



PREPARED FOR THE PLAN COMMISSION

Project Address: 109 East Lakeside Street (District 13 – Ald. Eskrich)
Application Type: Rezoning and Conditional Use
Legistar File ID #: [38935](#) & [39050](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant & Owner: Janelle Munns; Lakeside 109 LLC; 818 West Lakeside Street; Madison, WI 53715
Contact: Jim Glueck; Glueck Architects; 116 North Few Street; Madison, WI 53715

Requested Action: Approval to rezone 109 East Lakeside Street from the TR-V1 (Traditional Residential-Varied 1) to the LMX (Limited Mixed-Use) District and Conditional Use.

Proposal Summary: The applicant proposes to establish a furniture and household goods store with upper floor dwelling unit in an existing building. While the building was originally constructed as a mixed-use building, it has been used as a single-family residence for several years. While up to two dwelling units are allowed as permitted uses in the LMX District, furniture and household goods store are identified as a conditional use. As such, the applicant seeks approval of both a rezoning and conditional use.

Applicable Regulations & Standards: This proposal is subject to the standards for zoning map amendments [MGO Section 28.182] and conditional uses [MGO Section 28.182]

Review Required By: Plan Commission (PC), Common Council (CC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments are met and forward Substitute Zoning Map Amendment 00175 rezoning 109 East Lakeside Street from the TR-V1 (Traditional Residential-Varied 1) District to the LMX (Limited Mixed Use) District to the Common Council with a recommendation of **approval**. The Planning Division further recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use to establish a furniture and household goods store. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

Background Information

Parcel Location: The property on the south side of East Lakeside Street, midblock between Colby and Sale Streets and about 330 feet west of its intersection with John Nolen Drive. The site is within Aldermanic District 13 and located within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes an existing two-story building constructed in 1922. Historically the building was constructed as a commercial building, however, it has most recently been used as a single-family dwelling.

Surrounding Land Use and Zoning:

- North:** Office Building zoned PD (Planned Development) and single-family homes, zoned TR-C3 (Traditional Residential-Consistent 3 District);
- South:** Two and three-unit homes, zoned TR-V1 (Traditional Residential Varied 1 District);
- East:** Banquet Hall (V.F.W) zoned SE, (Suburban Employment District); and
- West:** Four-Unit home zoned TR-V1 with single-family homes zoned TR-C2 (Traditional Residential Consistent 2 District) and TR-C3 west of Colby Street.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low-density residential development for the subject site. Among the recommended non-residential uses within these areas are commercial uses including neighborhood-serving retail and service uses in mixed-use buildings. The site is also adjacent to a larger area planned for employment uses that extends up to the John Nolen Drive frontage. The Planning Division believes this rezoning request can be found consistent with the Comprehensive Plan.

Zoning Summary: The applicant requests approval to rezone the property to the LMX (Limited Mixed-Use District).

Requirements	Required	Proposed
Front Yard Setback	No minimum	2.4'
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line.	Same as for non-residential buildings in the adjacent residential district. (TR-V1: 6')	28.9' west side adjacent TR-V1 zoned property
Side Yard Setback: other cases	No minimum	0' east side existing building
Rear Yard Setback	Same as for non-residential buildings in the adjacent residential district. (TR-V1: 30')	0' existing building
Usable Open Space	160 for 1-bedroom d. u./ 320 for dwelling units with 2 or more bedrooms. (160 sq. ft.)	1,800 sq. ft.
Maximum Lot Coverage	Same as for non-residential buildings in the adjacent residential district. (TR-V1: 65%)	70% existing (See Zoning condition)
Maximum Building Size	5,000 sq. ft.	2,160 sq. ft.
Maximum Building Height	2 stories/ 35'	2 stories existing building
Site Design	Required	Proposed
Number Parking Stalls	No minimum	2
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Furniture and household goods sales (2); multi-family dwelling: 1 per unit up to 2-bedrooms (1) (3 total)	2 (See Zoning condition)
Landscaping	Yes	No (See Zoning conditions)
Lighting	No	No (See Zoning condition)
Building Forms	No	Existing building

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description, Analysis, and Conclusion

The applicant seeks to establish a mixed-use building with ground floor retail and an upper story dwelling unit in an existing structure. Two approvals are sought. First, the applicant requests approval to rezone the subject property from TR-V1 (the Traditional Residential-Varied 1 District) to LMX (the Limited Mixed Use District). The applicant further requests approval of a conditional use to establish a furniture and household goods store. This proposal is subject to the standards for zoning map amendments [MGO Section 28.182] and conditional uses [MGO Section 28.182].

