



## Report to the Plan Commission

June 4, 2012

**Legistar I.D. #24673**

**801 South Park St.**

**Rezoning**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the rezoning of property at 801 South Park Street from PUD-SIP (Planned Unit Development-Specific Implementation Plan) to Amended PUD-SIP to construct a mixed-use two-story building with 7 residential units, ground floor commercial space, and a drive-through facility.

**Applicable Regulations & Standards:** Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that standards for rezoning to Amended PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met, and forward this request to the June 19 meeting of the Common Council with a recommendation for **approval** to rezone 801 South Park Street from PUD-SIP to Amended PUD-SIP, subject to input received at the public hearing and the conditions from reviewing agencies.

### Background Information

**Applicant/ Project Contact:** John Bieno; TJK Design Build; 634 West Main St.; Madison

**Property Owner:** Pat McCaughey; Erin Square, LLC; 646 W Washington, Train Car "D"; Madison

**Proposal:** The applicant proposes the rezoning from PUD-SIP (Planned Unit Development-Specific Implementation Plan) to Amended PUD-SIP in order to build a two-story mixed-use building with 3,400 square feet of first floor commercial space, a drive-through facility, and 7 apartments on the first and second floors. The applicant hopes to begin demolition work this summer and complete the proposed building for fall 2012 occupancy.

**Parcel Location:** On the east side of South Park Street where it intersects with Delaplaine Court, between Erin Street and Hayward Drive, the existing parcel is 16,385 square feet (0.38 acres); Urban Design District 7; Aldermanic District 13 (Ellingson); Madison Metropolitan School District.

**Existing Conditions:** The northern portion of the lot contains a single-story, 1,700 square foot vacant commercial structure built in 1961 and a small accessory structure sits in the southern portion. An asphalt surface parking lot in poor condition occupies the remainder of the lot.

### Surrounding Land Use and Zoning:

- North:** Across a narrow alley, single-family homes in the R4 (General Residence), R2 (Single-Family Residence), and C2 (General Commercial) Districts.
- South:** Single-family homes in the C2 (General Commercial) District
- East:** Single-family homes in the R2 (Single-Family Residence) District
- West:** Across South Park Street, Saint Mary's Hospital, in the PUD-SIP (Planned Unit Development-Specific Implementation Plan) District. Just south of Delaplaine Court, small commercial uses in the C2 (General Commercial) and C3 (Highway Commercial) Districts.

**Adopted Land Use Plans:** The Comprehensive Plan (2006) recommends Community Mixed Use for this parcel and the surrounding portion of the Park Street corridor. Neither the Brittingham-Vilas Neighborhood Plan (1989) nor the South Madison Neighborhood Plan (2004) has specific land use recommendations for the property. The Park Street Corridor Urban Design Guidelines (2004), have largely been codified in Urban Design District 7, and the proposal is being reviewed by the Urban Design Commission for consistency with these.

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

**Public Utilities and Services:** The area is served by a range of urban services and several Metro Transit Routes.

**Zoning Summary:**

<b>Bulk Requirements*</b>	<b>Required (C2 Criteria)</b>	<b>Proposed</b>
Lot Area	6,100 sq. ft.	15,860 sq. ft. existing
Lot width	50'	190.12' existing
Usable Open Space	490 sq. ft. (70 sq. ft./bedroom)	TBD – not clearly shown on plans
Front yard	0'	As shown on approved plans
Side yards	0' commercial 1 <sup>st</sup> story 11' each side 2 <sup>nd</sup> story and above	As shown on approved plans
Rear yard	30 or (55% of bldg ht.)	As shown on approved plans
Floor area ratio	3.0	As shown on approved plans
Building height	N/A	As shown on approved plans

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	1 stall per 300 sq. ft. retail 1 stall per 400 sq. ft. office 30% capacity for restaurant 7 for apartments  (assuming commercial spaces are retail, approximately <u>19 stalls</u> )	14 surface
Accessible stalls	1 surface	1 surface
Loading	1 (10'x35') area	1
Number Bike Parking stalls	9	9 surface (Please see p. 10, Condition No. 13)
Landscaping	Yes	As per approved plan (Please see p. 10, Condition No. 12)
Lighting	Yes	As shown on approved plans (Please see p. 10, Condition No. 16)

