

June 25, 2014

Department of Planning and Community & Economic Development
Madison Municipal Building
215 Martin Luther King Jr. Blvd, Suite LL 100
Madison WI 53703

RE: Conditional Use Permit – Bright Beginnings Day School

Dear Department:

We represent Sarah Tuttle and Bright Beginnings Day School (hereafter “BBDS”). Ms. Tuttle is the applicant for a conditional use permit to conduct a family daycare home at 1109 Morrairie View, Madison, Wisconsin 53719 (“Morrairie View”). Ms. Tuttle seeks a conditional use permit pursuant to a recent change in Madison’s zoning code relative to family daycares run out of homes located in zoned districts in which a single-family residence is a permitted use. Ms. Tuttle does not reside at Morrairie View, but wishes for BBDS to operate a family daycare at that location. Thus, she is seeking a conditional use permit pursuant to the recently amended ordinance.

Applicable Law

Earlier this year, Section 28.151 of the Madison General Ordinances was amended, and now provides:

Day Care Home, Family.

- (a) The family day care home shall be the principal place of residence of the provider, as defined in Wis. Admin. Code ch. DCF 250.
- (b) Conditional use approval is required in 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.
- (c) No more than two employees who do not reside in the dwelling are permitted.

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Previously, Madison's zoning code required that a family daycare home be the principal place of residence of the daycare home's operator. Now, it only requires that the home be the principal place of the "provider." Additionally, it requires a conditional use permit if the licensee does not reside at, or have its principal place of business at, the home.

A "provider" is defined by Wis. Admin. Code ch DCF 250.03(27) as "an adult who has met the requirements specified in s. DCF 250.05(1) in a family child care center and who provides care and supervision of the children in the care of the center."

A "licensee" is defined by Wis. Admin. Code ch DCF 250.03(18) as "the individual, corporation, partnership, limited liability company, non-incorporated association or cooperative that has the legal and fiscal responsibility for the operation of a center and for meeting the requirements of this chapter."

About BBDS

Ms. Tuttle is the owner of BBDS. She started BBDS in 2002 with the goal of providing exceptional quality care in a safe home-away-from-home environment. BBDS currently has three locations – at 933 South Holt Circle, Madison, Wisconsin 53719,¹ 7713 Twin Flower Drive, Madison, Wisconsin 53719², and 1109 Morraine View, Madison, Wisconsin 53719. All three locations are fully licensed and accredited.

Pursuant to Ms. Tuttle's license with the State of Wisconsin (a copy of the license is attached at Tab A), only eight (8) children are allowed at the home at any given time.³ Additionally, the hours of operation pursuant to its license are from 6:30 a.m. through 6:30 p.m., Monday through Friday (although BBDS is typically only open from 7:30 a.m. through 5:30 p.m., Monday through Friday). Moreover, although BBDS is licensed to serve children up to twelve (12) years old, it only allows kids to enroll up until the age of Kindergarten.

Finally, pursuant to the terms of the license, Ms. Tuttle and BBDS must maintain certain standards as set forth in Wis. Admin. Code ch. DCF 250. Failure to meet these standards could result in a license being revoked. Since 2002, Ms. Tuttle and BBDS have always maintained a license and have likewise earned the highest accreditation and rating available.

¹ Ms. Tuttle resides at this location and, thus, does not need a conditional use permit.

² Ms. Tuttle is contemporaneously applying for a conditional use permit at this location too.

³ Provided the appropriate employee/child ratio is maintained as set forth by the State of Wisconsin.

The Department Should Grant BBDS A Conditional Use Permit

Ms. Tuttle is seeking a conditional use permit so BBDS can operate a family daycare home at Morraine View. A copy of the site plan for the location is attached at Tab B.⁴

As set forth above, to operate a family daycare home at Twin Flower, Ms. Tuttle, in addition to a conditional use permit, must attest that: (1) a “provider” will reside at the location; and (2) no more than two employees can work at BBDS’s Twin Flower location that do not reside there. Ms. Tuttle meets the requirements.

First, if a conditional use permit is granted, a “provider” will be residing at Morraine View by September 1, 2014. Ms. Tuttle is willing to provide confirmation that a “provider” resides at the home, if need be.

Second, no more than two employees who do not reside at Morraine View will work there. Indeed, the only employees at any given time are the provider and one other BBDS employee.

The Department should grant Ms. Tuttle and BBDS a conditional use permit to operate a family daycare home at this location provided a “provider” resides at the home. A conditional use permit should be granted because, among other reasons:

1. The conditional use will not be detrimental to or endanger the public health, safety, or general welfare;
2. The conditional use will not prevent the City of Madison from providing municipal services to the property;
3. The conditional use will not substantially impair or diminish the use, value or enjoyment of other property in the neighborhood;⁵
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property;
5. The conditional use will have no impact on utilities, access roads, drainage, parking supply, or internal circulation units; and
6. The conditional use will conform with the applicable zoning code and Wisconsin law with respect to family daycare homes.

⁴ Although not relevant for the purpose of granting a conditional use permit, the home must meet certain requirements to be granted a license. This home has met all of the requirements.

⁵ Ms. Tuttle has already met with the Valley Ridge Homeowners Association and they do not oppose the granting of a conditional use permit.

DeWitt

Ross & Stevens s.c. 

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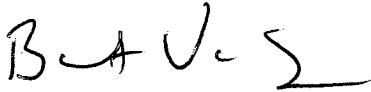
Summary

BBDS is the type of small, woman-owned business that the City of Madison should encourage. BBDS is a fully licensed and accredited family daycare home that meets all the standards for granting a conditional use permit. Therefore, the conditional use permit should be granted.

Respectfully submitted,

Sincerely,

DeWitt Ross & Stevens s.c.



Barret V. Van Sicklen

BVV:vlo

Enclosures

cc: Bright Beginnings Day School (w/ enclosures)