City Assessor records show that the existing building was constructed in 1922. While originally constructed as a commercial building, it has been used as a single-family residence for several years. The proposed use is not permissible under the existing TR-V1 zoning.

The letter of intent states there will be some exterior modifications with more significant interior building changes. On the exterior, no changes are proposed to the front façade. Exterior building modifications are limited to the addition of new doors, stairs and deck on the western side elevation. On the interior, plans show the proposed layouts for the reconfigured first and second floors. The first floor has a total area of 1,650 square feet. The dwelling unit on the building's partial second floor has an area of about 510 square feet and includes one bedroom and one bathroom.

Some site plan improvements are also proposed. The existing gravel parking area will be converted into a two-stall concrete parking area, with accessible stall. A new accessible path will be provided, as shown. The driveway apron leading to the parking area will be reconfigured to meet City specifications. The existing fence behind the parking area will remain, however a new gate will be installed.

Staff believes the applicable standards for zoning map amendments and conditional uses can be met. The standards for zoning map amendments are relatively broad and state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (including zoning map amendments) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." The Planning Division believes that this request can be found consistent with the Comprehensive Plan, which recommends low-density residential development for the subject site and surrounding properties. Among the recommended non-residential uses within these areas are commercial uses including neighborhood-serving retail and service uses in mixed-use buildings. The stated purpose of the proposed LMX Zoning District is to allow for small-scale mixed-use development within or adjacent to otherwise residential areas. The site is also adjacent to a larger area planned for employment uses that extends up to the John Nolen Drive frontage.

In regards to the requested conditional use to establish a furniture and households goods store, staff does not anticipate that the proposed store will not have a negative impact on surrounding properties based on the facility's relatively small size and the other information provided. The specified hours of operation are from 10:00 am to 6:00 pm Monday through Saturday and from 12:00 pm until 5:00 pm on Sunday.

At the time of report writing, staff was not aware of any concerns on this proposal.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments are met and forward Substitute Zoning Map Amendment 00175 rezoning 109 East Lakeside Street from the TR-V1 (Traditional Residential-Varied 1) District to the LMX (Limited Mixed-Use) District to the Common Council with a recommendation of **approval**. The Planning Division further recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use to establish a furniture and household goods store. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

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

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

1. Show on the plan the removal of the portion of the timber retaining wall that lies within the public right of way of E. Lakeside Street.
2. The address of the second hand retail store is 109 E. Lakeside Street. The address of the upper apartment is 107 E. Lakeside Street.
3. All work in the public right-of-way shall be performed by a City licensed contractor.
4. All damage to the pavement on E. Lakeside Street adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
5. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

6. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
7. 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.

8. 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.
9. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

10. Submit a detail and calculation for the lot coverage requirement. Lot coverage may not exceed the maximum of 65% or the existing lot coverage percentage, whichever is greater. If the existing site currently exceeds the maximum lot coverage of 65%, any proposed improvements cannot further exceed the maximum. 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.
11. Provide district boundary screening adjacent the west and south property lines. Screening shall be provided along side and rear property boundaries between commercial and mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. For conditional uses, the Plan Commission may modify these requirements. Submit a detail of the screening.
12. Show the refuse disposal area. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
13. Provide a minimum of two (2) short-term bicycle parking stalls for the furniture and household goods store and one (1) long-term bicycle stall for the residential unit per Section 28.141(11) and Table 28I-3. The required long-term bicycle parking space shall be located in an enclosed and secured or supervised area providing protection from theft, vandalism and weather. Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet with a five (5) foot wide access aisle. Submit a detail showing the model of bike rack to be installed.
14. Submit a landscape plan and landscape worksheet showing that existing and proposed landscaping meets City of Madison requirements per Section 28.142.
15. If exterior lighting is provided, it must comply with Madison General Ordinances Section 10.085 outdoor lighting standards.

Fire Department (Contact Bill Sullivan, 261-9658)

16. The MFD recommends the installation of an automatic fire sprinkler system; especially in the dwelling unit.
17. Provide hard-wired smoke alarms within the dwelling unit.

Parks Division (Kay Rutledge, 266-4816)

This agency did not provide comments for this request. NOTE: 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.

Water Utility (Contact Dennis Cawley, 266-4651)

18. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.