<b>Other Critical Zoning Items</b>	
Urban Design	Yes – UDD 7
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	None shown
Barrier Free (ILHR 69)	Yes

*Compiled by Pat Anderson, Assistance Zoning Administrator*

\* Since this is a request to rezone to the PUD district, where there are no predetermined bulk requirements, it was reviewed based on the criteria for the C-2 district, because of the surrounding land uses.

## **Project Description**

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### **Existing Conditions**

The property is largely covered with asphalt in poor condition, but includes a 1,700 square foot, one-story, vacant commercial structure (formerly Madison Typewriter) on the northern portion and a small accessory structure in the southeastern corner. A grass strip, approximately 20 feet wide, lines a portion of the eastern border of the property, and there is an existing wooden fence between the property and the residential property to the rear. The Madison Typewriter building was approved for demolition in 2010 when the existing PUD-SIP zoning was approved for a four-story mixed-use building with underground parking on this site.

### **Proposed Land Use**

After failing to secure an anchor tenant for the approved four-story mixed use building, the applicant now proposes a two-story mixed-use building with 3,400 square feet of commercial space on the first story for up to three tenants, and seven efficiency and one-bedroom apartments. A drive-through facility is proposed for a commercial tenant, a donut and coffee establishment, interested in the largest of the commercial spaces on the north side of the building.

There are seven small, irregularly shaped apartment units averaging 680 square feet. The second floor has two efficiencies and four one-bedroom units, and the ground floor has an efficiency unit which could be utilized as “live-work” space. Second floor units are accessed via two stairways in the center of the building. Each unit has laundry facilities.

### **Site and Building Design**

***Building Bulk and Placement-*** Similar to the footprint and location of the four-story building approved in 2010, the building is located in the northwestern portion of the property, this time with a small surface parking lot on the southern portion of the property and a drive-through facility utilizing space behind and to the north of the building. The building is irregularly shaped due to the shape of the property, but is just over 90 feet long and 65 feet deep. Well-oriented to South Park Street, most of the building maintains an 8 foot front setback, while its northwestern entrance is situated within a foot of the front property line. The back of the building is approximately 24 feet from the rear property line, which is shared by single-family residential properties to the east and separated by two existing wooden fences.

***Parking, Traffic Flow, and Operations-*** Underground parking has been removed from the proposal since 2010, but a small surface parking lot remains in the southern portion of the property. The lot, accessed from South Park Street, has 14 stalls, all of which are identified for use by commercial tenants and customers. No on-site automobile parking is provided for the residential units, and the applicant is assuming that most or all of the residential tenants will not have automobiles.

Six open bicycle parking stalls are shown on the most recently submitted site plan, located near the southwest corner of the building at the edge of the parking lot. As proposed, these are intended to serve the 7 residential units, employees, and customers. Staff has suggested that especially in lieu of automobile parking spaces for residential units, higher-quality, covered bicycle parking opportunities for residential tenants should be incorporated into the proposal to better accommodate alternative transportation options (currently, the only alternative to the exposed outdoor bike parking area would be for residents to carry bicycles up and down stairs to the second floor apartments, which are very small and lack space for bicycle storage). Ideally, additional stalls would be located inside a dedicated room on the first floor of the building, but could perhaps be provided in a well-designed, covered area outside of the building. Staff believes that even if it results in the loss of one of the seven small units, the provision of this amenity is important.

The proposed drive-through facility utilizes two lanes – the drive through lane itself and an “escape” lane – which are routed behind and around the north side of the building, exiting directly onto South Park Street. The exit of both lanes onto South Park Street is an important recent revision to the plan, which formerly showed the “escape” lane exiting onto the narrow alley to the north. Use of the alley for the proposal was a very contentious issue with nearby residential property owners, and has essentially been solved with the most recent revisions.

