



PREPARED FOR THE PLAN COMMISSION

Project Address: 652 Burnt Sienna Drive
Application Type: Conditional Use
Legistar File ID # [76302](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Gary Wendt, The Bradford Real Estate Companies; 106 Barrington Commons Court, Suite 726; Barrington, Illinois.

Property Owner: Chad Wuebben, Chapel View Development Company, Inc.; 6840 Schneider Road; Middleton.

Requested Action: Consideration of a conditional use in the TR-C3 (Traditional Residential–Consistent 3) District for a daycare center, and consideration of a conditional use in the TR-C3 District for a building or structure exceeding 10,000 square feet in floor area, to allow construction of a one-story daycare center at 652 Burnt Sienna Drive.

Proposal Summary: The applicant proposes to construct a one-story, approximately 10,000 square-foot daycare center on an undeveloped 1.7-acre parcel located at the southwestern corner of Old Sauk Road and Burnt Sienna Drive. The center will provide child care to children ages six weeks to five years: infants, toddlers, twaddlers, preppers, preschoolers, pre-kindergarten, and kindergarten, as well as provide afterschool care for children up to eight years of age. Parking for 45 automobiles will be provided in a surface lot located south of the building. Construction of the daycare center is schedule to commence this June, with completion anticipated by March 2024.

Applicable Regulations & Standards: Table 28-C1 in Section 28.032(1) of the Zoning Code identifies daycare centers and buildings or structures with floor area exceeding 10,000 square feet as conditional uses in all residential zoning districts subject to Supplemental Regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses to allow a daycare center to be constructed at 652 Burnt Sienna Drive subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is a 1.7-acre lot located at the southwestern corner of Old Sauk Road and Burnt Sienna Drive; Alder District 9 (Conklin); Middleton-Cross Plains Area School District.

Existing Conditions and Land Use: Undeveloped land in the Chapel View subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District).

Surrounding Land Uses and Zoning:

North: Single-family residences across Old Sauk Road in the Town of Middleton;

South: Single-family residences in the Chapel View subdivision, zoned TR-C3 (Traditional Residential–Consistent 3 District) and TR-V1 (Traditional Residential–Varied 1 District);

West: Middleton Community Church, zoned TR-C3; and

East: Single-family residences in Chapel View subdivision, zoned TR-C3.

Adopted Land Use Plans: The 2018 [Elderberry Neighborhood Development Plan](#) recommends the subject site for Residential Housing Mix 1 (HM1) with a density up to eight (8) units an acre. Development in HM1 is primarily recommended for detached single-family housing on individual lots, but limited areas may be developed with other lower-density housing types such as duplexes or townhouses at appropriate locations.

Zoning Summary: The site is zoned TR-C3 (Traditional Residential–Consistent 3 District):

Principal Building Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	74,713 sq. ft.
Lot Width	40'	328' +/-
Minimum Front Yard	15'	See Conditions
Maximum Front Yard	N/A	---
Side Yards	5' for One-Story	70'
Reverse Corner Side Yard Setback	15'	25'
Rear Yard	20'	138' (See Conditions)
Usable Open Space	N/A for Non-Residential Use	---
Maximum Building Coverage	65%	13%
Maximum Lot Coverage	75%	41%
Maximum Building Height	35'	21' 8"
Building Forms	Civic/institutional building	Will Comply
Automobile Parking	1 per 15 clients plus 1 per 2 employees (23)	45
Bicycle Parking	1 per 5 employees (5)	5
EV Parking	None	0
Other Critical Zoning Items: Utility Easements		
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>		

Environmental Corridor Status: There are no environmental corridors on the subject site.

Public Utilities and Services: The site is served by a full range of urban services. However Metro Transit does not currently provide service west of Pleasant View Road. The site will not be served by Metro following implementation of the bus network redesign in June 2023.

Previous Approvals

On June 5, 2018, the Common Council approved a request to rezone land generally addressed as 645 Schewe Road and 9951 Old Sauk Road from Temporary A (Agricultural District) and SR-C1 (Suburban Residential–Consistent 1

District) to TR-C3 (Traditional Residential–Consistent 3 District); approved the preliminary plat of *Chapel View*, creating 43 lots for future single-family detached residences, two lots for the future development of single-family cottage condominiums, one lot for a future daycare center, and three outlots to be dedicated to the public for stormwater management; and approved a Certified Survey Map creating one lot for Middleton Community Church and one outlot for the future development of the Chapel View subdivision.

The Common Council approved the final plat of Chapel View on August 7, 2018; the final plat was recorded on November 1, 2018.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for a Daycare Center (as applicable in the TR-C3 zoning district):

- (a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
- (b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Section 28.151 also includes the following supplemental regulations for Buildings or Structures Exceeding 10,000 Square Feet in Floor Area:

- (a) In any residential district, building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
- (b) In any residential district, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

“Floor area” is defined in Section 28.211 of the Zoning Code as “the sum of all gross horizontal areas under the roof of a building, including, but not limited to: basement floor space; elevator shafts and stairwells at each floor; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; penthouses, attic space used for human occupancy, interior balconies and mezzanines; enclosed porches; floor area devoted to accessory uses, and; areas used for grade-level parking.”

