

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
June 1, 2005

CONDITIONAL USE APPLICATION:

1. Requested Action: Approval to remodel an existing two-unit residential building to accommodate a restaurant in the lower level and the first floor, and three total apartment units located at 305 East Johnson Street.
2. Applicable Regulations: Section 28.08(5)(c)5 requires that the creation of additional dwelling units in an existing residential building must obtain a conditional use permit. Section 28.08(7)(c)8 requires that restaurants in multiple family buildings must obtain a conditional use permit.
3. Report Drafted By: Peter Olson, Planner II.

GENERAL INFORMATION:

1. Applicant: Navin Jarugumilli, 18 Shepard Terrace, Madison, WI 53705.
2. Status of Applicant: Property owner.
3. Development Schedule: The applicant anticipates commencing construction in late 2005. The applicant hopes to have the new restaurant and dwelling units available for occupancy in early 2006.
4. Parcel Location: One parcel northeast of the intersection of East Johnson Street with North Butler Street, Aldermanic District 2, Madison Metropolitan School District.
5. Parcel Size: 3,300 square feet.
6. Existing Zoning: R6 General Residence District.
7. Existing Land Use: Two-unit dwelling.
8. Proposed Use: Remodel existing building and construct a small addition to allow for a restaurant in the lower level and first floor and three apartment units.
9. Surrounding Land Use and Zoning: This property is surrounded by medium and high density residential uses and a mixture of offices, a grocery store and commercial service uses along the East Johnson Street, North Butler Street and North Hamilton Street rights-of-way, zoned R6, C1, C2 and PUD(SIP).
10. Adopted Land Use Plan: RH High Density Residential (41-60 dwelling units per acre).

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

PUBLIC UTILITIES AND SERVICES:

This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the conditional use standards.

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant owns an existing two-story residential building located at 305 East Johnson Street. This structure currently contains two dwelling units with 7 total bedrooms. The lower level of this building is exposed slightly more than 4-½ feet. The applicant wishes to establish a restaurant in this lower level, part of which would also be located on the first floor. The applicant owns the subject property and will also operate the proposed restaurant. A one-bedroom apartment will be located in the rear of the first floor area. Two 2-bedroom apartments will be located on the second floor with bedrooms and bathrooms also located in the existing attic level. The proposed remodeling will result in three apartment units with a total of 5 bedrooms, which is less than the existing 7 bedrooms contained within this building.

The Zoning Code requires that additional dwelling units added to existing residential buildings must obtain a conditional use permit. Although the proposed remodeling of this structure will result in one additional dwelling unit, since the total number of bedrooms will be reduced from seven to five, it is likely that the intensity of residential use of this building will actually be reduced.

The R6 General Residence District allows restaurants to be established in residential buildings if the access to the restaurant area is from within the residential structure. This requirement will be followed by the proposed development. Due to the exposure of the lower level of this existing building, most of the restaurant will be constructed in the lower level. Access to the restaurant's entrance will be via a stairway down from the sidewalk level or an accessible ramp from the side and front of this building. The lower level will accommodate the kitchen, mechanical space, dining room with seating for 24 patrons and the restrooms. Seating for 17 additional patrons will be located on the first floor of this building. Two small additions will be constructed to support the proposed alterations. A new entry vestibule containing approximately 52 square feet will be added to the front right-hand corner of the building providing access to the restaurant and upper level dwelling units. A one-story addition at the lower level will also be constructed at the rear of the existing building and will contain approximately 308 square feet. The roof of this rear addition will serve as an entry to the rear stairwell serving the residential dwelling units and will also provide a patio/deck for private open space for the first floor apartment units. Second floor decks will provide private open space for the upper two apartment units. Ground level open space will continue to be provided in the rear yard area (see attached Zoning staff report for an evaluation of the Zoning requirements).

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The subject property is located in an area along East Johnson Street with a number of offices and other commercial enterprises. The property adjacent on the southwest was constructed in 1964 and contains an insurance office and four apartment units. The property located adjacent on the northeast contains a 22-unit apartment building constructed in 1973. Both of these adjacent properties cover a substantial portion of their underlying lots. The apartment building adjacent on the northeast has a surface parking facility adjacent to the proposed restaurant location. Little of the proposed restaurant operation will be exposed to adjacent existing dwelling units. Most of the restaurant operation is within the lower level of the existing building and the windows are located along the front left portion of the lower level. That portion of the restaurant operation located on the first floor also primarily has windows in the front and northeasterly corner of this building. The new apartment on the first floor will be located in the rear right corner is adjacent to other surrounding residential buildings. The arrangement of the proposed interior space staff anticipates a minimum of inconvenience or negative effects on the existing surrounding development pattern.

