



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **February 24, 2015**

Zoning Amendment:  
**None**

Acres: 2.63  
Survey Req. No

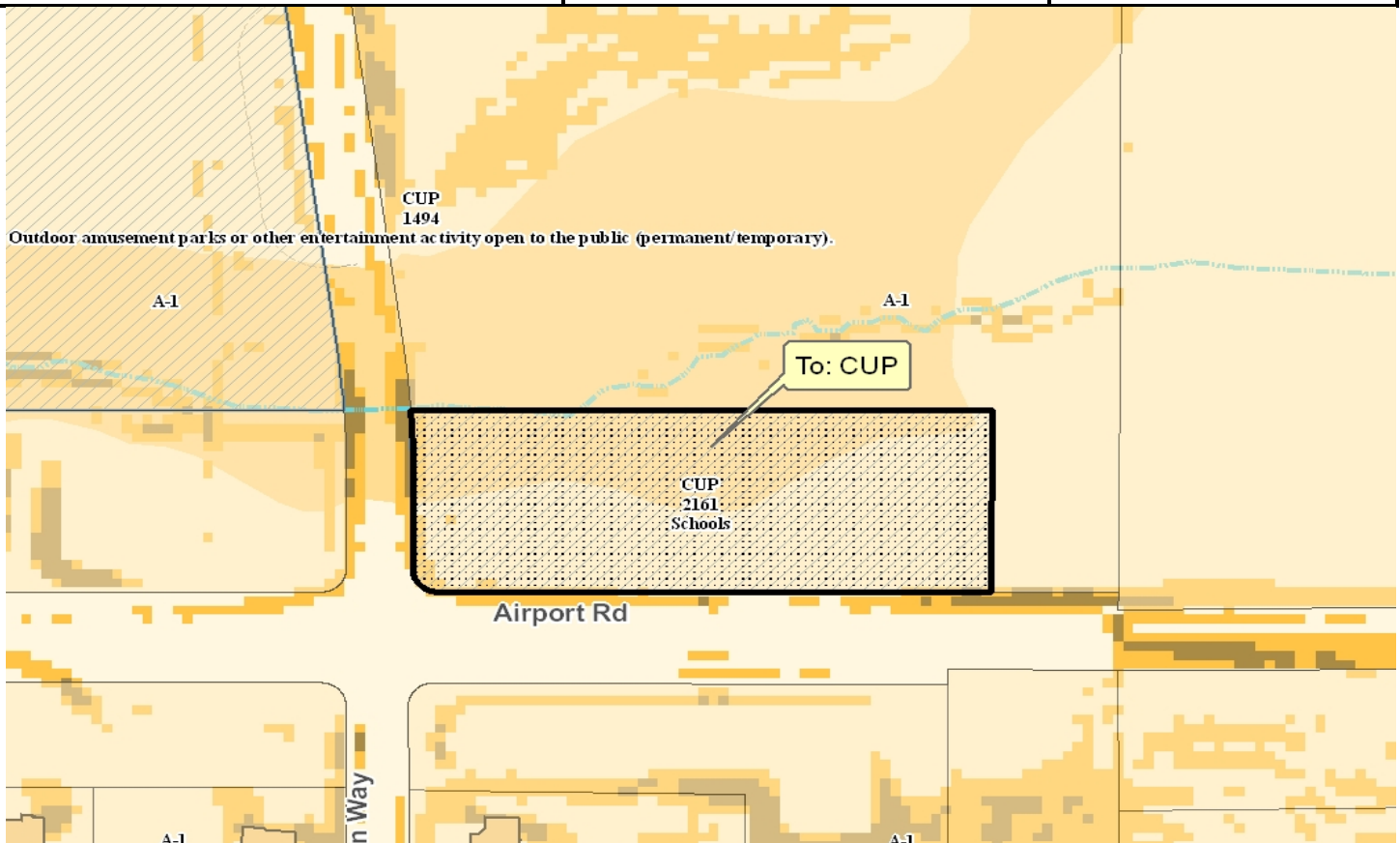
Reason:  
**Amending existing conditions to increase enrollment and hours of operation**

Petition: **CUP 2301**

Town/sect:  
**Middleton  
Section 05**

Applicant  
**Madison Community  
Montessori School Inc**

Location:  
**8406 Ellington Way**



**DESCRIPTION:** Applicant, Madison Community Montessori School, is requesting amendment of two conditions on existing CUP 2161 to allow increase in student enrollment from current limit of 160 to 215 students, and also to allow expanded hours of operation for occasional special events on weekends. The applicant states that the increasing enrollment by 55 students could take from 3-6 years to achieve, and that the increase in enrollment is well within the existing capacity or “occupancy load” of the school, which would accommodate over 320 students. Occasional weekend events include “open houses, professional development programs, parent education events, fundraisers, student clubs, and similar activities”.

**OBSERVATIONS:** There is an intermittent stream located north of the subject property. No other sensitive environmental features observed. No changes to the school building or grounds are proposed.

**TOWN PLAN:** The property is located in the town’s “residential” planning area, which includes “Institutional, Mixed Use, and Research and Development.”

**RESOURCE PROTECTION:** There is an area of resource protection corridor associated with shoreland zone of the intermittent stream along the northerly 1/3 of the property.

**STAFF:** The proposal appears consistent with town plan policies. The town of Middleton has recommended several conditions of approval to ensure compliance with conditional use permit standards found in sec. 10.255(2)(h).

**TOWN:** Approved with conditions. See recommended conditions, below. Note that recommended conditions include town conditions and all previous conditions of approval of CUP 2161.

## Proposed Conditional Use Permit # 2301

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.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Routine compliance checks shall be done by town staff to insure that continued adequate means of ingress and egress are present, and that traffic does not back up onto Airport Road, and if adequate means are not present, the school will be asked to modify its student drop-off and pick-up processes within 30 days, after which, MCMS shall pay for a updated traffic study and the Town shall determine what improvements to the Airport Road intersection are necessary. These improvements shall be completed and paid for by the Applicant.
2. MCMS will provide notice to the Town when student population reaches 190 which shall trigger a compliance check by the Town.
3. MCMS will provide the Town with a statement that they shall make and pay for street improvements required by the Town
4. The school will work with Prairie Home Estates Homeowners Association to resolve issues that may arise.
5. The parking lot layout shall conform to Dane County Code of Ordinances and be approved by the Town Engineer (Vierbicher Associates).
6. The exterior lighting shall be approved by the Town Board.
7. The building height to be a maximum of 32 feet.
8. The playground shall be fenced. The fencing shall be approved by the Town Board.
9. Signs on the property shall not be illuminated.
10. The applicants, if needed as determined by the Town Engineer, shall pay for the Ellington and Airport Road intersection to be upgraded to a "Class A" intersection.
11. The school's driveway shall be located as far to the north as practical.
12. The septic drain-fields, both primary and secondary, to be located within Lot 26, if feasible.
13. The site improvements shall meet both Town of Middleton and Dane County Stormwater management ordinances for detention and infiltration on site.
14. The plan, for handling storm water drainage entering and leaving lot 26, to be acceptable to Town Engineer and approved by Dane County Land Conservation.
15. Screening and landscaping to be compatible with the neighboring prairie and be acceptable to the Town Board.
16. The enrollment shall be limited to a maximum 215 students.
17. Normal hours of operation shall be limited to 6:30 A.M. to 9:30 P.M., Monday through Friday.
18. Weekend events shall be limited to 32 days during the year with a starting time no sooner than 8:00 a.m. and ending time no later than 9:30 p.m., with a schedule to be coordinated with Town staff to avoid conflict with soccer games and other events.