



# Staff Report

Public Hearing: **February 27, 2018**

Petition: **CUP 02406**

Zoning Amendment:  
**Expand Existing Day Care Center**

Town/sect:  
**BLOOMING GROVE,  
Section 2**

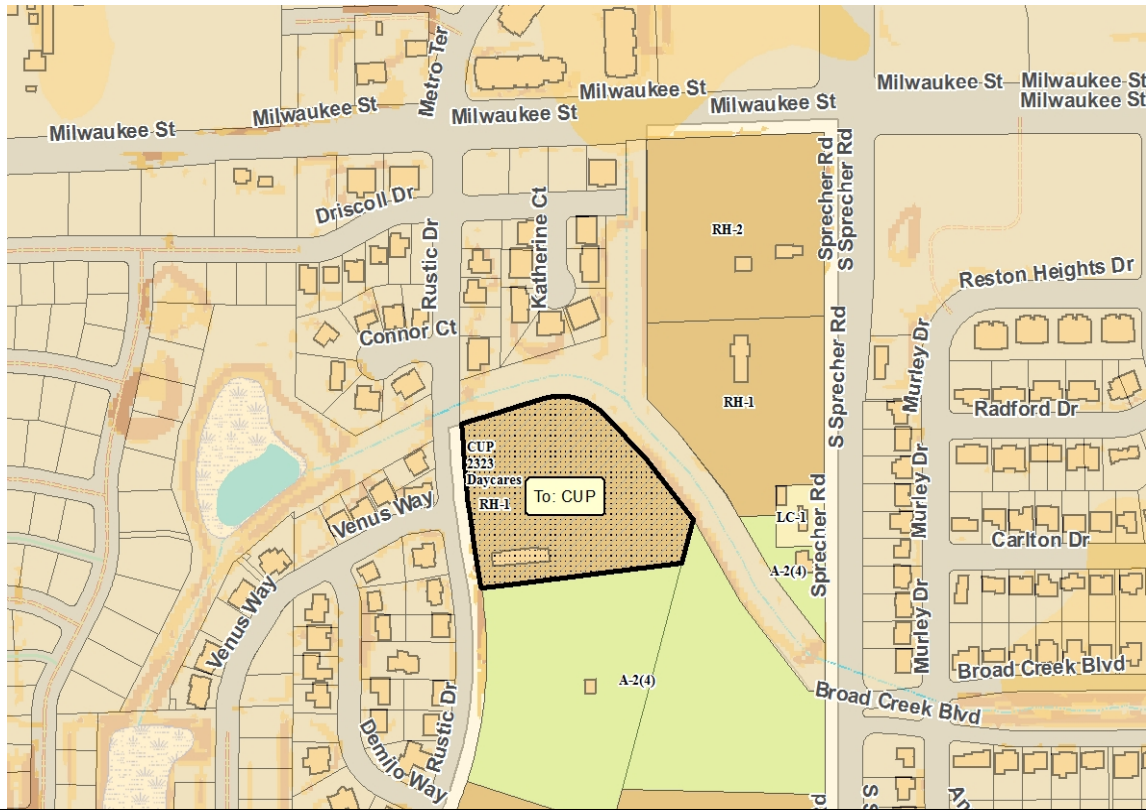
Zoning and Land Regulation Committee

Acres: 5  
Survey Req. No

Applicant  
**TOAD HILL  
CHILDRENS HOUSE  
LLC**

Reason:  
**CUP: EXPAND CHILD CARE  
CENTER to a MONTESSORI  
SCHOOL CAMPUS**

Location:  
**4560 RUSTIC DRIVE**



**DESCRIPTION:** The applicant wishes to add a second building for a Montessori school so that it can serve students aged 6 weeks to 16 years. The long term plan is to create a Montessori school campus that will include the existing building plus a second building of the same or smaller size. The school campus will grow in phases and eventually, at full build out and enrollment, could serve up to 90 children. Currently children arrive in groups of 20 between 7:50 and 8:10 am, and then 20 more between 8:10 and 8:30. Two more drop-off times will be added to accommodate more kids. Those times are 7:30 to 7:50 and 8:30 to 8:45 am.

**HISTORY:** In 2015, the applicant applied for a CUP to convert a duplex existing on the property into a day care center (CUP#2323). At that time, it was a daycare center starting with 8 children, and had the capacity to increase to 40 children.

**OBSERVATIONS:** The property is located on a 40-acre town island surrounded by the City of Madison. There is an existing building on the 4.3 acres. The surrounding neighborhood is made up of single family residential subdivisions to the west and north, and large lot residences south and east of the site. A site plan was not provided as part of the application.

**TOWN/CITY PLANS:** The subject property is in the *Rural Residential* land use district of the town plan. The purpose of this district is "to maintain the rural character of the town with lower densities and preserved open space within the development" The subject property is also included in the City of Madison *Sprecher Neighborhood Development Plan*, where it is located within the *Low Density Residential* land use district. Childcare and schools are generally complementary with residential areas.

**RESOURCE PROTECTION:** No sensitive environmental features are observed, and the property is not in a resource protection area.

**TRAFFIC VOLUME:** According to the City of Madison Engineering Department, Rustic Road is designed as a local street. It is designed to handle 3,000 vehicles per day. The current childcare center, with a capacity of 40 students, generates 160 trips per day. With a total capacity of 90 children, the number of trips will increase by 200 trips for a total of 360 trips per day. The local road is capable of handling the increased load.

**NOISE LEVEL OF CHILDREN:** The hours of operation are limited to 7:00 am to 6:00 pm. The daycare/school will not be open on weekends. The amount of children allowed outside at one time is 25. This is 13 more than are currently allowed under CUP#2323. No complaints have been lodged with Dane County Zoning Division regarding outside activities.

**PARKING:** Parking must be expanded to accommodate expansion of the school. A design will need to be submitted to show a parking lot design that will accommodate one stall per 2.5 children plus spaces for employees.

**SITE PLAN:** Staff has requested a site plan showing building location, outside activity areas, and parking area. A plan has not been submitted.

**STAFF:** Staff recommends that action be postponed until the applicant provides the requested site plan.

**TOWN:** The Town approved the conditional use permit with no conditions.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

**RECOMMENDED POTENTIAL CONDITIONS:** The following list of conditions is similar to those on CUP 2323 with modifications made for this proposal, in order to meet the six standards listed above. Please note that additional proposed conditions may result after the applicant provides required site/development plan.

1. The enrollment at the school shall be limited to only 90 children.
2. Hours of operation shall be from 7 am to 6 pm Monday through Friday.
3. Arrival and departure times will be staggered to minimize traffic.
4. The parking on the south side of the building shall be devoted to employee parking.
5. The parking area on the north side of the existing building shall be expanded and configured as described in the site plan and parking plan. The parking area shall have a minimum of 24 feet wide drive aisles and 9' x 18' stalls.
6. Parking shall be prohibited along Rustic Road until such time as a sidewalk is installed along the east side of Rustic Drive.
7. The sanitary system shall be approved by the Department of Health for the operation of the daycare facility prior to any expansion of the facility.
8. Exterior lighting shall be down-lit and shall not cause a nuisance to neighboring property owners.
9. All signs shall comply with the Dane County Code of Ordinances.

**2/23 ZLR:** The Committee postponed action due to lack of operations plan.

**STAFF UPDATE:** County Staff has received the operations plan. The proposed building is properly located; the parking lot provides adequate spaces for the additional activity; and the outdoor activity areas are located to minimize the impact on neighboring property owners. Staff suggests approval with the 9 conditions as listed above.