



**Project Address:** 2758 Dairy Drive (16<sup>th</sup> District – Ald. Tierney)  
**Application Type:** Conditional Use  
**Legistar File ID #** [61817](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Mikel Schaefer; Construction Services, Inc.; 639 S. Main St. #103; Deforest, WI 53532

**Requested Action:** Approval of a conditional use to establish a private school in a building that previously housed an arts, trade, or technical school in a Suburban Employment (SE) district per Section 28.085(2) M.G.O.

**Proposal Summary:** The applicant is seeking to establish a private school for grades 7-12 in a building that previously housed a media arts college.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses. Section 28.183 M.G.O. provides the process and standards for the approval of conditional uses. Supplemental regulations regarding schools are found in Section 28.151 M.G.O.

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find the standards met and **approve** the requested conditional use to establish a private school in an existing building at 2758 Dairy Drive. These recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies in this report.

## Background Information

**Parcel Location:** The site is located on the west side of Dairy Drive approximately 400 feet west of its intersection with Agriculture Drive. The site is within Aldermanic District 16 (Ald. Tierney) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 2.62-acre parcel is currently developed with a vacant one-story, 12,000-square foot building previously occupied by a media arts school. The parcel is zoned SE (Suburban Employment District). The parcel also includes a 62-stall surface parking lot.

### Surrounding Land Uses and Zoning:

South: A food bank, warehouse, and office buildings, zoned SE (Suburban Employment District);

East: Across Dairy Drive, a one-story office building zoned SE;

North: Warehouse and office buildings zoned SE; and

West: A large warehouse and office building zoned IL (Industrial-Limited District).

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Employment uses for the site. The site is not within the boundary of any neighborhood or special area plans.

**Zoning Summary:** The subject property is zoned SE (Suburban Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	113,963
Lot Width	65 ft	116 ft
Front Yard Setback	No Minimum	Existing, no change
Side Yard Setback	15 ft or 20% building height	Existing, no change
Rear Yard Setback	30 ft	Existing, no change
Maximum Lot Coverage	75%	Existing, no change
Minimum Building Height	22 ft	Existing, no change
Maximum Building Height	5 stories/68 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	No minimum	62
Accessible Stalls	3	3
Loading	No	No
Number Bike Parking Stalls	1 stall per 5 students = 13	6 (1.)
Landscaping	Yes	Existing, no change
Lighting	No	Existing, no change
Building Forms	Yes	Existing, no change

<b>Other Critical Zoning Items</b>	Utility Easements
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*Table prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description

The applicant is requesting conditional use approval to establish a non-profit charter school called Milestone Democratic School in an existing building. The building was most recently occupied by Madison Media Institute, a media arts college, but is currently vacant. The proposed school will include grades 7-12 and will begin operation with an initial enrollment of 65 students. Enrollment is projected to be 170 students by year 5 of operation. Typical hours of operation on school days will be 7 a.m. to 5 p.m.

The applicant has indicated the existing site and building will be reused without any alterations to the original building developed in 2009. The current 12,000-square foot building is placed at the southeast corner of the site, with the 62-stall parking lot immediately to the north, accessed to the east on Dairy Drive. The plan set provided by the applicant indicates the site is planned for expansion of the building to the west, doubling its footprint, and expanding the parking lot to the north and west. It is unclear if or when such an expansion may occur. Building plans show at least five classrooms, plus offices, and additional flex space. The building's main entrance is centered on the northern facade. Secondary doorways are on the north, south, and east facades. The applicant states that the building is ready for immediate occupancy and that the school will utilize the existing classrooms, offices, and furniture.

## Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with adopted plan recommendations before reviewing conditional use approval standards.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Employment for the site. The Employment land use designation includes predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. Employment areas may also include limited retail and service establishments. The site is not within the boundary of any neighborhood or special area plan.

### Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met.

Concerning transportation to and from the school, Staff has comments regarding two Conditional Use approval standards. Approval standard 5 states that "adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." Approval standard 6 states that "measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets." The applicant has not provided information regarding how students will get to the school, student pick-up and drop-off operations, staff and visitor parking plans, or plans for moving staff and students during the day, such as during field trips. Based on the limited enrollment of 65 students, staff believes that such information could be addressed at the time of sign-off. As such, Staff recommends the Plan Commission require the applicant to provide a staff and student transportation management plan that addresses the activities above for staff review prior to final sign-off.

The applicant is requesting approval of a conditional use for school in a Suburban Employment district per M.G.O. §28.085(2). If the applicant can satisfactorily provide documentation regarding the concerns identified above, Staff believes that due to the proposed school's scale and planned operation, the applicable conditional use standards can be found met. Staff also believes the proposal meets or satisfies the supplemental regulations regarding schools found in Section 28.151 M.G.O.

### Conclusion

Staff believes the request to be consistent with the recommendations of the [Comprehensive Plan](#). Because of the scale and operation plan for the school, historical use of the building, and surrounding land uses, Staff believes that the Plan Commission can find the standards for approval for conditional uses to be met.

At time of report writing, staff is unaware of any public comment.

## Recommendation

### Planning Division Recommendations (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional uses request to establish a private school in building most recently used as an art, trade, and technical school in a Suburban Employment (SE) district subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### Planning Division (Contact Colin Punt, 243-0455)

1. Provide a staff and student transportation management plan indicating pick-up and drop-off operations, staff and visitor parking, and field trip or other school day transportation operations.

### Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

2. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 1 short-term bicycle parking stall per 5 students located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

### Traffic Engineering (Contact Sean Malloy, 266-5987)

3. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
4. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
5. Applicant shall submit for review a student drop off and pickup plan. This plan shall include the number of students, estimated modes of arrival by percentage, estimated arrival times and any requested passenger loading zones.

### City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

6. The site plan shall be updated and revised to represent building and improvements that currently exist and labeling the current conditions on the site.

### Fire Department (Contact Bill Sullivan, 261-9658)

7. A manual activated fire alarm system is required. Emergency voice communications would be required once the total number of occupants exceed 100.

**Forestry Section** (Contact Jeff Heinecke, (608) 266-4890)

8. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
9. Street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.

*The Engineering Division Main Office, Parks Division, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval.*