

Dane County Conditional Use Permit Application

Application Date	G.U.P Number
12/11/2014	DCPCUP-2014-02301
Public Hearing Date	
02/24/2015	

OWNER INFORMATION	AGENT INFORMATION
--------------------------	--------------------------

OWNER NAME MADISON COMMUNITY MONTESSORI SCHOOL INC	Phone with Area Code (608) 827-6267	AGENT NAME MADISON COMMUNITY MONTESSORI SCHOOL INC	Phone with Area Code (608) 836-6499
BILLING ADDRESS (Number, Street) 8406 ELLINGTON WAY		ADDRESS (Number, Street) 1516 GROSSE POINT DRIVE	
(City, State, Zip) MIDDLETON, WI 53562		(City, State, Zip) MIDDLETON, WI 53562	
E-MAIL ADDRESS HEADOF SCHOOL@MADISONCOMMUNITYMONTESSORI.ORG		E-MAIL ADDRESS JEOLINGY@GMAIL.COM	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
---------------------------	---------------------------	---------------------------

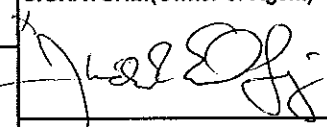
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
8406 ELLINGTON WAY					
TOWNSHIP MIDDLETON	SECTION 5	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0708-051-6066-9		---		---	

CUP DESCRIPTION

SCHOOLS

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
--	--------------

10.12(3)(n)	2.63
-------------	------

DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials: <i>JE</i>	Inspectors Initials SJW3	SIGNATURE:(Owner or Agent)  PRINT NAME: JUDITH E OLINGY DATE: 12/11/14
---	--	---

COMMENTS: AMENDMENT TO CONDITIONS 12 AND 13 OF DCPCUP 2161 - ENROLLMENT; HOURS OF OPERATION .



DANE COUNTY
PLANNING & DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Conditional Use Application

AMENDMENT TO PERMIT # 2161

Application Fee: \$486 Mineral Extraction: \$1136

Items required to be submitted with application:

- o Written Legal Description of Conditional Use Permit boundaries
- o Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.
- o Scaled map showing neighboring area land uses and zoning districts
- o Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- o Written statement on how the proposal meets the 6 standards of a Conditional Use

Owner Madison Community Montessori School, Inc. Agent Vicki McCaethy, Head of School
 Address 8406 ELLINGTON WAY → Address Middleton, WI 53522
 Phone 608.827.6267 Phone _____
 Email headofschool@madisoncommunitymontessori.org Email _____

Parcel numbers affected: 0708-051-6066-9 Town: Middleton Section: 05, T7N, R2E
 Property Address: 8406 Ellington Way

Existing/ Proposed Zoning District : A-1 Ag

o Type of Activity proposed: Amendment to conditions 12 and 13 of Dane County CUP Permit # 2161 effective March 9, 2011

- Hours of Operation
- Number of employees students enrolled in school
- o Anticipated customers
- o Outside storage
- o Outdoor activities
- o Outdoor lighting
- o Outside loudspeakers
- o Proposed signs
- o Trash removal
- o Six Standards of CUP (see back)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Vicki McCaethy
Vicki McCaethy, Head of School, mcms, Inc.

Date: 12/11/14

Six Standards of a Conditional Use Permit

Provide an explanation on how the proposed land use will meet all six standards.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Please see attached Nov. 11, 2014 memo to Town of Middleton Plan Commission from Madison Community Montessori School that addresses all six standards regarding

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.

proposed amendments to conditions 12 and 13 of Davie County CUP permit #2161 eff. March 9, 2011.

3. That 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. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Conditional Use Permit # 2161 Amendment Application

Updated: 10/21/14

Town of Middleton

7555 W. Old Sauk Road

Verona, WI 53593-9700

Phone: 608-833-5887

Fax: 608-833-8996

info@town.middleton.wi.us

All uses of land not falling within the list of permitted uses as presently zoned require a Conditional Use Permit. Information submitted as part of this application (see checklist below) must contain sufficient specifications and details to enable the Plan Commission, Board, and any expert consultants to determine whether the application meets the requirements of the Town ordinances.

The Town of Middleton Plan Commission* meets on the first Wednesday of the month at 7 p.m., the Town Board meets the first and third Mondays of the month at 7 p.m. Both bodies meet at Town Hall, 7555 W. Old Sauk Road. **Conditional Use Permit Application(s) (CUPs) and accompanying information must be submitted 21 days prior to the meeting where action is requested, for review and agenda placement.** In addition to the required hard copies, electronic copies are required – contact the Town Clerk and Town Engineer for desired formats. Incomplete applications may be returned, and could result in a delay of the project. See Town of Middleton Ordinances – Chapter 315: Land Division and Subdivision and Section 200-5C for a list of definitions, standards, and requirements.**

The Plan Commission will review and make an advisory recommendation to the Board. The Board will forward their decision to the Dane County Zoning and Land Regulation Committee. That Committee, after holding a public hearing, determines whether to grant the conditional use permit.

