

PLANNING DIVISION STAFF REPORT

August 8, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 4100 Nakoma Road (District 10 – Alder Figueroa Cole)

Application Type: Conditional Use

Legistar File ID # [72363](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Scott Anderson; Westminster Presbyterian Church; 4100 Nakoma Road; Madison, WI 53711

Contact: Kathy Kamp / John Braden; Westminster Church; 4100 Nakoma Road; Madison, WI 53711

Requested Action: Approval of a conditional use to add a private school in an existing place of worship in the Traditional Residential-Consistent 1 (TR-C1) District at 4100 Nakoma Road.

Proposal Summary: Westminster Presbyterian Church proposes to allow three rooms, common area, and bathrooms in the lower level of the church to be used by Acton Academy Madison West, a private elementary school.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as Table 28C-1 in §28.032 of the Zoning Code lists a *Public or Private School* as a conditional use in the Traditional Residential-Consistent 1 (TR-C1) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to add a school in an existing place of worship in the Traditional Residential-Consistent 1 (TR-C1) District at 4100 Nakoma Road. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The 15,850-square-foot (0.36-acre) subject parcel is located to the west of the intersection of Nakoma Road and Yuma Drive. It is located within Alder District 10 (Ald. Figueroa Cole) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site contains a two-story, roughly 29,000-square-foot church. A surface parking lot with 22 automobile stalls runs along the northwest property line. It is accessed via a one-way drive aisle which takes access from Yuma Drive, runs counterclockwise around the building, and exits onto Nakoma Drive. A “U”-shaped drop-off area with covered entrance, located along the building’s northeast façade, is also accessed via the same Yuma Drive entrance and exists back onto Yuma Drive, closer to the Nakoma Road intersection. The site is zoned Traditional Residential-Consistent 1 (TR-C1).

Surrounding Land Use and Zoning:

- Northeast:** Across Yuma Drive are single-family residences zoned TR-C1 (Traditional Residential - Consistent 1);
- Northwest:** Single-family residences zoned TR-C1;
- Southeast:** Across Nakoma Road are single-family residences zoned TR-C1; and
- Southwest:** Single-family residences, all zoned TR-C1.

Adopted Land Use Plan: The 2018 [Comprehensive Plan](#) recommends Low Residential (LR) uses for the subject site. No neighborhood plan provides recommendations for this site.

Zoning Summary: The subject property is zoned Traditional Residential-Consistent 1 (TR-C1):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000	15,850
Lot Width	50 ft	300 ft
Front Yard Setback	20 ft	32 ft
Side Yard Setback	10 ft	12 ft, 42 ft
Rear Yard Setback	Equal to building height but at least 35 ft	37 ft
Maximum Lot Coverage	65%	Existing, no change
Maximum Building Coverage	50%	Existing, no change
Maximum Building Height	35 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	6	22
Accessible Stalls	1	2
Loading	No	No
Number Bike Parking Stalls	15	20
Landscaping	Yes	Existing, no change
Lighting	No	Existing, no change
Building Forms	Yes	Existing, no change

Other Critical Zoning Items	Utility Easements
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Tables 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. Metro Transit historically operated all-day transit service on weekdays along Nakoma Road, adjacent this property, with trips at least every 60 minutes. The City plans to restore all-day transit service, operating seven days a week, in 2023.

Project Description, Analysis, and Conclusion

The applicant requests approval to add a school in an existing place of worship (Westminster Presbyterian Church) in the Traditional Residential-Consistent 1 (TR-C1) District. It is therefore subject to the standards for Conditional Uses [MGO §28.183], as Table 28C-1 in §28.032 of the Zoning Code lists a *Public or Private School* as a conditional use in the TR-C1 District. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent

changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

The applicant, Westminster Presbyterian Church, proposes to allow roughly 8,400 square-feet – consisting of six classrooms and large room (labeled “fellowship hall” on the submitted plans) on the lower level of the church – to be used by Acton Academy Madison West, a private elementary school. Submittal materials note that the school will not use any of the spaces on the main (second) floor, with the exception of the bathrooms which may be used if needed to meet the student’s needs. Materials also note that the lower level was originally designed for use as a daycare, and until recently, was utilized by the Madinah Academy, a private elementary school with roughly 70 students. As a result, no interior or exterior modifications to the building or site are proposed.

