80 stalls in the existing parking lot to the Group Day-Care Center use in the building [per § 550-52M(2)].

WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.

1. 62.23 (7) (de)(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. 62.23 (7) (de)(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. 62.23 (7) (de)(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. 62.23 (7) (de)(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. 62.23 (7) (de)(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.

PLAN COMMISSION DECISION:

Group Day-Care Center (nine or more children) Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
<i>Facility shall provide a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
<i>Property owner's permission is required as part of the conditional use permit application.</i>	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

If Plan Commission answers "no" to any of the questions, above, the CUP must be denied. Otherwise, proceed to the conditions of approval.

PLAN COMMISSION OPTIONS:

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.
3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission:

STAFF RECOMENDATION:

- Staff recommends approval of this Conditional Use Permit.

ATTACHMENTS:

- Application materials