

PLANNING DIVISION STAFF REPORT

April 12, 2021



PREPARED FOR THE PLAN COMMISSION

Project Address: 720 E Dayton Street (2nd Aldermanic District – Ald. Heck)
Application Type: Conditional Use
Legistar File ID # [64362](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Planning Division

Summary

Applicant & Property Owner: Veritas Village, LLC; 110 N Livingston Street; Madison, WI 53703
Contact: Maddie Wall; T. Wall Enterprises Mgt. LLC; 1818 Parmenter Street; Middleton, WI 53562

Requested Action: The applicant requests conditional use approval for a non-accessory parking facility in the Traditional Residential-Varied 2 (TR-V2) District at 720 E Dayton Street to allow a vacant lot to be improved as a parking lot for a nearby residential development.

Proposal Summary: The applicant requests approval to establish a 22-stall parking facility on the subject site. It will be paved with asphalt (a portion of which will be porous), ringed by a fence, and serve the 189-unit apartment building (Veritas Village) located to the south, across E Dayton Street.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses in MGO §28.183 as Table 28C-1 in §28.032(1) notes that a non-accessory parking facility is a Conditional Use in the Traditional Residential-Varied 2 (TR-V2) 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 that the conditional use standards are met and **approve** the request for a non-accessory parking facility at 720 E Dayton Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 8,712-square-foot (0.2-acre) subject property is located on the north side of E Dayton Street, between N Blount Street and N Livingston Street. It is located in Aldermanic District 2 (Ald. Heck) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel is currently vacant and is zoned Traditional Residential-Varied 2 (TR-V2) District.

Surrounding Land Uses and Zoning:

Northeast: A single-family residence and two-unit buildings, all zoned TR-V2 (Traditional Residential-Varied 2 District);

Northwest: 700 East – a mixed-use building with 54 apartments and ground-floor commercial, zoned NMX (Neighborhood Mixed-Use District);

Southeast: Across E Dayton Street is the Das Kronenburg, a six-story residential condominium building and local landmark in the PD (Planned Development District); and the Century Link storage building as well as Veritas Village, a 189-unit multi-family residential building, both in the TR-U2 (Traditional Residential – Urban 2 District); and

Southwest: A single-family residence zoned TR-V2; beyond which is a nine-unit apartment building, zoned PD (Planned Development District).

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends Low-Medium Residential (LMR) uses for the subject site while the [Tenney-Lapham-Old Market Neighborhood Plan](#) (2008) recommends Medium-Density Residential (MDR) uses.

Zoning Summary: The property is zoned TR-V2 (Traditional Residential – Varies 2 District).

| Requirements | Required | Proposed |
|---------------------------|---|--|
| Lot Area (sq. ft.) | 6,000 sq. ft. | 8,712 sq. ft. |
| Lot Width | 50' | 66.0' |
| Front Yard Setback | 20' | N/A |
| Max. Front Yard Setback | 30' or up to 20% greater than block average | N/A |
| Side Yard Setback | One-story: 6' Two-story or more: 7' | N/A |
| Rear Yard Setback | Equal to building height but at least 30' | N/A |
| Maximum Lot Coverage | 65% | Less than 65% <i>(See Comment #21)</i> |
| Maximum Building Coverage | 50% | N/A |
| Maximum Building Height | 40' | N/A |

| Requirements | Required | Proposed |
|----------------------------|---|------------------------------|
| Number Parking Stalls | Non-accessory parking facility: No minimum required | 22 |
| Accessible Stalls | Not required | None |
| Loading | Not required | None |
| Number Bike Parking Stalls | Not required | None |
| Landscaping and Screening | Yes | Yes <i>(See Comment #22)</i> |
| Lighting | Yes | No <i>(See Comment #23)</i> |
| Number Parking Stalls | Non-accessory parking facility: No minimum required | 22 |

| Other Critical Zoning Items | |
|-----------------------------|---|
| Yes: | Utility Easements, Wellhead Protection (WP-24) |
| No: | Floodplain, Wetlands, Historic District, Adjacent to Park, Barrier Free (ILHR 69), Urban Design |

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.

