

PLANNING DIVISION STAFF REPORT

September 16, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 2012 Fisher Street (District 14 – Alder Carter)
Application Type: Conditional Use
Legistar File ID # [57101](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Contact: Vivek Ramakrishnan; One City Schools; 2012 Fisher Street; Madison, WI 53713

Property Owner: Kaleem Claire; One City Schools; 2012 Fisher Street; Madison, WI 53713

Requested Action: Approval of a conditional use for a school to allow elementary school classrooms to be added in an existing daycare in the Traditional Residential - Consistent 1 (TR-V1) District at 2012 Fisher Street.

Proposal Summary: One City Schools, which currently operates a public charter preschool at the subject site, proposes to accommodate four and five-year-old Kindergarten (4K and 5K) students at this existing facility. While 4K is considered by the City's Zoning Administrator to fall under a "preschool" (a use for which the site was granted Conditional use approval in 2015), 5K is considered to fall under a "school" (which continues up to Grade 12). Therefore, One City is required to seek additional Conditional Use approval. No structural changes are proposed to the existing building.

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-Varied 1 (TR-V1) 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 for a school to allow elementary school classrooms to be added in an existing daycare in the Traditional Residential - Varied 1 (TR-V1) District at 2012 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 17,424-square-foot (0.4-acre) subject parcel is a through-lot with frontages on both Fisher and Taft Streets. It is located in between Center and Buick 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 two-story building (with full basement) and surface parking lot with 17 stalls (including one accessible stall). It is zoned TR-V1 (Traditional Residential - Varied 1).

Surrounding Land Use and Zoning:

North: The Boys and Girls Club of Dane County, zoned TR-V1 (Traditional Residential – Varied 1);
West: Across Taft Street, single-family residences, zoned TR-C4 (Traditional Residential – Consistent 4);
East: Across Fisher Street, the Mt. Zion Baptist Church, zoned TR-C4; and
South: A two-story apartment building with 72 units, zoned SR-V2 (Suburban Residential – Varied 2).

Adopted Land Use Plan: The [Comprehensive Plan](#) identifies the subject site and surrounding properties as Low-Medium Residential (LMR). The [South Madison Neighborhood Plan](#) recommends maintaining, upgrading, and/or expanding major neighborhood institutions such as schools and community centers.

Zoning Summary: The subject property is zoned TR-V1 (Traditional Residential – Varied 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	17,424 sq. ft.
Lot Width	50'	88'
Front Yard Setback	20'	25.1' existing front setback
Side Yard Setback	One-story: 5' Two-story or more: 6'	Adequate existing north side
Rear Yard Setback	Equal to building height but at least 30'	Adequate
Maximum Lot Coverage	65%	Existing lot coverage
Maximum Building Height	35'	Existing 2 story building
Maximum Building Coverage	50%	Existing building coverage

Site Design	Required	Proposed
Number Parking Stalls	Daycare center/ nursery school: 1 per 15 clients plus 1 per 2 employees: (7) Schools, public and private: 1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time: (2) (9 total)	16 existing stalls
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Daycare center/ nursery school: 1 per 5 employees: (1) Schools, public and private: 1 space per 5 students: (8) (9 total)	6 existing stalls (See Comment #1)
Landscaping and Screening	Not required	Existing landscaping (See Comment #2)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69); Wellhead Protection District (WP-18)
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Tables prepared by Jenny Kirchgatter, 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 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.

Related Approvals

On June 8, 2015, the Plan Commission approved a request for a conditional use for a daycare facility at 2012 Fisher Street. (Legistar File ID [38149](#))

Project Description, Analysis, and Conclusion

The applicant requests approval for a school to allow elementary school classrooms to be added in an existing daycare facility in the TR-V1 (Traditional Residential – Varied 1) 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-V1 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, One City Schools, currently operates a public charter preschool at this location. The organization is seeking to expand to serve 4K through Grade 6 students. Beginning in September 2019, they plan to enroll children in first grade, and add at least one grade level each year. While the first grade students will be accommodated across the street in the basement classrooms of the Mt. Zion Baptist Church, the 4K and 5K students will be accommodated within the subject building. While 4K is considered by the City's Zoning Administrator to fall under a "preschool" (a use for which the site was granted Conditional use approval in 2015), 5K is considered to fall under a "school."

The existing facility will have four classrooms on the ground floor, which together make up the "preschool" – one for 2-year-olds, one for 3-year-olds, and two for 4-year-olds (in 4K). The new "school" use will occupy the building's second floor with its two classrooms now being used by 5-year-olds in 5K. Overall, the breakdown of students, by classroom, is the following:

- 2-year-old classroom (up to 12 students)
- 3-year-old classroom (up to 16 students)
- 4-year-old Kindergarten (4K) classrooms (two rooms of up to 19 students each, 38 students total)
- 5-year-old Kindergarten (5K) classrooms (two rooms of up to 19 students each, 38 students total)

Finally, there are two large rooms in the basement. The applicant has indicated one will be used for educational, instruction, and meeting purposes while the other will be used for gatherings (such as parent events) as well as large motor activities. The applicant has stated that no structural changes are proposed to the existing building as part of this request.

As the applicant has noted in the submitted materials, the building has been certified for care for children up to age seven as well as for a capacity of up to 110 children. While currently accommodating roughly 28 preschoolers, even with the potential increase of up to (76) 4K and 5K students, the maximum possible occupancy of 104 children will still be below the permitted capacity of the building.

While the regular instructional hours of the preschool and elementary school are 8:00am to 5:00pm, in order to provide schedule flexibility for parents, One City has and will continue to provide before-school care beginning at 6:45am and after-school care available from 5:00 to 5:30pm. Additionally, parents can pick up their children starting at 4:30pm. The applicant has noted that these additional program hours and schedule flexibility have been very popular in the past and anticipates that this will continue moving forward.

Regarding pick-up and drop off, all One City preschoolers and elementary students would be dropped off along Fisher Street, using the existing passenger loading zone which is located right in front of the school. This loading zone, two cars in size, exists each school day 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, located roughly 150 feet to the north of the subject site. Regarding the 17-stall surface lot located to the west of the school building, while parents are allowed to use it for pick up and drop off, the applicant anticipates it continuing to be used overwhelmingly by teachers and administration for off-street parking purposes. No conditions of approval have been recommended by the City's Traffic Engineering Division.

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](#) recommends maintaining, upgrading, and/or expanding major neighborhood institutions such as schools and community centers. 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 accommodation of the additional children in the existing facility at a capacity level still below that permitted; the fact that pickup and drop off for the preschool and elementary school will not present new traffic patterns but instead will continue to occur directly in front of the school along Fisher Street; 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 for parents and visitors; the 17 on-site parking stalls for teachers and administration; 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 for a school to allow elementary school classrooms to be added in an existing daycare in the Traditional Residential - Varied 1 (TR-V1) District at 2012 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 Jenny Kirchgatter, 608-266-4429)

1. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of nine (9) short-term bicycle parking stalls for the daycare and school uses located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
2. Show the existing trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a photo or detail of the trash enclosure.
3. Per Section 28.186(4)(b), 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.

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

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

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

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

Parks Division (Contact Sarah Lerner, (608) 261-4281)

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

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

4. Existing street trees shall be protected. Please include the following note on the site plan: 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 <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. 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.
5. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.

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

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