Most recent site plans show a “silent” menu board located on the east side of the building, where customers could view the menu and make their choices. A second menu board with a speaker for ordering is located just outside the northeast corner of the building, facing the back of residential properties across the narrow alleyway. The pick-up window is located on the north side of the building, approximately one car length away from the South Park Street right-of-way.

In working with the Monona Bay Neighborhood Association, to agree on hours of operation, the applicant has indicated a willingness to limit hours of operation for the anchor tenant’s business to 4:00 am to Midnight on all days, and the hours of operation for the speaker on the menu board to 6:00 am to 9:00 pm on all days.

***Open Space, Stormwater Management, and Landscaping-*** The site plan shows no opportunity for at-grade usable open space for residential tenants, although six of the seven units have small balconies approximately 30 square feet in size. There are few opportunities for stormwater infiltration on the property currently, nor are there specific stormwater infiltration strategies included within the proposed redevelopment plans.

The most recently proposed landscape plan includes seven deciduous canopy trees, a row of grasses and a few small shrubs along the eastern property line, and a few serviceberries and yew within a narrow strip along the southern property line. The area in front of the building is hardscaped, and would function as additional sidewalk width. Among other details, the Urban Design Commission will review the landscape plan at a future meeting during their consideration of a request for final design approval.

***Building Exterior-*** The first floor of the building is clad in smooth, wheat-colored renaissance stone masonry units. Latest design revisions show the second floor clad in utility-sized field brick. Accent materials include a bronze-colored metal building parapet, precast stone window heads and sills, and cedar balconies extending from the six second floor residential units.

Generally, entrances are well-oriented to South Park Street. The primary entrance to the largest commercial tenant space has a unique slanted element with a standing seam metal roof not seen elsewhere on the building (both Planning staff and some Urban Design Commission members would like for this element to be removed, noting it’s incoherence with the rest of the design). The primary tenant space has two additional entrances/exits, and the secondary tenant space has an entrance facing South Park Street. The first floor residential unit has a direct entrance from the south side of the building and is being proposed as a potential “live-work” space that could include an additional commercial use. Entrances to stairways leading up to the second floor residential units are located on both the west (South Park Street) and south (parking lot) sides of the building.

### **Public Input**

Alder Ellingson held a small neighborhood meeting on January 5 with the applicant and nearby property owners to discuss the proposal, and a larger follow-up meeting was held on January 12 with the Monona Bay Neighborhood Association. Staff attended the January 5 meeting, and noted that while generally supportive of a mixed-use redevelopment on this property, many neighbors had significant concerns about the proposed drive-through facility, and some expressed the concern that the amount of proposed surface parking is inadequate. Of particular concern was the menu board with speakers,

which would be located on the northeast corner of the building facing the rear yards of nearby residential properties. A summary of the concerns at that time as noted by staff is as follows:

- Noise - Nearby neighbors were concerned about the constant noise associated with vehicles using the 24-hour drive-through and the menu board speaker. Many suggested that the applicant consider removing the speaker system and having customers place orders at the pick-up window, similar to the way Cargo Coffee operates nearby. Others suggested that the drive-through be removed altogether, or that its hours of operation be significantly limited.
- Parking – While concerned that the residential tenants would have no parking available, some neighbors recognized that the 2-hour parking limitations in this area, if well-enforced, would sufficiently prohibit the use of many nearby public streets by the residential tenants for long periods of time. However, some were concerned that the small amount of parking proposed overall would result in commercial customers parking on West Shore and South Shore Drive, and walking along the alley near their properties to access the site.
- Alley access – Neighbors were generally opposed to the bypass lane parallel to the drive-through lane, which exited onto the alley on early versions of the proposal. Several were concerned that drivers would try to make a right turn onto the alley toward West and South Shore Drives, instead of exiting directly onto South Park Street. At one point in the meeting, a few neighbors suggested that the City consider blocking off use of the public alley just east of the subject property, to prohibit use by automobiles at a minimum, and perhaps also prohibit use by bicycles and pedestrians.

