

PLANNING DIVISION STAFF REPORT

August 26, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 2019 Fisher Street (District 14 – Alder Carter)
Application Type: Conditional Use
Legistar File ID # [56801](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant, Contact & Property Owner: Richard V. Brown; Mt. Zion Baptist Church; 2019 Fisher Street; Madison, WI 53713

Requested Action: Approval of a conditional use to add a school in an existing place of worship in the Traditional Residential-Consistent 4 (TR-C4) District.

Proposal Summary: Mt. Zion Baptist Church proposes to allow three rooms, common area, and bathrooms in the basement of the church to be used by the One City Elementary School, a public charter school. The rooms will be used exclusively by the school's first grade students.

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 4 (TR-C4) 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 4 (TR-C4) District at 2019 Fisher Street. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject parcel is a 61,380-square-foot (1.41-acre) parcel zoned TR-C4 (Traditional Residential - Consistent 4). The parcel has frontage on Fisher and Baird Streets and is located between Bram and Dane Streets. The site is within Aldermanic District 14 (Ald. Carter) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site contains a one-story church and surface parking lot. It is zoned TR-C4 (Traditional Residential - Consistent 4).

Surrounding Land Use and Zoning:

North: Single-family residences zoned TR-C2 (Traditional Residential - Consistent 2) and small multi-family buildings zoned TR-C4 (Traditional Residential - Consistent 4);

East: Across Baird Street, a two-story office building zoned PD and single family residences zoned TR-C4;

South: Single-family residence and small multi-family buildings zoned TR-C4, with Penn Park beyond across Dane Street; and

West: Across Fisher Street, single-family residences and small multi-family buildings zoned TR-C2, with Wisconsin & Southern Railroad beyond.

Adopted Land Use Plan: The [Comprehensive Plan](#) identifies the subject site and surrounding properties as Low-Medium Residential (LMR). The [South Madison Neighborhood Plan](#) identifies Mount Zion Baptist Church as a significant institutional use and recommends maintaining, upgrading, and/or expanding major neighborhood institutions such as centers of worship.

Zoning Summary: The subject property is zoned TR-C4 (Traditional Residential - Consistent 4). The Zoning Staff Report was not provided at the time this Staff report went to print.

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 currently operates daily service along Fisher Street between Buick Street and Bram Street. Bus stops are available south, and north, of the proposed conditional use site.

Project Description, Analysis, and Conclusion

The applicant requests approval to add a school in an existing place of worship (Mt. Zion Baptist Church) in the Traditional Residential-Consistent 4 (TR-C4) 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-C4 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, Mt. Zion Baptist Church, proposes to allow three rooms, common area, and bathrooms in the basement of the church to be used by the One City Elementary School, a public charter school. The rooms will be used exclusively by the school's first grade students, which are anticipated to number roughly 22. Because the Zoning Code defines a "school" as starting at Kindergarten and continuing on through Grade 12, One City is required to seek conditional use approval.

One City currently operates a public charter preschool at 2012 Fisher Street directly across the street from the church. The organization's Board of Directors recently voted to create the One City Elementary School to serve children 4K through Grade 6. Beginning in September 2019, they plan to enroll children in first grade, and add at least one grade level each year. Currently, One City estimates using the church's basement for its first graders for a maximum of two years before the elementary school would move into a larger facility.

There are two teachers assigned to first grade who would be on site throughout the day, although the applicant has stated that the principal and administration staff, shared between the preschool and school, would be based at the preschool but come across the street as necessary.

Regarding pick-up and drop off, all One City preschoolers and elementary students would be dropped off at the existing 2012 Fisher Street facility. There is an existing passenger loading zone, two cars in size, located in front of the facility from 6:00 am to 9:00 am and 4:00 pm to 6:00 pm. Additionally, there is on-street parking along the rest of the western side of Fisher Street as well as along the northern side of Center Street, which borders the preschool to the north. After gathering at the preschool facility, the first graders would then be walked across Fisher Street each morning and afternoon by staff. As school would start at 7:00am, drop off is anticipated to occur around 6:45 am. While the school has an extended school day, which goes until 5:00 pm, the pickup window lasts from 4:30 pm to 6:00 pm in order to provide flexibility to those picking up their children.

In regards to accessing the school, the faculty and students will use the door located at the northeast corner of the church, along the eastern façade. This door accesses the stairwell which provides access to the basement. The applicant is proposing to add an access control feature (keyless entry) to this door. While there are no structural changes proposed to the existing building, the Fire Department has noted that fire sprinkler protection in the basement level will be required for the proposed use.

Regarding consistency with adopted plans, the [Comprehensive Plan](#) identifies the subject site and surrounding properties as Low-Medium Residential (LMR). 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).”* The 2005 [South Madison Neighborhood Plan](#) identifies Mount Zion Baptist Church as a significant institutional use and recommends maintaining, upgrading, and/or expanding major neighborhood institutions such as centers of worship. 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 pickup and drop off for the school will not present new traffic patterns but instead will continue to occur directly across the street at 2012 Fisher Street; the fact the majority of students are expected to either arrive by foot (Metro’s South Transfer Point is located roughly 0.4 miles south); the fact that the car trips associated with the preschool and school are expected to be diffused over the course of the day, especially in the afternoon, when the pickup window spans 1½ hours; the nearby on-street parking stalls; 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 4 (TR-C4) District at 2019 Fisher Street. 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 (Contact Tim Troester, 608-267-1995)

The agency reviewed this request and has recommended no conditions of approval.

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

The agency reviewed this request and has recommended no conditions of approval.

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

The agency reviewed this request and has recommended no conditions of approval.

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

Please see attached memo

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

1. The proposal to establish a Group E educational occupancy in the basement of the existing Group A-3 Place of Worship triggers a requirement to provide fire sprinkler protection in the basement level.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

The agency reviewed this request and has recommended no conditions of approval.

Forestry Division (Contact Brad Hofmann, (608) 267-4908)

The agency reviewed this request and has recommended no conditions of approval.

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

The agency reviewed this request and has recommended no conditions of approval.