



Project Address: 933 South Holt Circle (District 20 – Alder Harrington McKinney)
Application Type: Zoning Map Amendment and Conditional Use
Legistar File ID # [85464](#) & [85185](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Sarah Tuttle; Bright Beginnings Day School, LLC; 7560 Tumbledown Trail; Verona, WI 53593
Owner: 11Eleven LLC; c/o Sarah & Jonathan Tuttle; 7560 Tumbledown Trail; Verona, WI 53593

Requested Action: Approval of a zoning map amendment from PD (Planned Development district) to amended PD-GDP-SIP (Planned Development-General Development Plan-Specific Implementation Plan district). Approval of a conditional use for a family daycare if the licensee, as defined in Wis. Admin Code ch. DCF 250, does not reside at, or have its principal place of business at, the family day care home per the proposed amended PD-GDP-SIP.

Proposal Summary: The applicant is seeking approvals to amend the General Development Plan and Specific Implementation Plan for Valhalla Valley Addition to High Point Estates to allow a family daycare to operate in an existing single-family residence.

Applicable Regulations & Standards: The process and standards for Zoning Map Amendments are found in §28.182 MGO. The process and standards for Planned Development Districts are found in §28.098 MGO. Standards for conditional use approval are found in §28.183(6) MGO.

Review Required By: Urban Design Commission (administrative), Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 933 South Holt Circle. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 4.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from PD to amended PD-GDP-SIP to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for conditional uses are met and **approve** the requested conditional uses for a family day care home.

Background Information

Parcel Location: The subject site is a triangular 17,492-square-foot parcel at the southwest corner of the intersection of South Holt Circle and Holt Place. It is within Aldermanic District 20 (Ald. Harrington McKinney) and the Middleton-Cross Plains School District.

Existing Conditions and Land Use: The site is developed with a 3,102-square foot two-story single-family residence with four bedrooms, three full bathrooms, and two half bathrooms. The site is currently zoned PD (Planned Development) District.

Surrounding Land Uses and Zoning:

- North: Across South Holt Circle, single-family residences zoned PD;
- Southwest: Single-family residences zoned PD; and
- Southeast: Across Holt Place, single-family residences zoned PD.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject parcel. The site is not within the boundaries of any adopted neighborhood plans.

Zoning Summary: The subject property is proposed to be zoned PD (Planned Development District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	Existing	Existing, no change
Lot Width	Existing	Existing, no change
Front Yard Setback	Existing	Existing, no change
Side Yard Setback	Existing	Existing, no change
Rear Yard Setback	Existing	Existing, no change
Usable Open Space	Existing	Existing, no change
Maximum Lot Coverage	Existing	Existing, no change
Maximum Building Height	Existing	Existing, no change

Other Critical Zoning Items	Utility Easement
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description, Analysis, and Conclusion

The applicant, the owner and operator of Bright Beginnings Day School, is requesting approval of a conditional use for a family daycare. Family daycares for up to eight children can be permitted uses in many residential districts, except in cases in which the operator does not reside at the location. The Planned Development zoning for the Valhalla Valley Addition to High Point Estates does not list family daycare homes as either permitted or conditional uses, meaning that they are, at present not allowed. According to the letter of intent, the house is used as a dwelling, although Staff are unaware whether the house is currently used as a residence. The daycare is licensed to serve up to eight children and hours of operation are 7:30 a.m. to 4:30 p.m. Monday through Friday. The house has an exposed basement, where submitted plans show all childcare areas are located.

This request is subject to the standards for zoning map amendments, planned development districts, and conditional uses. This section continues with a summary of adopted plan recommendations before analyzing the aforementioned standards.

Adopted Plan Recommendations

The [Comprehensive Plan](#) (2023) recommends Low Residential (LR) uses for the subject parcel. LR areas are typically developed with one- and two-family residences and some small multifamily residential buildings, generally with heights less than three stories and densities less than 15 dwelling units per acre. The plan notes that limited nonresidential uses, including day cares may also be located within residential areas. The site is not

within the boundaries of any adopted neighborhood plans, but is within the boundaries of the in-process Southwest Area Plan, which is anticipated to be adopted in 2026.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."

