

TO: Village of East Troy Plan Commission  
CC: Eileen Suhm, Jason Equitz, Tim Lynch  
FROM: Orrin Sumwalt, Planning Consultant  
RPT DATE: November 3, 2025  
MTG DATE: November 10, 2025  
FOTH FILE: 25E020.01/22  
RE: Kids Count Too Early Learning Center –  
Conditional Use Permit (CUP)

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**BACKGROUND:**

1. Petitioner: Veronica Clark (Kids Count Too Early Learning Center, LLC)
2. Agent: Ray Gooden (Anderson Commercial Group)
3. Property Owner: Citizens Bank
4. Location/Address: 2541 Main Street
5. Tax Key Number: RA139600001
6. Area: 2.55 AC
7. Existing Zoning: HB Highway Business District
8. Proposed Zoning: N/A
9. Future Land Use: General Commercial

**OVERVIEW:**

The Petitioner is requesting approval of a Conditional Use Permit (CUP) for a group day-care center (nine plus children) within Units E, F, G and H of the East Brook Plaza building located at 2541 Main Street. This is the vacant former Bright Beginnings Day-Care Center tenant space. The previous day-care use was limited to a maximum occupancy of 60 children between the ages of 6 weeks and 10 years. The petitioner is requesting to increase the maximum occupancy to 99 children between the ages of 6 weeks and 6 years. The site is Part of Lot 2 of CSM No. 1396 and all of Lot 1 of CSM No. 1396 and encompasses approximately 2.55 acres.

**PLANNER COMMENTS:**

1. **Comprehensive Plan.** Future Land Use is General Commercial, which is consistent with the existing zoning of HB Highway Business District.
2. **Zoning District Requirements.** The property is zoned HB Highway Business District in which Group day-care center (nine plus children) is a conditional use per Section 510-29 B. and the Table of Land Uses of the Village Zoning Code. Below is a description of this land use and the associated regulations from Section 510-42 M. of the Village Zoning Ordinance.

**Use description.** The zoning code describes group day-care center (nine plus children) as follows:

Group day-care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day-care centers and nursery schools. Such land uses may be operated on a for-profit or a not-for-profit basis. 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.

**Development standards.** The zoning code establishes specific standards for this use as follows:

- (1) Group day-care centers shall not be located within a residential building.
- (2) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property (see Article XIV).
- (3) The property owner's permission and signature is required as part of the conditional use permit application.
- (4) Minimum required parking: one space per five students, plus one space for each employee on the largest work shift.

### 3. Conditional Use Permit

Petitioner has included the following items as part of their submittal:

- Conditional Use Permit Application
- Site Plan Application
- Building Sketch
- Overall Building SF Calculations
- Site Development Plan
- Aerial Photograph

**Guidance regarding 2017 Act 67.** With the adoption of 2017 Act 67, the State of Wisconsin has preempted municipal authority regarding conditional use permits in a number of respects, effective November 29, 2017. Decisions concerning conditional use permits now must be based upon "substantial evidence," which is defined as follows:

"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."

Note two additional requirements of the new law:

1. Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence.
2. If an applicant for a conditional use permit meets or agrees to meet all requirements and conditions specified in the ordinance, the conditional use permit must be granted.

The applicant must present substantial evidence demonstrating that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied. Any condition imposed by the Village through ordinance or by the Village Board must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer or renewal. The Village's decision to approve or deny the application must be supported by substantial evidence.

**Review procedures.** The Plan Commission conducts the public hearing and acts in an advisory role to the Village Board which makes the final decision. Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial. If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare.

**Required findings.** As required by Section 510-157(H) of zoning code, a number of findings must be made. They are listed in the conditional use order beginning on the first page and below for your convenience. A motion recommending approval should make reference to these.

1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the comprehensive plan, the zoning code, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village.
3. The proposed conditional use, in its proposed location and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use would maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

#### **STAFF RECOMMENDATION:**

Depending on confirmation by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

##### **Conditional Use**

The Village of East Troy Plan Commission recommends to the Village Board **Approval** of the Conditional Use Request for a group day-care center (nine plus kids) for Kids Count Too Early Learning Center for Veronica Clark (Kids Count Too Early Learning Center, LLC) for the property located at 2541 Main Street, Units E, F, G and H (RA139600001) subject to the terms in the draft conditional use order.

#### **EXHIBIT:**

- A. Petitioner Application
- B. Public Hearing Notice
- C. Draft Conditional Use Order