After receiving much input from constituents and working with the applicant on potential solutions, Alder Ellingson has determined that while she generally supports the proposed redevelopment, the speaker on the menu board is a feature she could not support (see attached comments to the Urban Design Commission dated 1/14/12).

The Monona Bay Neighborhood Association had strong concerns about the drive-through facility, and as of March 2012, could only support the proposal if six conditions are met (see attached comments to the Urban Design Commission dated 3/11/12). Many of these conditions have since been addressed through design changes and commitments by the applicant.

Further comments by the Alder and Monona Bay Neighborhood Association will be included if provided.

### **Related Approvals**

This proposal must be reviewed and approved by the Urban Design Commission for consistency with the standards and guidelines for Urban Design District 7, and is also reviewed by the UDC as an advisory body since it is a request for Planned Unit Development zoning. On January 18, the Urban Design Commission reviewed the proposal and **referred** it to a future meeting (see attached UDC report dated 1/18/12).

The applicant returned to the UDC on April 18, 2012 with a slightly revised site plan and major revisions to the exterior of the building including use of a mostly metal facade and a unique, contemporary design that staff and others had concerns with. The UDC on a vote of 3-2 granted **initial approval**, with instructions to rethink the architecture (see attached UDC report dated April 18, 2012).

After discussions with staff, the applicant chose to make further site plan revisions and return to a more traditional architecture, with increased use of masonry. On May 16, 2012, the UDC reviewed the proposal, and again granted **initial approval**, this time with suggestions for only minor changes (the May 16 UDC report will be provided if available). The applicant intends to return to the Urban Design Commission to request final approval on June 6, 2012. Final plans submitted for staff review and approval must address recommendations made by the UDC at this time.

## Evaluation

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### Land Use

**Consistency with Adopted Plans-** The proposed building is generally consistent with the Comprehensive Plan recommendation for “Community Mixed-Use” (CMU) in this area, which would include buildings of two or more stories well-oriented to the street, with commercial uses on the ground floor and residential uses on upper levels. The proposed density of 19 units per acre is well within the recommended limit for 60 units per acre densities in areas recommended for CMU.

**Residential Units-** The seven residential apartments are very small, and will effectively be limited to use by tenants without automobiles (or tenants with off-site parking options). The applicant indicates that the intended market is young professionals associated with St. Mary’s Hospital across the street, but notes that some students may also be interested, as the property is only one mile from the UW campus and well-served by transit. Staff believes that while a much larger project with exclusively small one-bedroom units and efficiencies might not be easy to support, there is likely a market for these seven units, and they add a new housing type to the neighborhood. As has been mentioned, however, it is important to provide high-quality infrastructure for bicycle parking for these units, especially due to the fact that the developer is assuming that none of them will have automobiles.

**Commercial Uses-** General retail, restaurant, and other commercial uses are appropriate for this site, which is part of an important commercial and mixed-use corridor leading into the central part of the City. Throughout the review process, the location and operation of the drive-through facility have been a primary focus. It is worth noting that the most likely new zoning district for this area would be the “Traditional Shopping Street” (TSS) District. The TSS District does not allow drive-through facilities as permitted or conditional uses, but the proposed uses and building form would otherwise be permitted in the TSS District.

### Site and Building Design

**Building Bulk-** Although the building footprint is similar, the proposed bulk is much less than the four-story mixed-use building approved for this site in 2010. The two-story building meets the basic requirements of the Urban Design District 7, and is well oriented to South Park Street. The 8-foot setback for most of the front of the building provides for a widened pedestrian space. Arguably, while a four-story building would have been a more efficient use of this relatively small commercial property, the proposed building itself will have less of an impact on residential properties to the rear, and is a fine redevelopment option for this site.

