
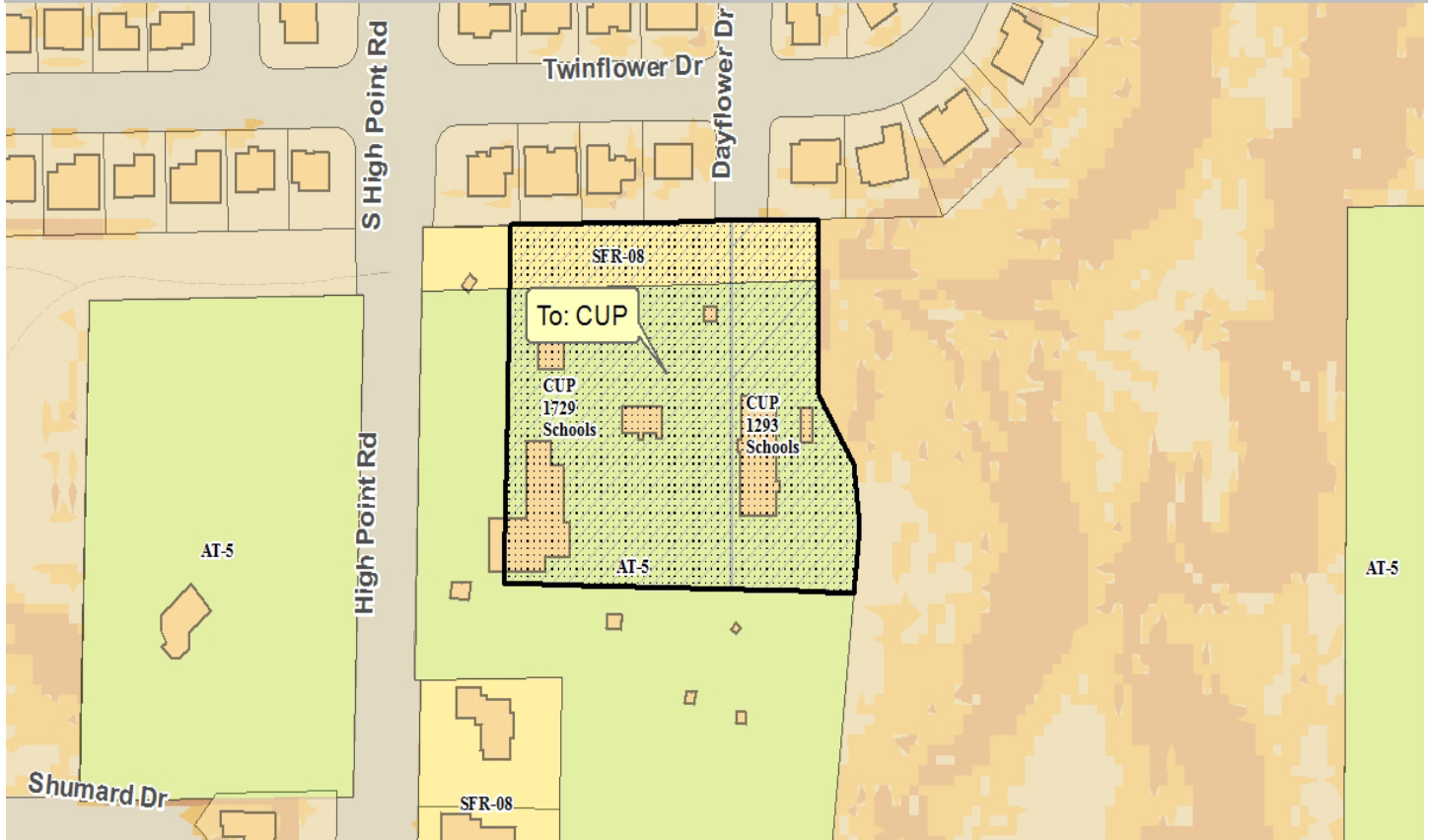


<p><b>Staff Report</b></p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p>Public Hearing: <b>October 22, 2019</b></p>	<p><b>CUP 02480</b></p>
	<p><u>Zoning Amendment Requested:</u>  <b>TO CUP: expansion of existing school</b></p>	<p><u>Town/Section:</u>  <b>MIDDLETON, Section 35</b></p>
	<p><u>Size:</u> <b>5.492 Acres</b></p>	<p><u>Survey Required.</u></p>
	<p><u>Reason for the request:</u>  <b>expansion of existing school</b></p>	<p><u>Applicant</u>  <b>SANDRA S DAHL</b></p> <p><u>Address:</u>  <b>3276 HIGH POINT ROAD</b></p>



**DESCRIPTION:** The applicant is seeking an expansion of the existing CUP to expand the number of students at the Kids Express Learning Center to a maximum of 275 from the current 160. All other aspects of the operation are expected to continue, as they exist. This proposed CUP is anticipated to be the first of two phases of expansion to the facility and programing. The school currently provides service to children through kindergarten and would like to expand the operation throughout grade school.

