



Legistar I.D. #21563
640 North Henry Street
Conditional Use Alteration Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a major alteration to an existing conditional use for additions and interior reconfiguration of an existing lodging house into a multifamily apartment building on a waterfront parcel in the R6 (General Residence) District.

Applicable Regulations & Standards: Section 28.04(19) requires that new principal buildings or additions to buildings on a waterfront parcel must obtain a conditional use permit. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds that the conditional use standards can be met and **approve** the request for the conditional use for an expanded seasonal outdoor eating area.

Background Information

Applicant/Property Owner: Joe McCormick, JDM Properties; 101 N. Mills St.; Madison

Project Contact: Randy Bruce; Knothe & Bruce Architects, LLC; 7601 University Ave Ste 201; Middleton

Proposal: The applicant is requesting a conditional use to remodel and make additions to an existing lodging house to result in an 11-unit multi-family residential building on a waterfront property in the R6 (General Residence) District. The applicant intends to begin the project in Spring 2011 for Fall 2011 completion.

Parcel Location: 640 North Henry Street is located on the west side of the northern terminus of North Henry Street on Lake Mendota.

Existing Conditions: The 10,900 sq ft parcel includes a three-story lodging house and an asphalt parking area beside the building.

Surrounding Land Use and Zoning: The property is generally surrounded by lodging houses and multi-family residential buildings in the R6 (General Residence) District. Immediately adjacent to the southwest is a 4-story lodging house used as housing cooperative. Across the N Henry Street right-of-way to the northeast is a fraternity house. Adjacent to the southeast is a four-unit multifamily residential building. The property diagonal to the south is owned and operated by the applicant as a 19-unit apartment building in the PUD-SIP (Planned Unit Development-Specific Implementation Plan) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends High-Density Residential (HDR) for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services, including many Metro Transit Routes on nearby State Street, West Gorham Street, and West Johnson Street.

Zoning Summary: The property is in the R6 (General Residence) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	14,459 sq. ft. (to meander line)
Lot Area per D.U.	1 br = 450 sq. ft. 3 br = 750 sq. ft. 4 br = 900 sq. ft. 5 br = 1,050 sq. ft. 9,300 sq. ft. total	Adequate
Lot width	50'	189'

Front yard	10'	8'
Side yards	5' + 2' per story over 1 = 11'	Adequate
Rear yard	30'	9'
Usable open space	70 sq. ft. per bedroom <u>2,800 sq. ft. total</u>	1,502 sq. ft. on grade 1,627 sq. ft. on roof decks <u>3,129 total</u>
Floor area ratio	3.0	Less than 2.0
Building height	N/A	4 stories with loft
Waterfront Setback	51.19'	34.8' (existing portion of building)

Site Design

No. Parking stalls	Central area, none required	5
Accessible stalls	1	1
Loading	N/A	N/A
No. Bike Parking stalls	11	20
Landscaping	Yes	Yes
Lighting	No	TBD

Other Critical Zoning Items

Urban Design	No
Utility Easements	Yes
Waterfront Development	Yes
Adjacent to park	No

Prepared by: Matt Tucker, Zoning Administrator

Project Description

The applicant proposes to remodel and build a two-story addition to a vacant three-story fraternity building (lodging house) in the R6 District. The interior will be reconfigured into a multi-family residential structure with 11 units, and the basement will include a meeting room for use by the fraternity currently formerly occupying the building.

Site Plan

The proposed additions maintain the same building footprint, with pedestrian and vehicle access off of the North Henry Street cul-de-sac. The driveway leads to an asphalt area in the side yard with five surface parking stalls, 18 bicycle-parking stalls, trash and recycling storage, and fire safety access. Two additional bicycle parking stalls are proposed next to the main entrance of the building. On the waterfront side of the building, an existing boathouse with a usable rooftop would remain, and a new terraced deck would be built in place of an existing wooden deck to provide for additional usable open space.

A retaining wall and other landscaping elements in front of the building remain in the North Henry Street right-of-way, and have been reviewed by Real Estate and other agency staff for a privilege in streets agreement. Through the reconfiguration of the parking area, a portion of the existing parking area within the public right-of-way will be removed. Real Estate staff is still reviewing the small portion of the parking lot (part of the loading area for the accessible stall and 1 ½ bicycle parking stalls) shown in the right-of-way.

Building Bulk and Mass

The proposed 5-story building is similar in height to the adjacent housing cooperative, with the entirety of the occupiable space on the fifth floor under a gabled roof and dormers. The building is 80 feet long, 40 feet wide, and just over 50' feet high at its highest point from grade along North Henry Street. The proposed two-story addition lies completely behind the required waterfront setback, although the new shared third-story roof deck lies partially within the waterfront setback, on the roof of the existing building.

Building Exterior

With the exception of the southeast corner of the building, the brick exterior of the existing building will remain up to the top of the third story, and fiber cement siding is proposed for the two-story addition. A new “tower” element in the southeast corner of the building tying together the existing and new portions of the building would be wrapped with cast stone. Asphalt shingles are proposed for the new gabled rooftop.