- * Note: Application reviews begin with the Plan Commission. Approval by the Town Board is required. The Town Board meeting will be scheduled after the Plan Commission has considered the application.
- ** Town of Middleton Design Requirements for Public Improvements' shall be used where applicable. Copies can be obtained from the Town of Middleton website (www.town.middleton.wi.us).

Your proposal must explain how it complies with each of six standards in the zoning ordinance for a conditional use permit to be granted, summarized as follows:

1. That the conditional use will not endanger the public health, safety, and welfare.
2. That uses, values, and enjoyment of other properties in the neighborhood will not be substantially impaired by the conditional use.
3. That the conditional use will not impede orderly development of the surrounding property
4. That adequate utilities, access roads, drainage, and other necessary site improvements will be provided.
5. That adequate measures are being taken to provide ingress and egress to minimize traffic congestion.
6. That the conditional use shall comply with all other applicable regulations.

Project:

Name or site description: Madison Community Montessori School

Location: 8406 Ellington Way, Middleton, WI 53562

Checklist- Check boxes at left with '✓' or 'n/a' as applicable

✓	Completed Application Form (this document)
✓	Contact Information - Land Division/Site Plan/CUP form must be submitted with this application.
✓	Deposit pursuant to Town Fee Schedule is included with the application
✓	Written Description of the project. (See attached Nov. 11, 2014 memo from MCMS, Inc.) (NOTE: this section should specifically address the six standards noted above.)
⌘	Plans – 4 hard copies* plus 1 electronic copy, including the following information or drawings:
n/a	– Documents indicating the present zoning of the parcel and neighboring parcels.
n/a	– Dane County Code indicating proposed usage is an allowed conditional usage.
n/a	– Adjoining land uses.
⌘	– Existing Site Plan showing buildings and other physical characteristics of the site. Please show all natural features such as lakes, ponds, streams (including intermittent watercourses) and flood zone and wetland areas.
⌘	– General proposed site layout, with regard to public street access, location of parking/loading/unloading areas, designed to minimize traffic hazards. The Town uses City of Middleton and City of Madison parking guidelines for parking areas (whichever jurisdiction is closer to the site).
n/a	– Time schedule for development.
n/a	– Reasons why the property is suitable for the proposed use.
n/a	– Numbers of employees and hours of operation of the proposed use, if applicable.

**Note: Copies of each document shall be submitted as follows: one hard copy directly to the Town Attorney and Town Clerk, two hard copies directly to the Town Engineer. The electronic copy shall be delivered to the Town Clerk at the Town Hall using info@town.middleton.wi.us as the email address. If any document submitted is larger than 11" x 17", 25 hard copies shall be submitted. Addresses are listed below.*

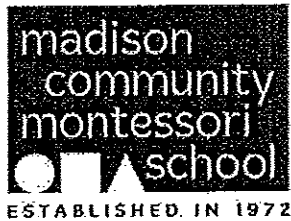
Town Clerk David Shaw Middleton Town Hall 7555 W. Old Sauk Road Verona, WI 53593	Town Attorney Tom Voss Erbach & Voss, SC 6255 University Ave, #101 Middleton, WI 53562	Town Engineer Rod Zubella, PE Vierbicher Associates, Inc. 999 Fourier Drive, Suite 201 Madison, WI 53717
---	---	---

I hereby certify the above is true and complete AND I hereby agree to pay for any and all costs and charges borne by the Town of Middleton as related to and for the purposes of review of the Conditional Use Permit listed above, including engineering and legal review that may exceed the required deposit. Fees incurred by the Town in excess of the deposit shall be due within 30 days of receipt of invoice from the Town of Middleton.

Applicant's Signature: Vicki McCarthy Date: 11/11/14
 Vicki McCarthy, Head of School, MCMS, Inc.

Owner's Signature: [Signature] Date: 11/11/14
 Erin Freiberg, President, Board of Directors, MCMS, Inc.

⌘ See MCMS site plan approved on May 16, 2011 by Town of Middleton Board.



November 11, 2014

To: Town of Middleton (TOM) Plan Commission
From: Madison Community Montessori School (MCMS)
Re: Proposed amendment to MCMS's conditional use permit (CUP) #2161 issued March 9, 2011

Introduction

MCMS requests that the TOM amend two conditions of the school's CUP:

1. MCMS would like to raise the present student enrollment cap from 160 to 215; and
2. MCMS would like to be able to host clubs and activities on occasional weekends at the school.

MCMS's amendment requests comply with the six standards (noted in italics below) set out in Dane County ordinance sec. 10.255(2)(h) for granting conditional use permits. The facts and evidence that demonstrate how the standards are met are outlined below.