**Parking and Operations-** Notably, there is no automobile or moped parking provided for residential tenants of the building, as all 14 automobile stalls are provided to serve the commercial tenant spaces. The applicant indicates that while this is not intended to be a student apartment project, the units will be marketed to medical professionals working in nearby hospitals, who should easily be able to walk to work, and may attract some students as well. In an area so well-served by transit, bicycle, and pedestrian infrastructure, it is possible that some or all of the tenants may not have automobiles. However, if they do, it may be difficult to find on-street parking nearby. Nearby South Shore Drive has two-hour parking during the day and overnight parking available, but is otherwise for residents with permits only. Along South Park Street, there is no on-street parking in the immediate area. At a minimum, the residential leases should clearly state that there is no on-site or nearby on-street parking available.

Further, while six bicycle parking stalls are proposed near the southwest corner of the building, there is no covered bicycle parking provided. Since residential tenants without automobiles will be more likely to have and store bicycles used for transportation, staff recommends that in addition to the stalls shown, the applicant also provide an indoor or structured bicycle parking area with space for at least one

bicycle per residential unit. These stalls could be vertically oriented or stacked for space efficiency, but should provide for ease of access.

The drive-through facility has been of great interest and concern to many throughout the review process. The main concerns with the proposal expressed by staff, the Alder, and neighbors stem from two features that are included based on the requirements of the anchor tenant, Dunkin' Donuts: a speaker on a menu board associated with a drive-thru facility, and the bypass lane shown in previous iterations of the plan to exit onto the narrow public alleyway north of the site. The removal of these two features would allow for broader public support for the project, and would not negatively impact operations. There are examples of other urban drive-through facilities, such as nearby "Cargo Coffee", which simply utilizes one window for ordering and pick-up, and does not have a speaker. The bypass lane adjacent the drive-through lane is unnecessary from the perspective of Traffic Engineering Division, and Planning Division staff believes that its removal would allow for a more significant landscaped buffer behind the building, which might further mitigate noise and visual impacts associated with automobiles, the service window, and the menu board speaker.

However, the anchor tenant (essentially the driver of the project) would require both of these features to remain, and staff recognizes the efforts of the design team to address concerns while working within the tenant's parameters. Specifically, the menu board speaker has been moved from the eastern side to the northeastern corner of the building, and is now slightly further away from abutting residential properties to the east. A fence with an acoustical barrier has been proposed along the eastern and a portion of the northern property lines. The bypass lane is now proposed to exit directly onto South Park Street, rather than onto the alley. Staff believes that the fence may help to partially mitigate speaker noise, but that another effective measure will be a limitation on the hours of operation of the speaker window.

Staff believe that drive-through facilities should only be approved when the impact to neighboring residential properties is minimized. After thorough consideration, staff believes that in order to support a drive-through facility at this location, the speaker should either be removed from the plans, or adequate steps must be taken to minimize noise impacts on surrounding properties. Specifically, hours of operation for the speaker should be limited to 6:00am to 9:00 pm, and details for the proposed fence along the northern and eastern property lines should be provided to staff for review and approval to ensure that they will provide an effective acoustical barrier (see Condition No. 1).

**Open Space, Stormwater Management, and Landscaping-** Staff believes that the property is adequately served by nearby public open spaces so as not to require on-site usable open space as would be required in conventional zoning districts. While the site itself has only very limited usable open space in the form of balconies for three of the units, it is located close to a variety of parks and green spaces accessible from the site on foot or by bicycle. Brittingham Park lies within a quarter mile to the north, the 900+ acre UW Arboretum a quarter mile to the southwest, and Vilas Park almost a half mile to the west.

Stormwater from the site will currently drain into the storm sewer along South Park Street. While not required, stormwater management on the site could be improved by the incorporation of green roof elements, rainwater storage for reuse in landscaped areas, or other engineered infiltration opportunities within the surface parking area. The applicant is encouraged to consider these and other ideas for on-site stormwater management for inclusion in the final plan set submitted for staff review.

**Building Exterior-** On the whole, the building exterior is well-designed with a mix of durable materials suitable for the Urban Design District and a Planned Unit Development. Entrances are well-located and oriented to South Park Street, and the building should be a positive addition to this redeveloping corridor. The Urban Design Commission discussed exterior details such as the angled roof element over the main entrance, the relationship between awnings and balconies, and other details. Final plans submitted for staff review and approval must address recommendations made by the UDC.

