



PREPARED FOR THE PLAN COMMISSION

Project Address: 3201 Latham Drive
Application Type: Conditional Use
Legistar File ID # [57984](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Jennifer Bailey, Reach Dane; 2096 Red Arrow Trail; Fitchburg.

Contact Person: Scott Gussick, Madison Commercial Real Estate and Development; 5609 Medical Circle; Madison.

Property Owner: H&H Group Holdings Inc./BMH Holdings, LLC; 3201 Latham Drive; Madison.

Requested Action: Approval of a conditional use in the Industrial–General (IG) District to allow an existing building at 3201 Latham Drive to be converted into a daycare center.

Proposal Summary: The applicant, Reach Dane, is requesting conditional use approval to convert an existing one-story, 21,960 square-foot office/warehouse building on the subject site into a Head Start/childcare facility with office space for staff and 4,500 square feet of indoor and outdoor playground space. The center will accommodate 100-150 children from ages 0-5 years, with a staff of 60. The proposed facility will replace the current Reach Dane facility located at the Village on Park at 2206 S Park Street. The conversion of the building to a daycare occupancy will commence as soon as all regulatory approvals have been granted, with completion anticipated in mid-August 2020 in time for the 2020-2021 school year.

Applicable Regulations & Standards: Table 28F-1 in Section 28.082 of the Zoning Code identifies daycare centers as a conditional use in the IG (Industrial–General) zoning district subject to supplemental regulations in Section 28.151. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission

Summary Recommendation: If the Plan Commission can find the standards for approval met given due consideration of the adopted land use recommendation for the site and surrounding properties in the City of Madison, it may **approve** the conditional use for a daycare center at 3201 Latham Drive subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 1.94-acre parcel located on the east side of Latham Drive, approximately 300 feet south of Stewart Street and Greenway Cross; Aldermanic District 14 (Carter); Madison Metropolitan School District.

Existing Conditions and Land Use: H&H Electric, zoned IG (Industrial–General District).

Surrounding Land Uses and Zoning: The subject site is surrounded by a number of properties developed with light industrial businesses, contractor shops and offices, general office, warehousing, auto repair and auto body shops, and limited production facilities in IG (Industrial–General District) zoning to the east, west and south, and IL (Industrial–Limited District) zoning to the north.

Adopted Land Use Plans: The 2018 Comprehensive Plan recommends the subject site and surrounding properties in the portion of the City of Madison roughly bounded by Post Road and the Nine Springs E-Way on the south, US Highway 14 on the east, the Beltline Highway on the north, and Fish Hatchery Road and the City of Fitchburg on the west for Industrial development. The subject site is not within the boundary of a neighborhood or special plan.

Zoning Summary: The site is zoned IG (Industrial–General District):

Requirements	Required	Proposed
Front Yard	None	20.9'
Side Yards	None if adjacent to IL or IG zoning	112.2' north 67.0' south
Rear Yard	30'	69.4'
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	None	1 story
Auto Parking	No minimum required	60
Accessible Stalls	Yes	1
Bike Parking	Daycare center, nursery school: 1 per 5 employees (9)	0 (See conditions)
Loading	Not Required	0
Building Forms	Free-standing Commercial Building	Will comply
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: The site is served by a full range of urban services, including weekday Metro Transit service along Greenway Cross and Stewart Street through the Latham Drive intersection. Trips operate at least once an hour between 6:45 AM and 6:15 PM. Bus stop ID 4419 is located on the south side of Greenway Cross, immediately west of Latham Drive and roughly 300 feet north of the subject property.

Project Description

The applicant, Reach Dane, is requesting approval of a conditional use to convert the existing 21,960 square-foot H&H Electric electrical contractor’s office and warehouse at 3201 Latham Drive into a daycare center to replace its existing South Madison facility located at the Village on Park.

According to City records, the existing one-story brick and metal building was constructed in 1985 and includes 9,600 square feet of office space and 12,360 square feet of warehouse. The main entry to the building is currently located along the southern façade. Parking for approximately 50 autos is provided in two lots located adjacent to the northern and southern walls of the building.

The applicant proposes to convert the building into a series of classrooms, offices, and support spaces for between 100-150 children 0-5 years of age. Seven preschool rooms are shown along the western and eastern walls of the building; a room for infants and a room for toddlers are proposed in the southwestern corner of the converted building. The center of the building will include an indoor playground space and staff offices. The main entrance to the daycare will be located along the northern façade, with a “back entry” shown where the existing entrance is currently located along the southern wall. The parking area north of the building will be reconfigured into a 43-stall auto parking lot, with an additional 17 stalls to be located in the southern lot. Two outdoor playgrounds are proposed along the eastern wall of the building, including a 1,000 square-foot area for toddlers, and a 3,600 square-foot playground for preschool children.

In addition to the 100-150 children, approximately 60 staff are anticipated on-site per the letter of intent. Hours of operation for the daycare will be 6:00 AM to 6:00 PM Monday through Friday.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for a daycare center:

- a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
- b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Analysis & Conclusion

Daycare centers are allowed in all of the employment districts in the Zoning Code subject to the supplemental regulations in Section 28.151 noted in the preceding section. However, whereas daycare centers are permitted in the employment districts (SE, TE, EC, and SEC), they are conditional uses in the IL and IG industrial zoning districts. Recalling the rewriting of the Zoning Code prior to its January 2013 effective date, Planning staff believes that this distinction for daycare centers between the employment-oriented zoning districts and industrial districts owes to the greater potential for noxious uses to be present in the latter than the former. Uses likelier to emit odors and loud noises, have hazardous components present on-site or in the production process, and/or generate a higher amount of heavy truck traffic are generally permitted in the IL and IG districts but require conditional use approval in SE, TE, etc. zoning.