Project Description

The applicant requests conditional use approval to establish a 22-stall, non-accessory, parking facility (parking lot) on the subject site.

The paved parking lot will replace the vacant lot and will be accessed from E Dayton Street via a single entrance. In communication with Staff, the applicant stated that it will be used only by the residents of the 189-unit Veritas Village residential development across the street and not at all by the general public. While the majority of the lot will be paved with asphalt, a roughly 940-square-foot portion, located along the southern property line, will be paved with permeable, recycled asphalt. A perforated drain pipe will be added below this area to collect the stormwater and direct it into the roughly 420-square-foot bio-retention basin proposed just to the south (towards E Dayton Street).

The submitted materials appear to indicate a fence will be added around the perimeter of the parking lot. In communications with the applicant, the applicant has clarified that it will be a 4-foot tall, aluminum fence similar to that shown in the image to the right (note: the image was provided by the applicant). They also stated that such fencing will be added along all property lines except the western as the neighbor on that side has already installed a 6-foot-tall, wooden fence along the shared property line. The applicant is also proposing a retractable gate across the parking lot entrance which would be controlled by users via a key fob.



Regarding landscaping the applicant is proposing to add Maple and Linden trees and Viburnum and Spirea shrubs at the front and rear of the site. Native plants will also be planted inside the bioretention basin.

Analysis and Conclusion

This request is subject to the standards for Conditional Uses in MGO §28.183 as Table 28C-1 in §28.032(1) notes that a non-accessory parking facility is a Conditional Use in the Traditional Residential-Varied 2 (TR-V2) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Low-Medium Residential (LMR) uses for the subject site. It provides no specific guidance regarding the location or design of private, non-accessory parking facilities. The [Tenney-Lapham-Old Market Neighborhood Plan](#) (2008) recommends Medium-Density Residential (MDR) uses, which it notes ranges from 26 to 40 dwelling units per acre. The Plan also provides specific recommendations regarding the redevelopment of the Reynolds Property on the 700 Block of E Mifflin (i.e. the parcel southeast from the subject property on which the 189-unit Veritas Village development sits and the proposed parking facility will serve). Regarding parking for this site, the Plan recommends, on Page 23, that a “*mix of street, off-street and underground parking is desirable*” and also to “*limit the ratio of parking spaces to residential units to 1-1.5 spaces per unit.*” Staff note that the Veritas Village development, approved by the Plan Commission on April 20, 2015, provides 192 underground stalls; no off-street (surface) stalls; and has roughly 24 on-street stalls located along its northern and eastern frontages. (Note: the use of the on-street stalls is not restricted to the residents of the Veritas development but rather is open to the general public). While the proposed parking is obviously not on the

Veritas Village site, Staff note that it is just 66 feet away from the site of the building it will serve, and roughly 150 feet away from the Village's primary E Dayton Street entrance. Regarding the ratio of parking stalls to residential units for the Veritas development, 192 total automobile parking stalls for 189 units equals a ratio of 1.02 stalls per unit. That said, even with the addition of the 22 proposed stalls proposed across the street on the subject site, the resulting ratio of 1.13 stalls per unit would still be near to bottom of the 1-1.5 range recommended by the Tenney Plan.

The Tenney-Lapham Plan's only mention of small infill parking lots, or what it refers to as 'vest pocket lots', is on Page 19 where it recommends them for the East Johnson Street business district, which is located a half block to the north and directly adjacent to the subject parcel. While acknowledging that the 'vest pocket lots' are meant to serve the adjacent small businesses rather than adjacent residential development, the Plan specially addresses screening when it notes, "*vest pocket parking lots should have appropriate screening relative to adjacent uses, especially residential uses behind them.*" Staff note that while the applicant is proposing perimeter fencing as well as landscaping, Staff believe the proposed fence, a 4-foot-tall ornamental aluminum fence, by itself will not provide as effective screening from elements such as headlights onto surrounding residential properties. Please see below for more discussion regarding perimeter screening.

Conditional Use Standards

The Conditional Use Approval Standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, 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.

Staff notes one primary consideration regarding the concern regarding the conditional use standards.

