



Project Address: 734 Holy Cross Way
Application Type: Conditional Use Alteration
Legistar File ID # [46964](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Pastor Mark Bartels, Holy Cross Lutheran Church; 2670 Milwaukee Street; Madison.

Contact Person: Jason Daye, Excel Engineering, Inc.; 100 Camelot Drive; Fond du Lac.

Requested Action: Approval of a major alteration to an approved conditional use to allow construction of an addition to a place of worship and school with floor area in excess of 10,000 square feet in SR-C1 (Suburban Residential–Consistent 1 District) zoning at 734 Holy Cross Way.

Proposal Summary: Holy Cross Lutheran Church is seeking approval to construct a 13,660 square-foot addition to their existing place of worship and school. The project is scheduled to commence in August 2017, with completion of the project anticipated by August 2018.

Applicable Regulations & Standards: Table 28C-1 of Section 28.032(1) identifies places of worship as permitted uses in all Residential zonings districts. Public or private schools are conditional uses in all Residential zoning districts subject to Supplemental Regulations in Section 28.151, which require that a facility established after the effective date of the [2013] Zoning Code within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street, and, 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. Table 28-C1 also identifies buildings or structures with floor area exceeding 10,000 square feet as a conditional use in all residential zoning districts subject to Supplemental Regulations. Those supplemental regulations state that the 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, and that 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 28.183 provides the process and standards for the approval of conditional use permits and major alterations thereto.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to the approved conditional use to allow construction of an addition to a place of worship and school with floor area in excess of 10,000 square feet in SR-C1 zoning at 734 Holy Cross Way subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 12.3-acre parcel north of Commercial Avenue (CTH T) and adjacent to the western right of way line of Interstates 39-90-94 on the north side of Holy Cross Way, a local street that serves the Eagle Crest subdivision; Aldermanic District 17 (Baldeh); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with an approximately 29,812 square-foot building that houses a school for early childhood and grades kindergarten through eight, a gymnasium, office space, and a multi-purpose room that is used as a temporary worship space for the church. The facility is served by 86 parking stalls parallel to the western and eastern side walls of the building. The site is zoned SR-C1 (Suburban Residential–Consistent 1 District).

Surrounding Land Use and Zoning:

North: Single-family residences in the Ridgewood subdivision, zoned PD;

South: Single-family residences in the Eagle Crest subdivision, zoned SR-C1 (Suburban Residential–Consistent 1 District); Eagle Crest Tavern on Commercial Avenue in the Town of Burke;

East: Interstate 39-90-94;

West: Single-family residences along Vernon Road in the Town of Burke.

Adopted Land Use Plan: The Comprehensive Plan recommends that the subject site and surrounding properties be developed with Low-Density Residential uses.

The East Towne–Burke Heights Neighborhood Development Plan recommends the site for low-density residential uses at a density of approximately four units per acre.

Zoning Summary: The subject property is zoned SR-C1 (Suburban Residential–Consistent 1 District):

Requirements	Required for Nonresidential Building	Proposed
Lot Area	8,000 sq. ft.	535,428 sq. ft.
Lot Width	60'	Adequate
Front Yard	30'	31.3'
Side Yard	One-story: 6'	Adequate
Rear Yard	Equal to building height but at least 35'	Adequate
Maximum Lot Coverage	60%	21.9%
Maximum Building Coverage	50%	8.1%
Usable Open Space	N/A	---
Maximum Building Height	Equal to bldg. height not less than 35'	35' (See conditions)
Building Form	Civic or Institutional Building	Will comply

Requirements	Required for Nonresidential Building	Proposed
Automobile Parking	Place of worship: Minimum: 1 per 10 seats or 15 lineal feet of seating in the main worship space. If no fixed seats, 1 per 70 sq. ft. of floor area in main worship space (47); Maximum: 150% of minimum (70) Schools: Minimum: 1 space per classroom + 1 space per 5 students of legal driving age based on max. number of students at any one time (6); Maximum: 1 space per classroom + 1 space per 3 students of legal driving age based on max. number of students at any one time (6) Day care center/ nursery school: Minimum: 1 per 15 clients plus 1 per 2 employees; Maximum: 200% of minimum	86 (See conditions)
Accessible Parking	Yes	6
Bicycle Parking	Place of worship: 1 per 50 seats or 75 lineal feet of seating area or 1 per 350 sq. ft. of floor area in main worship space (9) Schools, public and private: 1 space per 5 students (15) Day care center/ nursery school: 1 per 5 employees	26 (See conditions)
Loading	0	0
Other Critical Zoning Items		
Yes:	Utility Easements, Barrier Free	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development, Adjacent to Park	
Prepared by: Jenny Kirchgatter, Asst. 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, with the exception of Metro Transit service, which is located approximately a half-mile west of the site and Eagle Crest subdivision along N. Thompson Drive.

Previous Approvals

On June 21, 2005, the Common Council conditionally approved a request to rezone 18.9 acres located at 5402-5434 Commercial Avenue from Temp. A (Agriculture District) to R1 (Single-Family Residence District) [1966 Zoning Code] and the preliminary plat and final plat of "Eagle Crest," creating lots nine single-family lots, one institutional lot for a church, three outlots for landscaping and signage, and one outlot for public stormwater management.