The statement of purpose in the IG district states that the IG district “accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development,” while the

IL districts is intended to provide “for a mix of light manufacturing uses, offices, warehousing, flex-space, limited storage and warehousing, and limited retail and service uses that primarily serve the industrial uses...” While not specifically stated in the Zoning Code, staff believes that the inclusion of daycare centers as uses in the IL and IG district was primarily intended to provide locations for daycares to primarily serve employees in industrial areas and of large industrial uses.

Regardless of the intent, however, the Plan Commission shall consider the applicant’s proposal to establish a daycare center on the subject site. At present, the property is surrounded by a variety of light industrial uses, contractor shops and offices, general office buildings, warehousing, auto repair and auto body shops, and limited production facilities. The site is located in IG zoning, as are the properties in Madison to the east, west and south, while the properties immediately to the north fronting onto Greenway Cross and Stewart Street are zoned IL. While Planning staff did not conduct an exhaustive analysis of each occupant of each property in the surrounding area, its recent windshield survey found a number of relatively low-intensity uses present along Latham Drive, Index Road, Kingsley Way, Post Road, and Greenway/Stewart compared to the potential intensity of uses allowed in the IL and IG districts. In addition, two large multi-family housing complexes and a senior living facility are all located a short distance to the west between the site and Fish Hatchery Road in the City of Fitchburg.

The Zoning Code states that the Plan Commission shall not approve a conditional use without due consideration of the recommendations in the Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan. Were the proposed Reach Dane daycare center to be located in almost any other setting and zoning district, staff believes that the conditional use standards would be met with little or no concern. However, the longstanding industrial zoning of most of the surrounding City of Madison properties (most were previously zoned M1–Limited Manufacturing under the 1966 Zoning Code) and the Industrial recommendation for the site and surrounding area in the Comprehensive Plan require careful consideration by the Plan Commission prior to an approval of this request. While staff is not concerned about the proposed daycare’s impact on the uses, values and enjoyment or normal and orderly development of surrounding properties based on the current uses of those properties, it should be acknowledged that any future development or redevelopment of those properties with uses allowed in the established industrial zoning and consistent with the industrial land use recommendation for the area could have an impact on the daycare.

No alder or public comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the request. If approved, the City Engineering Division, Traffic Engineering Division and Metro Transit have all submitted proposed conditions requiring that the applicant construct public sidewalk along the Latham Drive frontage of the site according to a plan approved by the City Engineer.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

If the Plan Commission can find the standards for approval met given due consideration of the adopted land use recommendation for the site and surrounding properties in the City of Madison, it may **approve** the conditional use for a daycare center at 3201 Latham Drive subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Tim Troester, 267-1995)

1. The applicant shall construct sidewalk along the Latham Drive frontage according to a plan as approved by the City Engineer.
2. Enter into a City / Developer agreement for the required infrastructure improvements prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
3. An Erosion Control Permit is required if this project will disturb 4,000 square feet or more of land area. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
4. Submit, prior to final plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
5. Submit, prior to final plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

This agency reviewed the request and has recommended no conditions of approval.

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

6. The applicant shall construct sidewalk along the entire frontage of their property. The applicant shall enter into a signed developer's agreement through the City of Madison Engineering Division prior to sign off.
7. The applicant shall submit for review a child drop off and pickup plan. This plan shall include the number of students, estimated modes of arrival by percentage, estimated arrival times and any requested passenger loading zones.
8. The applicant shall submit one contiguous plan for approval showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
9. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement

marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

10. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
11. All parking facility design shall conform to the standards in MGO Section 10.08(6).
12. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
13. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.
14. The applicant shall provide a clearly defined 5-foot wide walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
15. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
16. "Stop" signs shall be installed at a height of seven (7) feet at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
17. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
18. All existing driveway approaches on which are to be abandoned/alterd shall be removed and replaced with curb and gutter and noted on the plan.
19. Secure parking facility. This is usually done with continuous six (6)-inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

20. Parking requirements for persons with disabilities must comply with MGO Section 28.141(4)(e), which includes all applicable State accessible requirements. Provide a minimum of three (3) accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8-foot wide striped access area adjacent.

21. Bicycle parking for the daycare center shall comply with the requirements of Sections 28.141(4)(g) and 28.141 (11). Provide a minimum of nine (9) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
22. Identify a designated area for the short-term parking of vehicles engaged in loading and unloading children. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
23. Install a landscape island within the northern most row of fourteen parking stalls. A planting island shall be located at least every 12 contiguous stalls with no break. Planting beds or planted areas must contain at least 75% vegetative cover mulched.
24. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
25. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
26. Identify the ground surface of the proposed outdoor play areas.
27. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
28. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Police Department

This agency reviewed the request and has recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, 261-9658)

30. Install a fire sprinkler system complying with NFPA 13 and a fire alarm system in accordance with IBC 907.

Parks Division (Contact Sarah Lerner, 261-4281)

This agency reviewed the request and has recommended no conditions of approval.

Parks Division–Forestry Section (Contact Brad Hofmann, 267-4908)

31. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
32. Existing street trees shall be protected. Please include the following note on the site plan: “Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.”

Water Utility (Contact Adam Wiederhoeft, 261-9121)

33. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two (2) working days’ notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility’s Plumbers a Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size and obtain a water meter, establish a Water Utility customer account, and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

34. The developer shall install new public sidewalk along the Latham Drive property frontage that would provide an accessible connection north to the Greenway Cross/Stewart Street intersection and public transportation bus stop location at this corner. The developer shall also provide an accessible connection between the building entrance(s) and this new public sidewalk. The applicant shall include the location of these facilities on the final documents filed with their permit application so that Metro Transit may review and effectively plan for City transit access that would be oriented to the clients and employees of the proposed development.