Raising the enrollment cap to 215 children

Raising the enrollment cap from 160 to 215 students will allow MCMS to meet the increasing local demand for high quality childcare and educational services for children between the ages of 12 months and 14 years (eighth grade). MCMS has reached the 160 cap since it opened in September 2012 by enrolling 33 more students from a total of 15 additional families. A wait list exists, that includes siblings of enrolled students and staff's children. The wait list is not due to lack of available slots in the classrooms, but because of the school's need to comply with the CUP's 160 student enrollment cap. A review of other area schools reveals that enrollment limits are typically based on the occupancy load of the school. The occupancy load of MCMS exceeds 320 students.

Over the last two years of operation, MCMS clearly has shown that it has *(1) not been detrimental to or endangered the public health, safety, comfort or welfare*. In fact, the school has enhanced these aspects of life in the TOM by offering a sought-after, high-quality educational and childcare option for the community, and by creating a lovely environment at the corner of Airport Road and Ellington Way. Allowing the school to enroll more students will not change this.

Raising the enrollment cap *(2) will not substantially impair or diminish the uses, values or enjoyment of the surrounding neighborhood property, (3) nor impair the surrounding property's normal and orderly development and improvement*. The school's operation over the last two years has met or exceeded these standards. MCMS is serving Middleton families, as evidenced by our popularity in this community. Today, **8% of current families live in the Town of Middleton**, which is four times the number of families prior to 2012. Increased enrollment will likely further this trend, ensuring the long-term positive role MCMS will play in supporting the neighborhood, town, and surrounding area. In addition, school students have worked diligently to help maintain the park across the street, have volunteered to participate in prairie work and have partnered with Middleton Outreach Ministry.

The school's attitude toward its neighbors always has been one of respect, with a desire to participate in the life of the neighborhood. As examples, the school sits on the board of the neighborhood homeowner's association, and has offered its space to the association for meetings. MCMS has contracted with the Town to make its parking lot available for overflow parking during soccer games. In addition, the school has invited its neighbors to two open houses. In the October 2014 open house invitation, MCMS told its neighbors of its intent to request an amendment of the CUP.

MCMS already has provided (4) *adequate utilities, access roads, drainage and other necessary site improvements* in the construction of the school building. **Increased student enrollment will result in no changes to the school's site plan approved by the TOM on May 16, 2011.**

MCMS will continue to ensure that (5) *adequate measures will be taken to provide ingress and egress from the school's parking lot to minimize traffic congestion*. The staff diligently and creatively has worked, from the day the school opened, to ensure that drop-off and pick-up procedures create little to no traffic congestion on either Ellington Way or Airport Road. Over the last two years, not one member of the neighborhood has complained to either the school, or the Town, that the school traffic has created congestion. MCMS is confident in its ability to continue this trend as enrollment gradually increases. Please be clear that an enrollment increase to 215 students would not happen overnight. According to the school's projections, it would take at least three to six years to achieve an enrollment of 215 students.

Out of an abundance of caution, however, the school recently commissioned the attached November 10, 2014 traffic analysis by KL Engineering – the transportation-engineering firm frequently used by the TOM. (KL Engineering also presented a traffic analysis during MCMS's 2011 CUP proceedings.) The KL traffic analysis concludes that an enrollment of 215 students would result in no queuing of traffic outside the school's parking lot during the AM drop-off period. (KL analysis, p. 3). Furthermore, while an enrollment of 215 students would result in a very short-term vehicle queue out of the school's lot during the PM pick-up period, the analysis concludes, "...it is feasible to expect that countermeasures which should result in acceptable traffic operations and minimize the queuing of vehicles onto the public roadway could be successfully implemented." (KL analysis, p. 5).

The voluntary countermeasures that the analysis suggests include additional carpooling, encouragement of timely arrival for pick-up, use of the parking lot on Ellington Way as a waiting zone (similar to airport cell phone lots), and adjusting the pick-up times and procedures. (KL analysis, pp. 4-5). MCMS is confident that other successful countermeasures are possible as demographics and technology change. Thus, the school administration would have considerable flexibility to continue to ensure that any traffic congestion would be minimal, and within acceptable parameters, thereby maintaining traffic safety for the school and the surrounding neighborhoods, while ensuring the educational and organizational integrity of the school.

Finally, MCMS has and will continue to (6) *conform with all applicable Town, County and State regulations* in its request to raise the school's enrollment cap.

Allowing for Clubs and Activities on Weekends

MCMS's present CUP states that the "hours of operation shall be limited to 6:30 A.M. to 9:30 P.M., Monday through Friday." It is necessary to the health of any school to be able to use its facilities to host events that enhance education, community building and fundraising. The present Monday to Friday operations limitation in the school's CUP greatly hampers the school's ability to conduct these types of events.