On March 9, 2015, the Plan Commission approved conditional uses to allow construction of an approximately 29,800 square-foot place of worship and school exceeding 10,000 square feet of floor area in SR-C1 zoning, and approved a conditional use to allow auto parking for Holy Cross Lutheran Church and School to exceed the maximum allowed by the Zoning Code.

Upon the 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 requirement at its February 26, 2015 meeting.

Project Description

Holy Cross Lutheran Church is requesting approval of a major alteration to an approved conditional use to allow construction of a 13,660 square-foot addition to their existing 29,812 square-foot place of worship and school. The 12.3-acre site is Lot 10 of the Eagle Crest subdivision, which was platted in 2005 for the purpose of accommodating a new facility for Holy Cross, which in recent decades has been located on Milwaukee Street near E. Washington Avenue. The church property is located on the north side of Holy Cross Way, a looped local street one block north of Commercial Avenue (CTH T).

The proposed addition will primarily include a new worship space for the church, which currently uses a multi-purpose room in the first phase building for its services. The existing 29,812 square-foot building, which is located near the center of the subject site, also houses a school for early childhood and grades kindergarten through eight, a gymnasium, and office space. The addition will be constructed off the southerly wall of the first phase building toward Holy Cross Way, and will include a 387-seat sanctuary, entry vestibules, narthex, conference room, and 48-seat "fireside" room. The addition will be built above a partial basement, which will be used for storage and mechanical equipment and will not be accessible to the public. A porte cochere will be constructed over the west-facing vestibule, which will be accessed from the existing parking area on the west side of the complex. A second entry vestibule is shown facing east to provide access from the eastern parking area. The addition will primarily be clad with a combination of horizontal siding and stone veneer to match the first phase building, and will feature a tall, gabled southern façade with cross and steeple.

No increase in the 86 parking stalls currently provided on the site is proposed to serve the addition. As noted in the preceding section, the amount of parking provided on the site required conditional use approval because it exceeded the maximum permitted for the place of worship, school and pre-school (daycare). Additionally, no changes are proposed to the site features regulated by the highway-generated noise attenuation plan approved in 2015, which is required for the site due to its adjacency to the Interstate. When adjacent to such a limited access state or federal highway, MGO Section 16.23(3)(d) requires that exterior areas for residential or institutional uses be located or screened in a manner that limits highway-generated noise to 67 decibels consistent with the provisions in Wisconsin Administrative Code TRANS 405. MGO 16.23(3)(d) also stipulates that the interiors of such uses be designed to limit highway-generated noise to 52 decibels. A note affirming that the proposed addition will be designed to meet this requirement is recommended as a condition of approval.

Analysis and Conclusion

Places of worship are permitted uses in all Residential zonings districts, while both public and private schools are conditional uses in those districts. Additionally, any building or structure with floor area exceeding 10,000

square feet is a conditional use in all Residential zoning districts subject to the following supplemental regulations:

- 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.*

The supplemental regulations for public and private schools 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.*
- (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.*

The Planning Division believes that the standards for approval of conditional uses and the supplemental regulations applicable to development can be met, noting that a variance was previously granted by the Zoning Board of Appeals to the supplemental regulation that schools be located on collector or higher order streets. Staff does not believe that the expanded, 43,472 gross square-foot place of worship and school will have a negative impact on the uses, values and enjoyment or the normal and orderly development of surrounding properties. The use of the site is consistent both with the low-density residential uses that surround it, and the intent when the Eagle Crest subdivision was developed, which called for a church on this site. As of the drafting of this report, staff is unaware of any concerns about the proposal from area residents and property owners.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to the approved conditional use to allow construction of an addition to a place of worship and school with floor area in excess of 10,000 square feet in SR-C1 zoning at 734 Holy Cross Way 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 plans shall include a note affirming that the addition will be constructed to limit the maximum interior hourly traffic-induced sound level (Leq(h)) in a habitable room to 52 dBA upon completion of the structure or modification, or anytime thereafter.
2. Note: No future changes to the exterior features of the place of worship or school located between the building and Interstate 39-90-94, including terraces, patios and playgrounds, shall be allowed without the approval of the Planning Division and Traffic Engineering Division pursuant to MGO Section 16.23(3)(d), Highway Noise Land Use Provisions.

The following conditions have been submitted by reviewing agencies:

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

3. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0 tons per acre per year.
4. For commercial sites less than one (1) acre in disturbance the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.

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

5. Correct the document number for the 20-foot path easement along the easterly side of the site to Document No. 5170838.
6. The landscape plan shall move any existing tree that may exist within the bike path easement per Document No. 5070838 outside of the limits of the easement.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

7. The applicant shall submit one contiguous plan 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
8. 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.
9. All parking facility design shall conform to the standards in MGO Section 10.08(6).
10. 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.
11. The applicant shall modify the stormwater pond so as not to encroach on the 20-foot path easement.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed the request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

This agency reviewed the request and has recommended no conditions of approval.

Parks Division (Contact Janet Schmidt, 261-9688)

12. Existing street trees shall be protected. Please include the following note on the site plan: "The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction." Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

13. Verify the number of employees for the daycare and the number of children served by the daycare to determine the vehicle and bicycle parking requirements.
14. 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 ten 10,000 square feet in size must be prepared by a registered landscape architect.
15. Per Section 28.186(4)(b) of the Zoning Code, the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date for this project/ site.
16. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval.