

PLANNING DIVISION STAFF REPORT

March 9, 2015



PREPARED FOR THE PLAN COMMISSION

Project Address: 734 Holy Cross Way (Ald. District 17 – Ald. Clausius)
Application Type: Conditional Use
Legistar File ID # [36623](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Mark Bartels; Holy Cross Lutheran Church and School, Inc; 2670 Milwaukee St; Madison, WI 53704

Contact: David Baum; A2K; 311 East Chicago St, Suite 310; Milwaukee, WI 53202

Property Owner: Holy Cross Lutheran Church and School, Inc; 2670 Milwaukee St; Madison, WI 53704

Requested Actions: The applicant requests conditional use approval to construct a school and a place of worship exceeding 10,000 square feet of floor area in the SR-C1 (Suburban Residential-Consistent 1) Zoning District. As proposed, Conditional Use approval is also required to exceed the maximum number of off-street parking stalls.

Proposal Summary: The applicant, Holy Cross Lutheran Church, proposes to develop the first of a two phase project. The first phase includes a school for early childhood and grades kindergarten through eight. The facility also includes a gymnasium and office space. Also included in the initial phase is a multi-purpose room that will be used as a temporary worship space. A second, future phase will include the construction of further school expansions and a permanent worship space.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [Section 28.183]

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the request to construct a building with a school exceeding 10,000 square feet in area at 734 Holy Cross Way that exceeds the parking maximums. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The subject site is a 12.3-acre site located near where Commercial Avenue crosses under Interstate 39-90 and 94. The site is within Aldermanic District 17 and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is undeveloped.

Surrounding Land Use and Zoning:

North: Single-family homes, zoned SR-C1 (Suburban Residential-Consistent 1);

South: Platted and undeveloped single-family lots (zoned SR-C1) with a bar/restaurant and place of worship, beyond.

East: Interstate 39-90, and 94; and

West: Single-family homes zoned SR-C1.

Adopted Land Use Plan: The Comprehensive Plan recommends low density residential uses for the subject property and surrounding area.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services. The nearest bus stop is located along Thompson Drive, approximately 0.70 miles from the subject property.

Zoning Summary: The property is zoned SR-C1 – Suburban Residential Consistent-1.

	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	535,428 sq. ft.
Lot Width	50'	465'±
Front Yard Setback	30'	187'±
Side Yard Setback	6'	295'± – RS 130'± – LS
Rear Yard Setback	Equal to building height but at least 35'	350'±
Maximum Building Height	35'	27'6"
Maximum Lot Coverage	60 %	TBD (See Comment #30)
Maximum Building Coverage	50%	About 20%
Number Parking Stalls	Place of Worship 1 per 10 seats in main worship area (85). = 9 (maximum = 13.5) School 1 space per classroom = 6 (maximum = 6) Day care 1 per 15 clients.(75) = 5 (maximum = 10) Minimum Total = 20 Maximum total = 29.5 Future TBD	96 (See Comment #28) Maximum allowed with administrative approval = 52.5
Accessible Stalls	Yes	Yes
Loading	No	No
Number Bike Parking Stalls	1 per 50 seats in main worship area(85) = 2 1 space per 5 students (school) = 15 1 per 5 employees (daycare) = 2 Total = 19	25 (See Comment #39)
Landscaping	Yes	Yes (See Comment #26)
Lighting	Yes	None shown (See Comment #31)
Building Forms	Yes	Meets building forms
Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements	

Previous Approvals

The subject site is part of the Eagle Crest subdivision plat, approved in 2005. As noted in the letter of intent, the applicant, Holy Cross Lutheran Church, purchased that property shortly after the lot was created. Materials provided with that Plat application reference Holy Cross Lutheran Church and School as the future occupant of the subject lot. When the Plat was approved, the Planning Division noted that while supporting the plat, this was a deviation from the East Towne-Burke Heights Neighborhood Development Plan which had recommended the extension of Tony Drive south to Commercial Avenue. While approved without this street connection, the Final Plat was approved with a condition, originally recommended by the Parks Division, stating that "a trail easement shall be provided from Holy Cross Way across the detention parcel and noise berm to Tony Drive." That would have been largely located on the subject site. This easement, however, not included on the final recorded plat. A copy of the final plat map is included for the Commission's reference.