### **Criteria for Approval of Planned Unit Development Zoning**

As outlined below, staff believes that the criteria for Planned Unit Development zoning can be met following changes to reflect recommended conditions of approval.

#### **MGO Section 28.07(6)(f) - PUD Criteria for Approval**

##### ***a) Character and Intensity of Land Use-***

###### ***i. Are compatible with the physical nature of the site or area.***

The two-story massing and placement of the mixed-use building fits in well with nearby residential properties and the planned two to four story redevelopment of property in this part of the South Park Street corridor.

However, the placement of a drive-through facility in close proximity to residential properties is not ideal. In order to support a drive-through facility at this site, staff believes that the proposed menu board speaker should either be removed from the proposal or its noise impacts minimized by limitations on hours of operation, and the placement of an acoustical barrier on a portion of the northern property line.

###### ***ii. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.***

The building itself is relatively attractive, and the durable materials and flexible interior spaces proposed should produce sustained desirability for commercial tenants. Residential spaces are quite small, and without any available parking or additional storage, it would be difficult to adequately serve the needs of various household types. However, since there are only seven units, the units may be sufficient, despite limitations and lack of variety.

###### ***iii. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.***

Staff believes that this part of the criteria is met.

###### ***iv. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.***

Staff believes that this proposal is of insufficient size to warrant a traffic demand management plan or a TMA. There are valid concerns about insufficient surface parking to serve the site, particularly the provision of no surface parking for the seven residents, and the way this might impact the availability of on-street parking in nearby neighborhoods. However, staff believes that this is partially addressed by the existing RP3 parking areas on nearby streets such as South Shore Drive, which only allows for 2-hour parking during the day for automobiles without a "resident" sticker. It can further be managed with the addition of clear language in the tenant leases and zoning text noting that no automobile parking is available, as well as the incorporation of high-quality covered bicycle parking, ideally inside the building.

***b) Economic Impact-*** The proposed development will significantly increase the property value, replacing a small commercial building already approved for demolition with a durable, mixed-use building. The development can have a positive economic impact on this neighborhood with its new commercial spaces, so long as the negative impacts associated with a drive-through facility are minimized. If this is not accomplished, staff believes that the drive-through facility could have a negative impact on surrounding residential properties, especially when compared with potential future redevelopment alternatives for this site that lack drive-through facilities.



The addition of seven small apartment units adds variety to the housing types available in the general area. However, since they are not being provided parking opportunities for automobiles or mopeds, at a minimum, these residential units should be provided with higher-quality opportunities for bicycle parking. Amenities provided for residential tenants in the building will help to ensure that they are attractive, and hopefully increase their economic impact.

**c) Preservation and Maintenance of Open Space-** The proposal essentially replaces a fully-paved property with a new building and small surface parking lot. The usable open spaces maintained for residents are small private balconies associated with six of the units, but the site is within close proximity to a diverse set of public parks and open spaces. The removal of the auxiliary bypass lane at the rear of the property would allow for additional area for landscaping and potential stormwater infiltration, and result in an overall improvement to the proposal. However, staff understands that the applicant would be unable to move forward with the proposal without this auxiliary lane due to the demands of the likely primary tenant.

**d) Implementation Schedule-** Since this is a proposed PUD-SIP for one project, rather than one of multiple phases, this standard is less applicable.

## Conclusion

The proposed mixed use building is generally consistent with both the Comprehensive Plan (2006) and the Park Street Corridor Urban Design Guidelines (2004) codified in Urban Design District 7. While a less efficient use of land than the four-story mixed-use building with underground parking approved in 2010, the building has seven residential units and 3,400 square feet of commercial space for two or more tenants on a relatively small site, and would be a significant improvement to the current condition.