The main entrance to the building remains in its current location in the middle of the front façade, leading to a small lobby. A second entrance just left of this leads to a first floor 4-bedroom unit. Two existing entrances on the rear of the building remain. Existing window openings are maintained, with the exception of revisions to the windows on the south side façade and additional complementary windows on the front and lakeside façade. New windows on the upper addition complement the existing windows as well.

Building Interior

The building will consist of a variety of apartment units intended for the student market, while a portion of the basement level is maintained as a meeting room for the fraternity most recently associated with the building (although members of this fraternity would be welcomed as tenants, it is anticipated that much of the building will be occupied by other residents). The eleven proposed units include 2 one-bedroom units, 3 three-bedroom units, 1 four-bedroom unit, and 5 five-bedroom units, for a total of 40 bedrooms. Many of the units are two-level units with common areas on the lower level and bedrooms above. The units have an average of 304 square feet per bedroom, which lies within a range typical for student housing.

Usable Open Space

Adequate usable open space shared among the units has been provided to fulfill the requirements of the R6 District. The vast majority is structured, with an 830 square foot rooftop deck, an 800 square foot deck above the boat house, and the new 320 square foot terrace. In addition, the rear yard offers at-grade usable open space.

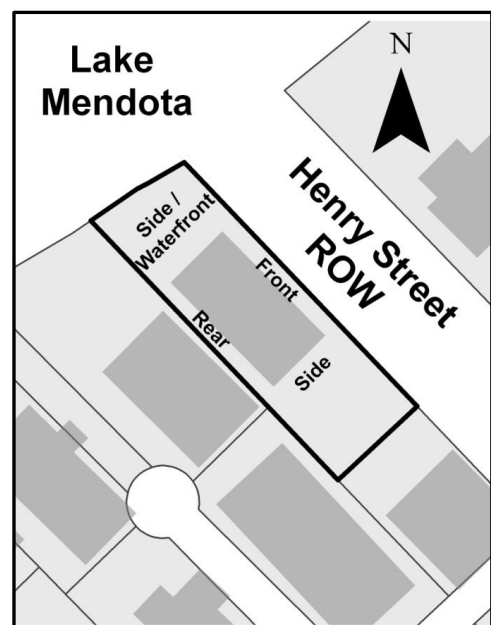
Related Approvals

Zoning Board of Appeals

For reference, it is worth noting that the yards for this unique lot are rigidly defined by its frontage on North Henry Street. As shown to the right, the east side of the property along the North Henry Street right-of-way is officially the front yard, even while it appears as though it would be a side yard due to the lot dimensions and orientation of the building. Because of the yard requirements in Downtown Design Zone 2, the yard definition essentially prohibits a property owner from seeking PUD Zoning for this lot, since the yard requirements would be impossible to meet. With a full understanding of this limitation, the applicant is seeking a conditional use in the R6 District, which also necessitated review and approval by the Zoning Board of Appeals for variances.

On January 13, 2011, the Zoning Board of Appeals approved variances for this proposal as follows:

- a) A front yard setback variance to allow for the building additions to be constructed using an 8-foot front yard setback, with porches extending into the yard (the existing building maintains a 9-foot front yard setback).
- b) A rear yard setback variance to allow for the building additions to be constructed using the same 9-foot rear yard as the existing building, rather than the 30-foot rear yard required for the R6 District.



c) A variance in the methodology for calculating usable open space, such that the rear yard can qualify, even though its 9-foot depth is less than the 10-foot minimum depth required to qualify.

d) A waterfront setback variance to allow for the use of a rooftop deck on top of the existing three-story building (all proposed additions to the bulk of the building lie outside of the waterfront setback, but the use of the rooftop deck as occupiable space requires a waterfront setback variance).

Subsequent to the January 13 approval by the ZBA, the applicant revised earlier plans by eliminating a 14-foot addition on the south side of the building. While this revision actually *decreases* the need for the variances already approved, the Zoning Administrator has concluded that the change necessitates another review and approval by the ZBA, which will be recommended as a condition of approval.

Privilege in Streets

All encroachments within the North Henry Street right-of-way in front of the building must be reviewed and administratively approved by Real Estate staff following input from other agencies. As proposed, some of the landscaping elements, a retaining wall, and a very small portion of the surface parking area lie within the public right-of-way after the terminus of the North Henry Street cul-de-sac.

Evaluation and Conclusion

The proposal is a creative effort to repurpose a structurally sound lakefront building which lacks in aesthetic quality and is virtually unmarketable due to the existing condition of the interior. Within the existing building footprint, the applicant has proposed extensive interior remodeling and the addition of two stories, resulting in an 11-unit apartment building with a variety of unit types and common structured usable open space.

With the exception of variances relating to the existing footprint of the building on the lot, the proposal fits within the bulk standards and meets all other requirements of the R6 Zoning District. Although demolition and a completely new building may have resulted in a more cohesive structure, the applicant was faced with significant limitations due to the configuration of the lot, which renders it nearly impossible to construct a new building within the framework of either the R6 standards or the Downtown Design District standards for residential PUDs.