As describe above, Staff believes that the request and its uses are generally consistent with the land use recommendations for this area in the adopted plans. The proposed conditional use is also a conditional use in other comparable residential zoning districts, such as the SR-C districts. While a change to a conventional zoning district could also be supported, it may complicate the status of the surrounding properties are they are part of the same PD zoning district. Staff believe an amendment to an existing PD district is consistent with the plans and zoning code.

Planned Development Standards

Amendments to a Planned Development district are subject to consistency with the district statement of purpose found in §28.098(1), standards for approval found in §28.098(2), and GDP and SIP requirements found in §28.098(5). As noted above, the addition of the proposed conditional use is consistent with comparable residential zoning districts, such as the SR-C districts. Staff believe that the proposal meets the applicable requirements and the standards of approval can be found met.

Staff also note that because there are not physical changes proposed for the PD, the UDC has not reviewed the proposal, but the UDC Secretary has reviewed it administratively.

Conditional Use Standards

In regard to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Staff raises concerns regarding conditional use standards of approval 5 and 6.

Regarding standard of approval 5, that "Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided," of particular interest in the case of a daycare, particularly one located in an area of predominantly single-family residences, is the amount of traffic generated during drop-off and pick-up times. The Traffic Engineering Division has requested additional information regarding drop-off and pick-up operations (see comment 4). However, with the Zoning requirements limiting employees living off-site (see comment 2), staff do not believe the traffic impacts will be substantially different from a similarly-sized family day care home in a comparable conventional zoning district in which the operator and license lives.

Regarding standard of approval 6, that “The conditional use conforms to all applicable regulations of the district in which it is located. The supplemental regulations for family daycares found in §28.151 MGO state that “the family day care home shall be the principal place of residence of the provider,” staff have not confirmed whether the site is currently used as a dwelling. Recommended condition of approval 1 requires that, if approved, the applicant must provide the Zoning Administrator with written notice, which must be regularly confirmed, identifying the name of the provider and including a statement the provider resides in the residence as their principal residence. The Plan Commission may find that such a condition allows it to find standard of approval 6 to be met.

Conclusion

Staff believes that when considering the adopted the plan recommendations and the recommended conditions of approval, the Plan Commission can find the standards for zoning map amendments and for Planned Developments, as well as the applicable conditional use standards of approval to be met and approve the rezoning and conditional use requests. Staff notes that as a conditional use, the Plan Commission retains continuing jurisdiction to review and resolve complaints that may arise on the operation of the conditional use.

At time of writing, Staff is unaware of any written comment regarding this land use proposal.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 933 South Holt Circle. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from PD to amended PD-GDP-SIP to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for conditional uses are met and **approve** the requested conditional uses for a family day care home.

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

1. The family day care home shall be the principal place of residence of the care provider, as defined in Wis. Admin. Code ch. DCF 250. The licensee shall provide the Zoning Administrator with written notice within 30 days of conditional use approval, and to be provided annually by the 1st day of November of each subsequent year, identifying the name of the care provider and including a statement the care provider resides in the residence as their principal residence. Should the care provider move out of the residence at any time during the year, the licensee shall immediately provide written notice to the Zoning Administrator and certify the date the provider moved out. The licensee shall have a new care provider residing in the residence within 30 days of when the previous provider moved out. The licensee shall provide the Zoning Administrator with written notice of the new care provider, identify the new care provider’s name, and provide any additional information necessary to establish that the new care provider is using the home as their principal residence. Proof of principal residence shall include copies of utility bills, Wisconsin State driver’s license or Identification card, or other materials as required by the Zoning Administrator.

2. No more than two employees who do not reside in the dwelling are permitted.
3. Work with Zoning and Planning staff for final approval of the Zoning text.

Traffic Engineering Division (Contact Luke Peters, 266-6543)

4. The applicant shall provide information to Traffic Engineering on day care pick-up/drop-off

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

5. The Owner is solely responsible for any confirmation of this use being compliant with any private Declaration of Protective Covenants that may encumber this lot.

The Planning Division, City Engineering Division, Fire Department, Parks Division, Forestry Section, Water Utility, and Parking Utility have reviewed this request and has recommended no conditions of approval.