Upon their initial review of this request, the Zoning Administrator found that this proposal did not meet the supplemental regulation for schools. Schools, such as this, located within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street. The subject lot only has access to Holy Cross Way, a local street. The Zoning Board of Appeals approved a variance to this request at its February 26, 2015 meeting.

Project Description, Analysis, and Conclusion

The applicant, Holy Cross Lutheran Church, requests conditional use approval to develop a place of worship and school exceeding 10,000 square feet of floor area with 86 parking stalls. This request is subject to the approval standards for conditional uses.

This proposal includes the first of two development phases. The project's first phase includes the development of a school for early childhood and grades kindergarten through eight. The facility also includes a gymnasium and office space. Also included in the initial phase is a multi-purpose room that will be used as a temporary worship space. A second, future phase will include the construction of further school expansions and a permanent worship space. A timeframe for the future phase is not specified.

The first phase of the building is will be placed at the site's center, with possible expansion areas proposed to the back and the front. In total, the first phase has an approximate area of 27,000 square feet. The street-facing side of the building is clad in a manufactured stone. The sides of the building are clad primarily in vinyl siding with stone accents, as shown. The rear of the building is clad in a combination of pre-cast concrete, vertical metal, and vinyl siding. The plans include two different gymnasium configuration options that are reflected in both the floor and building elevations.

Parking is proposed on both sides of the building. In total, the site plan depicts 86 auto parking stalls as part of this development phase. This figure conflicts with the letter of intent states which states there are 96 stalls. The Zoning Administrator has confirmed that either figure exceeds the allowed maximum number of stalls, which is calculated at 30 stalls based on the submitted information. In this case, the Zoning Code would allow an administrative approval to exceed the maximum, up to 53 parking stalls. Any stalls exceeding 53 must be approved by the Plan Commission.

In regards to the parking location, surface parking must be to the side of the building and stalls cannot project beyond the front wall of the building. As such, the Zoning Administrator added a non-standard comment that some of the proposed parking shown as part of the development's first phase will need to be revised. Based on

the submitted plans, it appears at least eight (8) stalls and (possibly up to 12 stalls) would need to be removed from the western parking lot.

Such a reduction would bring the proposed parking for this phase between 74 and 78 stalls. Staff believes that parking beyond the maximum could be justified for this phased development of a multi-grade school, 86-seat temporary church, and daycare facility. In regards to the school, the Zoning Code has a maximum parking requirement (for schools without driving-age students) of one (1) parking stall per class room. (See the Zoning Administrator's Table). This requirement does not account for administrative staff or visitors during the day or evening hours. The applicant notes that events such as concerts, plays, sporting events, graduation, and similar events are anticipated to have an increased parking demand. The proposed parking would limit parking spill-over impacts onto nearby residential streets.

There are several recommended conditions related to pedestrian connections. As proposed, there is no direct pedestrian connection to the building from Holy Cross Way during the first development phase. The Planning Division recommends the installation of a private sidewalk to provide a pedestrian connection between the building and Holy Cross Way to improve pedestrian access to the site during the first development phase. Citing the need for neighborhood pedestrian access to this site and improved neighborhood connectivity, the Traffic Engineering and Parks Divisions are recommending approval of a public path easement connecting the Tony Drive cul-de-sac to Holy Cross Way. Traffic Engineering is also recommending the applicant provide a pedestrian connection from Vernon Road.

Finally, staff notes that the subject site is adjacent to Interstate 39-90-and 94. As such, the General Planning Ordinance (Chapter 16 - Madison General Ordinances) requires that outdoor recreation areas include sound attenuation measures so the exterior hourly traffic sound level is at or below 67 dBA (decibels A-weighted). The building is also required to include measures so that interior hourly traffic-induced sound is at or below 52 dBA. The plans submitted for final sign-off shall provide the ordinance-required information and certifications that these standards are met.