The proposed new building is similar to surrounding buildings in height, mass, and roof shape. The proposed units fit well within the R6 District, for which the statement of purpose is as follows:

“The R6 general residence district is established to stabilize and protect the essential characteristics of certain of the highest density residential areas normally located in the central part of the City, and to promote and encourage, insofar as compatible with the intensity of land uses, a suitable environment for a predominantly adult population, and in those central areas located in close proximity to the central campus of the University of Wisconsin, to promote and encourage a suitable environment for student housing facilities”.

This area has no specific minimum requirement for automobile parking, although without on-street parking available on this block, staff believes the five stalls proposed are reasonable. The twenty bike-parking stalls proposed may or may not meet the demand of the forty likely occupants, but exceed the required number of stalls in the R6 District. Staff has some concern regarding potential moped users, noting that there are currently no moped parking spaces shown on submitted plans. Staff recommends a condition of approval that no mopeds may be parked in the public right-of-way, and suggests that if moped parking is an evident need, the applicant eliminate automobile parking stalls to accommodate it as an alteration to the conditional use. There may also be future opportunities to construct additional bicycle parking within the public right-of-way adjacent to the parking lot, if approved by Real Estate staff as an amended privilege in streets agreement.

On balance, staff believes that the conditional use standards are met with this proposal.

Public Input

At a December 10, 2010 neighborhood meeting with nearby residents, the proposal was received positively following several questions related to height, intended use, and design. Some members of the adjacent housing cooperative spoke in opposition to the project at the January 13 ZBA meeting, and may still have concerns to share with the Plan Commission. Revisions to plans since that meeting result in less overall bulk, although the proposed height is the same.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Prior to sign-off on final plans, the applicant will obtain approval from the Zoning Board of Appeals for all necessary variances.
2. Prior to sign-off on final plans, the applicant will obtain approval from Real Estate staff for all encroachments into the North Henry Street public right-of-way.
3. No moped parking is permitted in the public right-of-way. The applicant shall submit a copy of the lease noting this condition when submitting plans for final approval.
4. Final plans submitted for review and approval by staff shall include details for the proposed terrace between the lake and the building.

The following conditions have been submitted by reviewing agencies:

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

5. Revise the "property line" designation to read "meander line" to clarify ownership existing to the ordinary high water mark of Lake Mendota.
6. Applicant/owner please continue to coordinate the final approved floor plans with Engineering Mapping Lori Zenchenko (addressing@cityofmadison.com) so that a final interior addressing plan may be developed for this site. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
7. Existing public sanitary sewer appears to run under the existing building. Provide additional utility information identifying the location of the sanitary main in N. Henry Street and the existing sanitary facilities adjacent to the property. The Applicant shall meet with City staff to determine if an alternate solution is feasible, which may include new public sanitary sewer dedication, new public main or rehabilitation of the existing main. If new sanitary main is installed a developer's agreement will be required.
8. 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).

9. All damage to the pavement on North Henry Street, 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>
10. Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street namesAll other levels (contours, elevations, etc) are not to be included with this file submittal.
NOTE: Email file transmissions preferred addressing@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).
11. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan (POLICY).

Traffic Engineering Division (Contact John Leach, 267-8755)

12. No residential parking permits shall be issued for 640 N. Henry Street, this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases. In addition, the applicant shall submit a copy of the lease noting the above condition in the lease when submitting plans for City approval.

Please contact William Knobeloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding the above items.

13. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
14. The applicant shall show dimensions for the proposed parking stalls' items B, C, E, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned. The applicant may need to modify the parking lot to accommodate vehicle, bike and moped parking.
15. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

16. A similar project received variance approvals from the Madison Zoning Board of Appeals on January 13, 2011. Since that approval date, the project has changed as follows:

- a) A 5-story addition proposed on the parking lot side of the property has been removed.
- b) Unit mix and type changes:
 - The composition and floor plans for the various apartment types has changed
 - Two 8-bedroom "lodging house" type living spaces have been replaced with apartments.

As the project has changed since the variances were originally approved, the project must return to the Zoning Board of Appeals for consideration of the previously approved variances.

17. Bike parking shall comply with MGO Section 28.11. Provide eleven (11) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The racks shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.

18. Provide a detail drawing for the proposed dumpster enclosure pursuant to Section 28.08(7)(j) including materials for the screening fence and gate.

19. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.

20. Landscaping within the public right-of-way may not be counted toward the requirement for on-site landscaping of the parking facility. Any landscaping proposed in the public right-of-way must be approved by the City Forester.

21. Provide the floor-area ratio for the development as part of the final plan submittal.

Fire Department (Contact Bill Sullivan, 266-4420)

22. Due to the limited access to this property, sprinkler protection will be required in any combustible attic space per NFPA 13.

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

24. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503.

Parks Division (Contact Kay Rutledge, 266-4714)

25. No park fees are required for this proposal, as the fees which would have been required for the new multi-family units are offset by the lodging house units in the existing building.

Real Estate (Contact Jerry Lund, 267-8718)

26. Prior to final staff sign-off A Privilege in Streets agreement must be completed for all encroachments into the public right-of-way.

Water Utility (Contact Dennis Cawley, 261-9243)

27. 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

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.