Approval Standard #3 states that, "*The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*" Staff has concerns regarding the limited screening that would be provided by the proposed 4-foot-tall, ornamental metal fencing proposed around the site's perimeter. While Staff believe such fencing is suitable along the street frontage – given the increased visibility it would offer for automobile and pedestrian movements in and around the parking lot – Staff believe that more effective screening, including a 6-foot-tall, solid, wooden fencing (or a suitable alternative) is necessary along the subject property's side lot lines in order to effectively screen the parking lot and minimize the negative impacts such as headlight glare into the adjacent, residentially zoned properties. To this end, Planning has recommended Condition #1, which requires the applicant to demonstrate that solid, year-round screening will be installed or already exists to effectively screen the parking lot and minimize such negative impacts. Note: additional screening is already required on the boundary with the property to the north, as the 54-unit mixed-use "700 East" development was required to provide such screening along this shared lot line due to its NMX District zoning. They did so via a wall of 5-foot-tall arborvitae.

With the screening that would result from Condition #1, Staff believe the Conditional Use standards can be found met.

Supplemental Regulations for Non-Accessory Parking Facilities

Non-Accessory Parking Facilities are also subject to the Supplemental Regulations of M.G.O. §28.151. The supplemental regulations for this use are the following:

- a) *Passenger automobiles, motorcycles, and bicycles shall be parked in clearly marked spaces.*
- b) *Parking facility shall be oriented to the street with suitable entry and exit point.*
- c) *When considering the conditional use, the Plan Commission shall set a maximum number of automobiles, motorcycles, and bicycles that may be parked at the facility at any given time.*
- d) *In considering the conditional use, the Plan Commission may limit the duration of the use.*

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal.

Conclusion

With the addition of the Condition #1, which requires the applicant to demonstrate that solid, year-round screening will be installed or already exists to effectively screen the parking lot and minimize such negative impacts, the Planning Division believes that the proposal can be found to meet the conditional use approval standards.

At the time of report writing, Staff was not aware of any concerns regarding this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request for a non-accessory parking facility at 720 E Dayton Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The applicant shall demonstrate that solid, year-round screening will be installed or already exists to effectively screen the parking lot and minimize negative impacts such as headlight glare into adjacent residentially-zoned properties. The proposed ornamental metal fencing is not considered adequate screening without additional measures. At the time of sign-off, the applicant shall clearly identify and label the existing and proposed fences on the Parking Lot Layout plan and Landscape plan. Provide a photo of the existing wood fence and details of the proposed decorative metal fence, gate, and brick columns. This information shall be approved by Planning and Zoning staff. Should the applicant chose to rely on existing off-site screening, this condition shall require that should that fencing be removed or modified to not provide solid screening, the applicant shall be responsible for installing screening on the subject property. Such fencing should include a 6-foot-tall, commercial-grade wooden fence, unless an acceptable alternative is approved by Planning and Zoning staff.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. This site is required to allow drainage from the North (rear) of the lot and pass that water through to the South (street end) of the lot. Additional information on the elevations and grading of the site shall be provided.
3. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
4. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
5. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DPS) is required as the City of Madison Building Inspection Department is an approved agent for DPS.
6. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
7. The area adjacent to this development is subject to backwater flooding from Lake Monona in high lake level events and is at risk of flooding.
8. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
9. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

11. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
12. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

13. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat. Label the name of E. Dayton St.
14. The adjacent existing site improvements on the development to the northwest is not current. Show the current redeveloped conditions.
15. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

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

16. 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.
17. 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.
18. 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.

19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
20. The applicant shall work with Traffic Engineering to ensure that queuing vehicles entering the site result in minimal disruption to the public Right of Way. This may include moving the site entrance gate and/or removing on-site parking stalls.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

21. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 65%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
22. Clearly identify and label the existing and proposed fences on the Parking Lot Layout plan and Landscape plan. Provide a photo of the existing wood fence and details of the proposed decorative metal fence, gate, and brick columns.
23. 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.
24. 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.

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

25. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
26. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
27. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.

28. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
29. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
30. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

The following agencies reviewed this request and had no recommended conditions of approval:

Fire, Parks, Water Utility, Metro