The existing structure is currently provided with a 15.5-foot front yard setback and minimal side yard setbacks ranging from approximately 3 to 3-½ feet. No off-street parking stalls are currently provided for this existing residential building. No additional parking will be provided for the proposed development. The subject property is located in the Central Area, which has no specific off-street parking requirements. Staff anticipates that the majority of the patrons for the proposed restaurant will be nearby residents and will walk to this location or if driving will be able to park in the City's Capital Square North parking structure. Additional information regarding this development proposal can be found in the Zoning staff report and within the applicant's letter of intent (see attached letter dated April 13, 2005).

Staff believe that the applicant may be able to satisfy the conditional use standards with this development proposal. However, with this type of use located in close proximity to existing higher density residential uses, staff are somewhat concerned with the proposed hours of operation. The applicant's letter of intent indicates that they plan to serve food and drinks from 6:00 a.m. until 12:00 Midnight. The letter also indicates that the Old Marketplace Neighborhood Committee indicated a desire to have the restaurant stop serving alcohol at 10:00 p.m. The Plan Commission should listen carefully to the applicant and anyone testifying at the public hearing and then come to a decision on the hours of operation. In addition, staff would like some additional information on the design details for the changes to the front and rear façades and the proposed small additions. Staff believe that these details can be addressed through a condition of approval.

RECOMMENDATIONS:

The Planning Unit recommends that the Plan Commission find that the conditional use standards are met and approve the remodeling of an existing 2-unit residential building to accommodate a restaurant in the lower level and first floor, and three apartment units located at 305 East Johnson Street, subject to input at the public hearing and the following:

1. Reviewing agency comments.

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2. The applicant shall submit final detailed plans for all exterior alterations to the existing building including the proposed additions showing design details and building materials for staff review and approval. The applicant shall pay particular attention to the incorporation and use of the predominant materials on the existing building. The final railing detail and landscaping plan shall be reviewed and approved by Planning Unit staff.

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Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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Madison, Wisconsin 53703
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Robert F. Phillips, P.E.

Principal Engineers
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David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: June 13, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 305 East Johnson Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. N/A

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 305 East Johnson Street Conditional Use

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

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- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.

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- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the 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 7.5-tons per acre per year.
- 4.7 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 4.11 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. 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.
- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain 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.)

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in this transmittal.
- 4.14 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

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Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

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**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: May 21, 2005

To: Bill Roberts, Planner III
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 305 E. Johnson St.

Present Zoning District: R-6

Proposed Use: Convert existing use (one 4 bdrm unit and one 3 bdrm unit) into one 1 bdrm accessible unit on 1st floor, two 2 bdrm units on 2nd and 3rd floor, and commercial restaurant on the other half of 1st floor and the ground floor.

Conditional Use: 28.08(7)(c)8. A restaurant in a multiple-family dwelling is a conditional use with conditions as stated in No. 1 below:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project).

GENERAL OR STANDARD REVIEW COMMENTS

1. Section 28.08(7)(c)8 states that a restaurant is allowed as a conditional use in a multi-family building in the R-6 provided the use shall be accessible to the public only through a lobby and no advertisement or display shall be visible from outside the building except an identification street graphic which complies with the regulations in Chapter 31 of the Madison General Ordinances and is approved by the Plan Commission at the time the use is approved or by the Director of Planning and Development as provided for in Section 28.12(a)(h)2. Note: The proposed entry vestibule will make this building comply with the above public entry requirement.
2. Provide five bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user 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. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	3,465 sq. ft. (Same req. as previous use)	3,267 sq. ft. (grandfathered)
Lot width	50'	33' (existing)
Usable open space	350 s.f. (prev. use req. 490 sf)	663
Front yard	20'	15' 4" Var. app. 5/12/05
Side yards	11' each side	3' & 3' 8" Var. app 5/12/05
Rear yard	24' deck, 30' bldg. addn.	11'6" deck, 16' bldg. addn. Var. approved 5/12/05
Floor area ratio	2.0	1.66
Building height	--	4 stories

Site Design	Required	Proposed
Number parking stalls	0 (Central Business Distr)	0
Accessible stalls	n/a	n/a
Loading	n/a	n/a
Number bike parking stalls	3 residential use (3 units) 2 restaurant use (cap. 46) 5 total	Note: If not in central bus. distr. 14 car stalls would be req. for the restaurant (2)
Landscaping	n/a	n/a
Lighting	n/a	n/a

Other Critical Zoning Items	
Urban Design	No
Historic District	No
Landmark building	No
Flood plain	No
Utility easements	No
Water front development	No
Adjacent to park	No
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

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Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608/266-4761
TTY 608/267-9623
FAX 608/267-1158

June 9, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **305 East Johnson Street – Conditional Use – Additional Restaurant & Residential Unit**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Traffic Engineering Division is noting some concerns, in general, that no level of parking being provide or truck loading service provisions.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. None

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Navin Jarugumilli
Mail Address: 18 Shepard Terrace
Madison WI 53705

DCD:DJM:dm