



## BUILDING, SAFETY & ZONING DEPARTMENT

Main Office 920-262-4060	Brian Zirbes 920-262-4041	Mark Hady 920-342-0986
Nikki Zimmerman 920-262-4045	Dell Zwieg 920-262-4042	
Doug Zwieg 920-262-4062	Dennis Quest 920-262-4061	

---

TO: Plan Commission  
DATE: April 10, 2023  
SUBJECT: 672 Johnson Street Group Daycare, Conditional Use Permit - CUP

A request by Nathan Peters, agent for the Greater Watertown Community Health Foundation, for a Conditional Use Permit (CUP) for a 'Group Day-Care Center (nine or more children)' use in the Planned Office and Institutional (PO) Zoning District. Parcel PIN: 291-0815-0544-004

### SITE DETAILS:

Acres: 6.01  
Current Zoning: Planned Office and Institutional  
Existing Land Use: Institutional, Office  
Future Land Use Designation: Institutional

### BACKGROUND AND APPLICATION DESCRIPTION:

Applicant is seeking approval of a Conditional Use Permit to establish a Group Day-Care Center on the 1st floor of the former Ablelight Corporate Center, now known as The Collective. The Group Day-Care Center will be staffed by up to 35 employees with normal hours of operation from 6am to 6pm. The capacity of the Group Day-Care Center will be for up to 220 childcare slots. The building will be shared with office uses and an Indoor Institutional Use (YMCA) that is also has a Conditional Use Permit pending.

### STAFF EVALUATION:

Site Plan Review Committee:  
See Minutes of March 27, 2023.

### 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 'Indoor Institutional' 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)].

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

*Opportunity Runs Through It*

Parking allocation of each proposed use in the building:

There will be a total of 143 - 151 parking stalls.

- YMCA
  - 17 parking stalls
    - 3:1 lockers to parking ratio.
    - YMCA has a 50-locker count.
- Childcare
  - 72 - 80 parking stalls
    - 5:1 child to parking stall ratio plus a 1:1 employee to parking stall ratio.
    - If the childcare provider were ever to reach full capacity, then the required parking stalls would be 80.
- Office
  - 54 parking stalls
    - 300 sf: 1 parking stall ratio.
    - 54 parking stalls meets needs for all office and conference rooms.

3. An off-street passenger loading area has been designated by the applicant.

#### 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.*

106 Jones Street • P.O. Box 477 • Watertown, WI 53094-0477 • Phone 920.262.4060

*Opportunity Runs Through It*

PLAN COMMISSION DECISIONS:

Group Day-Care Center Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
1. Facility shall provide a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.						
2. Property owner's permission is required as part of the conditional use permit application.						

*If Plan Commission answers "no" to any of the questions, above, the CU permit 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.

ATTACHMENTS:

- Application materials