The main concerns with the proposal expressed by staff, the Alder, and neighbors throughout the evolution of the proposal stem from two features included based on the needs of the anchor tenant: a speaker on a menu board associated with a drive-through facility, and the bypass lane, which was formerly shown exiting onto the narrow public alleyway north of the site. A secondary concern is the lack of parking for residential tenants, and the impacts this might have on the neighborhood. Staff recognizes the efforts of the design team to address these concerns, and the Monona Bay Neighborhood Association has determined that they can support the proposal based on conditions involving limited hours of operation, the fence as an acoustical barrier, and others.

After careful consideration, staff has concluded that in order for the proposed mixed-use building with a drive-through facility to meet the criteria for planned unit development zoning, the impacts of the menu board speaker and the bypass lane parallel to the drive-through must be effectively mitigated, and that the proposed residential units must be better supported with amenities, specifically indoor or covered bicycle parking opportunities. Staff is hopeful that the applicant can continue to work on the details to lead toward a supportable solution on this site, which would benefit greatly from redevelopment.

The Planning Division recommends that the Plan Commission find that standards for rezoning to Amended PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met and forward this request to the June 19 meeting of the Common Council with a recommendation for **approval** to rezone 801 South Park Street from PUD-SIP to Amended PUD-SIP, subject to input received at the public hearing and the conditions from reviewing agencies, including, most importantly either the removal of the speaker for the drive-through or effective mitigation measures through limitations on hours of operation and acoustical barriers, as described in the recommended conditions.

## Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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### Planning Division Recommendation

Planning Division staff recommends that the Plan Commission find that standards for rezoning and planned unit developments can be met with changes to the proposal, and forward this request to the June 19 meeting of the Common Council with a recommendation for **approval** to rezone 801 South Park Street from PUD-SIP to Amended PUD-SIP, subject to input received at the public hearing and the conditions from reviewing agencies.

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

1. Final site plans submitted for staff review and approval shall reflect the removal of the speaker on the menu board or the following two changes shall be made to minimize impacts of the speaker:
    - a) The zoning text shall be revised to limit the hours of operation for the speaker to 6:00 am to 9:00 pm daily, and limit hours of operation of the businesses to 4:00 am to 12:00 midnight daily.
    - b) Site plans submitted for staff review shall include details for the new fence proposed to be included along a portion of the northern property line to minimize sound from the speaker. The fence shall include an effective acoustical barrier, and shall be a maximum of 8 feet tall.
  2. Final site plans submitted for staff review and approval shall include standard bicycle parking spaces at a ratio of one stall per residential unit plus a sufficient number of stalls to meet minimum zoning requirements of the commercial uses. A majority of the residential bicycle parking shall be provided indoors or under a covered area protected from the elements. If stalls over and above the number required by Zoning for the site are provided, they may be provided in vertical or stacked racks for space efficiency. Any covered bicycle parking outside of the building must be reviewed and approved by Planning, Urban Design, and Zoning staff.
  3. In final documents submitted for staff review and approval, the applicant shall include a copy of a residential lease noting that there are no on-site parking opportunities available for automobiles or mopeds, with a clarification that mopeds may not be parked on the property or within the public right-of-way.

Alternatively, the applicant may coordinate with Planning and Zoning staff to reconfigure the parking lot to provide a small number of moped stalls and/or residential automobile parking stalls, and revise the tenant lease appropriately.
  4. The applicant shall work with Planning and Zoning staff to revise the zoning text to reflect the intent that surface parking stalls are not intended for use by residents or their guests, unless clearly marked as such. The zoning text shall also be revised to address moped parking, noting that no moped parking is allowed on the property or in the public right of way adjacent to the property, unless in clearly marked stalls.
  5. The applicant shall include in final plans the operational details for trash and snow removal, for review and approval by staff.
  6. Prior to final staff approval, the Urban Design Commission must grant final design approval for the proposal. All conditions of approval recommended by the Urban Design Commission shall be fulfilled in final plans submitted for staff review and approval.
7. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann ([gdreckmann@cityofmadison.com](mailto:gdreckmann@cityofmadison.com), 267-2626) prior to a demolition permit being issued. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating

compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

8. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

9. Show addresses of tenant spaces on the building of final site plan, pursuant to MGO Section 10.34(2). Place addresses of the building and number of units on the final plan set. Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
10. The final plans shall show the setback dimensions from the nearest portion of the building. Any deck, canopy, balcony, porch, if projecting from the principal building, shall show the dimension to the property line.
11. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' of a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for visions clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.
12. Bike parking shall comply with MGO Section 28.11. Provide a minimum of 9 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.
13. Meet all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of 1 accessible stall striped per State requirements. This stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
  - b) Show signage at the head of the stalls.
14. Revise zoning text as follows:
  - a) Signage: revise to delete "Signage will be allowed as recorded on the approved plans and Exhibit E."
  - b) Permitted Uses: Delete reference to R2 Zoning District, allow residential and commercial uses as allowed in the C2 Zoning District.
  - c) Correct use list to eliminate reference to "floors 3 and 4".
15. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

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

16. As this development plan progresses, in accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of all floor plans to Engineering Mapping Lori Zenchenko ([Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) so that a preliminary interior addressing plan can be developed and implemented for this proposed redevelopment. If there are any changes pertaining to the location of any unit, the deletion or addition of any 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.
17. This area has a history of high groundwater. The foundation of this building shall be waterproofed and documentation of this method shall be provided to City Engineering.

18. The Developer for this project has already obtained approval for the right-of-way improvements and also has entered into a developer's agreement for the work. The Developer shall work with Engineering to modify the existing Developer's agreement and to obtain re-approval of the plans by the Board of Public Works, if necessary.
19. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
20. 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 (POLICY).
21. 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 (POLICY).
22. 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).
23. All damage to the pavement on Park Street & Alley 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> (POLICY).
24. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
25. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.
- As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).
26. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- a) Control 40% TSS (20 micron particle) off of new paved surfaces
  - b) Provide oil & grease control from the first 1/2" of runoff from parking areas
  - c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website—as required by MGO Chapter 37

27. 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 Misc. 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 names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto: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)).

28. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans).

29. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/Etc
- d) Sediment loading calculations

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. (POLICY and MGO 37.09(2))

30. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

31. 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 (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

32. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

**Traffic Engineering Division** (Contact Bryan Walker, 267-8754)

33. The proposed drive-thru has been modified to minimize the impact of traffic on the public alley. The applicant shall provide a plan showing proper screening for noise and headlights in relation to the residential properties abutting the alley. Note: The escape lane is a requirement of the business and not a requirement of Traffic Engineering

*[REMOVED: The proposed drive-through shall be modified to minimize the impact of traffic on the public alley. The plans shall be revised to use Park Street as the exit for the drive-thru and escape lane, rather than the alley. There is also a question as to the need for the bypass and extra space provided there.]*

34. Added landscaping features may be added at the easterly property line next to the drive-thru to serve as noise reduction features for the menu board.
35. No residential parking permits shall be issued for 801 S. Park St. 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, and note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit a copy of the lease noting the above condition in the lease when submitting plans for City approval.

36. The Applicant shall provide to Traffic Engineering for approval, a Queuing Model showing provision for vehicles for each service point queue storage that prevents queue interference with pedestrian or other vehicular movements.
37. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
38. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Water Utility** (Contact Dennis Cawley, 261-9243)

39. This property is not in a wellhead protection area. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Parks Divison** (Contact Kay Rutledge, 266-4714)

40. The developer shall pay approximately \$15,818.44 for park dedication and development fees from the 7 new multifamily units (see below). The property is within the Olin Turville impact fee district (SI28)

Fees in lieu of dedication = (7 MF @ \$1,631) =	\$11,417.00
Park development fees = (7 MF @ \$628.92) =	<u>\$4,401.44</u>
total fees =	\$15,818.44

41. The development must select a method for payment of park fees before signoff on the PUD-SIP.
42. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Fire Department** (Contact Bill Sullivan, 266-4420)

43. As per IBC/IFC 903.2.8, provide automatic fire sprinklers throughout the building.
44. Submit a site plan showing the location of all fire lanes and fire hydrants.

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

This agency did not submit comments for this request.