**CONDITIONAL USE PERMIT PROCESS:** Conditional uses are those uses, which, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of conditional use permits.

In order to obtain a Conditional Use Permit, an applicant must provide **substantial evidence** to demonstrate that the application, and all requirements and conditions established by the county relating to the conditional use, are or shall be satisfied. 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.”*

Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- b. That 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;
- c. 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.
- h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable, measurable.

**OBSERVATIONS / FACTUAL INFORMATION:**

The school has an average daily attendance is 120-125 kids with a total enrollment number sitting about 160 kids (full and part time) at this time. The CUP request is to increase to 275 students. The site abuts single family residential to the north and multi-family residential to the south with Elver Park to the east and High Point Rd to the west.

1. Existing parking and circulation will be expected handle increased traffic, no expansion expected. There are 88 existing parking spots onsite.
2. Sanitary facilities will be monitored for ability to serve the new amount of students. Should the existing system not be able to handle new usage levels, improvements will be made either through a new system of sewerage hookup to the City of Madison.
3. The operator does not anticipate any increases to noise, odor, dust, soot, runoff or pollution.
4. No facility expansions are part of this CUP application so there is no increase of impervious surface or runoff.

**TOWN PLAN:** This property is in the town's commercial planning district.

**RESOURCE PROTECTION:** There appear to be no resource protection areas onsite. Trees buffer the site from the residences to the north and multi-family residences to the south.

**STAFF:** Staff has requested additional information from the applicant based on the incomplete application and requests postponement until the information is gathered. Please contact Curt Kodl (608)266-4183 or [kodl@countyofdane.com](mailto:kodl@countyofdane.com) with any questions.

**UPDATE:** Public Health assessed the site as at designed capacity and determined any increase in students would likely result in a need for an assessment for more septic capacity, which the site may or may not be able to handle. Each building has its own system (currently 3 total septic systems) so coordinating placement of students and any increased septic capacity is critical. City of Madison Engineering placed city sanitary sewer in front of (and stubbed out to) the

property and the applicant has received information from city engineering about sewerage hookup. The applicant needs to demonstrate a plan to address increased student capacity based off a professional assessment of the planned expansion. **SANITARIAN COMMENTS:** Public Health Madison & Dane County staff has been in contact with Paul Hardy (certified soil tester/designer) and Ron Klaas (Donofrio & Associates) about the need to modify septic systems based on capacity and projected minimum needs for each building on the campus.

*"I had a chance to look at the proposed student and staff numbers that you sent out. The maximum practical capacities in the chart will indeed work with the existing septic capacity without modification. (The chart shows 184 students and 22 staff.) The only system that will exceed its designed flow is the main building and both the drainfield and tanks were oversized on the initial installation and have enough additional capacity to receive the slight increase in flow. We wouldn't have a problem with the facility increasing capacity/enrollment to the numbers on that maximum practical capacity column."*

Traffic counts are expected to increase an additional 471 trips per day according to County Highway. **TRAFFIC UPDATE:** City of Madison Traffic Engineering staff had no significant concerns about increased counts on High Point Road at this time.

Staff has prepared the following list of recommended conditions based on Town conditions and substantial evidence and which may be applied to ensure the use meets the applicable standards for approval and the purposes of the ordinance. 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. Note that the conditions below incorporate the four conditions included by the Town of Middleton (Conditions No. 6-9).

1. The applicant/landowner shall comply with all of the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a., Standard Conditions, which apply to every conditional use permit (CUP).
2. The conditional use permit shall be for a daycare and private school operation.
3. The school shall employ no more employees than 43 employees at this time.
4. There shall be a maximum of 275 students enrolled in the existing facility.
5. Sanitary facilities shall be maintained for expected capacity, when daily census reaches 190 students and 22 staff Kid's express will need to modify septic capacity or connect to the sewerage system.
6. The Town finds that the proposed conditional use is consistent with the adopted Town Comprehensive Plan;
7. The school's hours of operations shall be limited to 7:30 am to 5:30 pm. As stated by the applicant;
8. The school shall use staggered start times for students to mitigate traffic congestion during peak times;
9. A traffic attendant shall be present in the parking lot to assist parents and children during busy drop-off and pick-up times.

**TOWN:** The Town approved with conditions.