Project Description, Analysis and Conclusion

The applicant is requesting approval of a conditional use to allow construction of one-story, approximately 10,000 square-foot daycare center on an undeveloped 1.7-acre site located at the southwestern corner of Old Sauk Road and Burnt Sienna Drive on the northern edge of the Chapel View subdivision.

The proposed facility will contain eleven classrooms for children ages six weeks to five years, including rooms for infants, toddlers, twaddlers, preppers, preschoolers, pre-kindergarten, and kindergarten. The daycare will also

provide afterschool care for children up to eight years of age. The proposed building will be oriented to the south and a surface parking lot for 45 automobiles that will be accessed from a driveway from Burnt Sienna Drive located opposite Peach Leaf Lane. Two outdoor playgrounds will be located adjacent to the western wall of the building, which will be enclosed by four-foot tall fencing.

Daycare centers (and nursery schools) for more than eight (8) persons are defined as a “facility licensed by the State Department of Health and Family Services, or any other government agency that assumes its authority and responsibility, in which qualified persons, other than a relative or guardian provide care and supervision for children, adolescents, or adults for less than 24 hours per day.” Daycare centers are conditional uses in all residential zoning districts. Additionally, any building or structure with floor area exceeding 10,000 square feet is a conditional use in all residential zoning districts. The calculation of floor area effectively encompasses any area under the roof, including unfinished spaces for mechanical equipment, and enclosed parking located at-grade. While the plans for the proposed facility call for an exactly 10,000 square-foot building, staff recommends that a conditional use for a building exceeding 10,000 square feet of floor area be considered prospectively to ensure that the center may proceed in the event minor changes to the design between now and the issuance of permits tip the building over 10,000 square feet.

The Planning Division believes that the Plan Commission may find the standards for conditional use approval and the supplemental regulations for daycare centers and buildings exceeding 10,000 square feet of floor area in a residential zoning district met with this request. Staff does not believe that the proposed daycare center will have a negative impact on the uses, values and enjoyment or the normal and orderly development of surrounding properties or the larger neighborhood. Indeed, the developer of the Chapel View subdivision where the site is located targeted the site for a daycare use at the time of platting. Planning staff has received no conditions of approval from reviewing agencies that would suggest that the conditional use standards cannot be met, and staff has received no correspondence about the proposal from area residents or property owners as of the drafting of this report.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses to allow a daycare center to be constructed at 652 Burnt Sienna Drive subject to input at the public hearing and the following conditions:

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

Planning Division

1. The applicant shall identify on the final site plans the designated area for the short-term parking of vehicles engaged in loading and unloading of children required for a daycare center per Section 28.151 of the Zoning Code. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
2. The final plans shall provide setbacks for the proposed building from all property lines. A minimum 15-foot setback shall be provided from the property line adjacent to Burnt Sienna Drive.
3. The final plans shall show the entire site and include the dimensions of all property lines.

4. Provide bike parking and electric vehicle (EV) parking as determined by the Zoning Administrator.

City Engineering Division (Contact Tim Troester, (608) 267-1995)

5. Obtain a Street Terrace Permit for the proposed work (installation of the driveway apron, landscaping, etc.). This permit application is available and must be completed online on the City Engineering Division website.
6. This development is subject to impact fees for the Lower Badger Mill Storm Impact Fee District. All impact fees are due and payable at the time building permits are issued per MGO Chapter 20. Add the following note on the face of the plans: "Lots/buildings within this development are subject to impact fees that are due and payable at the time building permit(s) are issued."
7. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
8. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for permit specific details and requirements.
9. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for permit specific details and requirements.
10. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151. However, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at (608) 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
11. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
12. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
13. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
14. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
15. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management

Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

16. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

17. Remove the southwest corner of the playground fence from the limits of the 10-foot public storm water drainage easement per the plat of Chapel View.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

18. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
19. 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.
20. 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.
21. All parking facility design shall conform to the standards in MGO Section 10.08(6).
22. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

23. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.
24. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (no visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
25. The applicant shall provide a clearly defined five (5)-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
26. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

27. Remove the turning movement diagram from the proposed fire access plan. Fire access plan appears to be sufficient. Be sure to include an updated plan with the verification plan submittal.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

28. Provide a complete site plan showing the entire southern portion of the lot.
29. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size shall be prepared by a registered landscape architect.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

This agency has reviewed this request and recommended no conditions or approval.

Forestry Section (Contact Brandon Sly, (608) 266-4816)

30. As defined by MGO Section 10.10, City Forestry will assess the full cost of the street tree installation to the adjacent property owner. City Forestry will determine street tree planting sites and tree species type. Street tree planting will be scheduled after there is substantial completion of the new plat development along the street segment.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

31. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors

website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions or approval.