At the time of report writing, staff was not aware of any neighborhood objections to this proposal. The Planning Division believes the conditional use standards can be met.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the request to construct a building with a school exceeding 10,000 square feet in area at 734 Holy Cross Way that exceeds the parking maximums. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. That as part of the first phase of development, the applicant shall provide a private sidewalk to connect the front of the building to Holy Cross Way. Details shall be approved by staff.
2. That prior to final sign-off and approval of this conditional use, the applicant shall provide the required highway noise information and certifications as required by 16.23 Madison General Ordinances.

3. That the site plans identify outdoor recreation areas that will be installed as part of the first development phase.
4. That this approval shall include either gymnasium option presented in the plans. Final plans submitted for sign-off shall identify which option will be constructed. No further alteration will be required to construct either of these options, as presented.
5. That the applicant encourages those travelling to and from the facility to utilize Commercial Avenue to Holy Cross Way and discourage trips through the residential neighborhood immediately west of the property.

City Engineering Division (Contact Janet Schmidt, 261-9688)

6. Significantly more information and detail drawings shall be required prior to approval of the Storm Water Management Plan. The information and design criteria for bio-retention #1 will need to be provided. Some plan sheets show this feature, others do not, all sheets shall be consistent.
7. City utility records do not show an 8" diameter lateral being stubbed into the lot as the plan/survey does. Rather, a 6" diameter lateral is provided near the east property line. Applicant will likely need to install a lateral connecting to the City's sanitary manhole (SAS 7036-010) as shown and obtain a "Permit to Excavate in the Right of Way" for the work. Because the proposed lateral is 8" diameter, the applicant will be required to connect to the City sewer at a manhole.
8. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
9. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
10. All damage to the pavement on Holy Cross Way adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
11. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
12. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
13. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now

required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)

14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances and b) Provide oil & grease control from the first 1/2" of runoff from parking areas.
15. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
16. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files b) RECARGA files, c) TR-55/HYDROCAD/Etc..., and d) Sediment loading calculations. 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. (POLICY and MGO 37.09(2))
17. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
18. The site plan shall be revised 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. (POLICY)

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

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| <ol style="list-style-type: none">19. Provide a 20' public path easement connecting the Tony Drive Right-of-Way to the Holy Cross Way Right-of-Way. Coordinate with the office of real estate services for the dedication of a public path easement.20. Provide an 8' minimum pedestrian/bicycle connection from the future fire lane to Vernon Rd Right-of-Way, the connection will be constructed concurrently with the future fire lane.21. Provide a pedestrian connection, minimum 5' clear of all obstructions, from the entrance to the Holy Cross Way Right-of-Way. Obstructions include, but are not limited to: tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway. |
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22. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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.

23. 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.
24. 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.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

26. Sec. 28.031(5) prohibits the placement of surface auto parking between the front façade of the building and the abutting street. A few spaces on the west side of the development appear to be located in front of the front plane of the principal structure, thus in an area between the building and the abutting street. Final plans shall show compliance with this parking placement regulation.

27. Pursuant to Sec. 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Provide details of refuse enclosure subject to 28.142(9) (a).
28. The project is proposed for phasing. Work with the Zoning Administrator to determine necessary/required amount of parking for each phase. This review only relates to the first phase of the project. Additional information, such as seating capacity of worship space and proposed capacity for gymnasium shall be provided to determine if proposed number of parking stalls parking meets zoning requirements.
29. Bicycle parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide a minimum of 19 bicycle parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of bike rack on final plan sets.
30. Provide details on calculations lot coverage as defined in section 28.211.
31. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
32. At its February 26, 2015 meeting the Madison Zoning Board of Appeals approved a variance for the development to have vehicular access on a local classification street, where the Zoning Ordinance requires this use to have vehicular access to a collector or higher classification street.

Fire Department (Contact Bill Sullivan, 261-9658)

33. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

34. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.
- b. A dead-end fire lane that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150-feet in length.

Parks Division (Contact Kay Rutledge, 266-4714)

35. Applicant shall provide a public path easement from Tony Drive to Holy Cross Way as required by the Parks Division in the conditional approval of the preliminary and final plat for the Eagle Crest Subdivision.

Water Utility (Contact Dennis Cawley, 261-9243)

36. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.