Examples of the kind of weekend events the school would like to hold are school cleanup days, open houses, professional development programs, tutoring or enrichment classes, parent education events, fundraisers, student clubs, and similar activities. These events typically would involve only a portion of the school population, or a small number of community members, so that they would have **virtually no impact on weekend traffic on Ellington Way or Airport Road.**

MCMS has always been respectful and courteous to its neighbors as it operates during the week. This philosophy certainly would be maintained during any weekend events, and include cooperation with any soccer games or other events that occur in the neighborhood.

The facts and circumstances supporting this proposed amendment to allow clubs and other activities to operate on occasional weekends at the school, *meet all six standards of the Dane County CUP ordinance (noted above).*



Dane County Zoning Division

City-County Building

210 Martin Luther King, Jr., Blvd., Room 116

Madison Wisconsin 53703

(608) 266-4266/266-9083 Fax (608) 267-1540

DANE COUNTY CONDITIONAL USE PERMIT # 2161

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2161 for a Preschool pursuant to Dane County Code of Ordinance Section 10.12 and subject to any conditions contained herein:

EFFECTIVE DATE OF PERMIT: March 9, 2011

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

Parcel # 0708-051-6066-9

Lot 26, Prairie Home Estates Subdivision Plat, located in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 05, T7N, R8E, Town of Middleton, Dane County, Wisconsin.

CONDITIONS:

1. The parking lot layout shall conform to Dane County Code of Ordinances and be approved by the Town Engineer (Vierbicher Associates).
2. The exterior lighting shall be approved by the Town Board.
3. The building height to be a maximum of 32 feet.
4. The playground shall be fenced. The fencing shall be approved by the Town Board.
5. Signs on the property shall not be illuminated.
6. 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.
7. The school's driveway shall be located as far to the north as practical.
8. The septic drain-fields, both primary and secondary, to be located within Lot 26, if feasible.
9. The site improvements shall meet both Town of Middleton and Dane County Stormwater management ordinances for detention and infiltration on site.
10. 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.
11. Screening and landscaping to be compatible with the neighboring prairie and be acceptable to the Town Board.
12. The enrollment shall be limited to a maximum 160 students.
13. Hours of operation shall be limited to 6:30 A.M. to 9:30 P.M., Monday through Friday.

Continued on page 2



Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

Community Development
(608)261-9781, Rm. 421

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

3/11/2011

PRAIRIE HOME LOT 26 LLC
5440 WILLOW RD, STE 101
WAUNAKEE WI 53597

RE: Effective Date of Conditional Use Permit #2161

Congratulations! This letter is to confirm that your Conditional Use Permit Application (CUP) #2161, in the Town of Middleton, has been approved by the Zoning Land and Regulation Committee and is effective as of March 9, 2011.

Attached is a copy of the text of the CUP with the effective date. No further action on your part is required to complete this process. Any conditions of approval are listed on the CUP. In the future, if there are any changes to the scope of this CUP, you are required to notify the Zoning Division to amend this CUP.

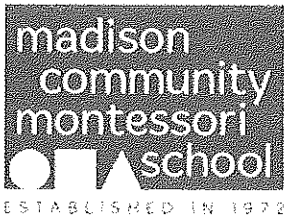
Please keep a copy of this letter for your records. If you have any questions, please contact the Dane County Zoning Division at 266-4266.

Sincerely,

Roger W. Lane III
Zoning Administrator
Email: Lane.roger@countyofdane.com
Phone: (608) 266-9078

Cc: David Shaw, Clerk, Town of Middleton
Nicholas Ladopoulos, 5440 Willow Rd, Waunakee WI 53597

Atch



December 11, 2014

Delivered By Hand

Dane County Zoning Division
Room 116, City-County Division Bldg.
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Re: CUP Permit # 2161
Application to Amend Conditions #12 and #13

Dear Zoning Division:

Enclosed is Madison Community Montessori School, Inc.'s (MCMS) application to amend two conditions of its conditional use permit (#2161), and a \$ 486 check for the application fee. As the enclosed materials show, the school is asking that the student enrollment cap be raised from the present cap of 160 students to 215 students (condition #12), and that the school be allowed to occasionally hold school related events on the weekends (condition #13).

MCMS filed an application to amend its conditional use permit with the Town on Middleton on November 11, 2014 (enclosed). On December 3, 2014, the Town's Plan Commission recommended the application for approval, with conditions. The application, and recommended approval by the Plan Commission, will be heard by the Town Board on December 15, 2014.

If the Town of Middleton Board approves the school's CUP amendment application at its December 15 meeting, I would like to request that the enclosed application to Dane County be added to the February 24, 2015 public hearing agenda of the Zoning and Land Regulation Committee.

Thank you with your assistance with this matter. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Vicki McCarthy".

Vicki McCarthy
Head of School

Enc.