According to submitted materials, Acton Academy Madison West plans to limit first-year enrollment to 7-12 students, with an intention of growing up to 75 students over a five year period. While they eventually plan to served Grades K through 5, they will start with Grades 1 to 5 (i.e. ages 6.5 to 11), and will open the younger kindergarten classroom in fall 2023. Regarding staff, two full-time and one to three part time staff are anticipated the first year with that number increasing up to ten as enrollment increases. School hours will be from 8:00 am to 5:30 pm, Monday through Friday. Pertaining to pick-up and drop-off, all students will be dropped off at the existing circular drop-off area located at the northeast end of the building, along Yuma Drive. Students will enter the school (i.e. the lower level) using the doors located along that façade. While the applicant was not aware of traffic-related issues with the pick-off and drop-off operations of the previous school tenant, in communications with staff, the applicant has stated that if such issues should arise down the road as enrollment increases, the school would most likely add a second entrance from the back door to the classrooms (off the rear parking lot). This would add a second drop-off area at the rear of the building, which cars would access using the same entrance from Yuma Road as per the existing drop-off area. From there, cars would continue counterclockwise around the building, using the one-way drive aisle, and exit onto Nakoma Road. Regarding outdoor play space, the applicant notes that while the subject property does not have any on site, the school plans to walk the students over to the City’s Nakoma Park, which is located one block (roughly 0.22-miles) to the northeast.

Regarding consistency with adopted plans, the 2018 [Comprehensive Plan](#) recommends the subject site and surrounding properties for Low Residential (LR) uses. However, it notes that a “*limited amount of nonresidential uses may also be located within residential categories. Nonresidential uses within residential areas may include, among other things, elementary and middle schools, day care centers, places of assembly and worship (if at a scale compatible with other existing or planned uses).*” No neighborhood plan provides recommendations for this site. Therefore, the Planning Division believes the proposal could be found consistent with adopted plan recommendations.

The Planning Division anticipates that if well-managed, the proposed school should not result in significant negative impacts to the surrounding properties. Factors such as the limited size and capacity of the proposed enrollment; the fact that another school of similar enrollment occupied the lower level for the previous ten years and Acton Academy Madison West plans to operate in a similar manner; and the proposed conditions of approval will help mitigate possible negative impacts. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Staff therefore believe the proposed school can be found to meet the conditional use approval standards and recommends that it be approved by the Plan Commission.

Staff also believe that proposal satisfies the Supplemental Regulations for the use. These are: (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street; and (b) 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.

At time of publication, staff is unaware of any public comment regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to add a school in an existing place of worship in the Traditional Residential-Consistent 1 (TR-C1) District at 4100 Nakoma Road. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

1. Contact the Madison Fire Department for what is needed for wayfinding / directional signage for the school areas.
2. Exhibit A header is labeled as Plan of 1st Floor. However, the drawing is labeled as Proposed Ground Floor Plan. Update the labels to represent the proper floor level.
3. A building with more than one business / tenant requires multiple addresses. The school tenant shall use the address of 4100 Nakoma Rd Suite 100 for their leased area. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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

4. IFC 903.2.3. Provide a fire sprinkler system in Group E occupancies where the fire area is located on a floor other than the level of exit discharge.
5. Provide a fire alarm system unless the Group E occupancy has a capacity of 50 people or less. An emergency voice evacuation system would be required if the occupant load exceeds 100.

Metro Review (Contact Timothy Sobota, (608) 261-4289)

6. The applicant shall maintain or replace the accessible bus stop boarding pad at the curbside bus stop zone that is on the north side of Nakoma Road, west of Seminole Highway/Yuma Drive.
7. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

The Planning Division, City Engineering, Traffic Engineering, Zoning, Parks Division, Forestry Section, and Water Utility have reviewed this request and have recommended no conditions of approval.