



## Report to the Plan Commission

February 18, 2013

**Legistar ID #28944 & 29091**  
**2224 Regent Street**  
**Rezoning and Demolition Permit**

Report Prepared By:  
Timothy M. Parks, Planner,  
Planning Division Staff

**Requested Actions:** Approval of a request to rezone 2224 Regent Street from TR-C2 (Traditional Residential-Consistent District 2) to TR-V1 (Traditional Residential-Varied District 1) and approval of a demolition permit and conditional use to allow a single-family residence to be razed and a four-unit apartment building to be constructed.

**Applicable Regulations & Standards:** Section 28.047(2)(a) requires conditional use approval for any two-family, three-family or multi-family dwelling in the TR-V1 zoning district constructed within 300 feet of another such dwelling. Section 28.182 provides the process for zoning map amendments; Section 28.183 provides the guidelines and regulations for the approval of conditional uses. Section 28.185 provides the guidelines and regulations for the approval of demolition and removal permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment 28.022–00030, rezoning 2224 Regent Street from TR-C2 to TR-V1, and **approve** a demolition permit and conditional use to allow a single-family residence to be demolished and a four-unit apartment building to be constructed, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### General Information

**Applicant & Property Owner:** Patrick & Sue Grady, Grady Properties Madison, LLC; 2126 Rowley Avenue; Madison.

**Agent:** David Ferch, Ferch Architecture; 2704 Gregory Street; Madison.

**Proposal:** The applicant is requesting approval to demolish the existing single-family residence and construct a four-unit apartment building. The applicants wish to begin demolition and construction of the project as soon as all regulatory approvals have been granted, with completion anticipated in fall 2013.

**Existing Conditions:** The single-family residence occupies an approximately 0.19-acre parcel located at the northeastern corner of Regent and Ash streets in TR-C2 (Traditional Residential-Consistent District 2) zoning; Aldermanic District 5 (Bidar-Sielaff); Madison Metropolitan School District.

### Surrounding Land Use and Zoning:

North: Single-family residences, zoned TR-C2 (Traditional Residential-Consistent District 2);

South: Single-family residences, zoned TR-C2;

West: West High School, zoned CI (Campus Institutional District);

East: Single-family and three-family residences, zoned TR-C2; three-unit residence and dental office, zoned NMX (Neighborhood Mixed-Use District); North Allen Street Condos, zoned PD (Planned Development District).

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and nearby residential properties for Low-Density Residential uses. The properties on the north side of Regent Street closer to Allen Street are recommended for Neighborhood Mixed-Use development, while West High School is shown as Special Institutional. There is no adopted neighborhood plan for this area of the City.

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

**Public Utilities and Services:** The property is served by a full range of urban services, including seven-day Metro Transit.

**Zoning Summary:** The site will be zoned TR-V1 (Traditional Residential-Varied District 1) with this request.

Requirements	Required	Proposed
Lot Area	8,000 sq. ft. for four-unit bldg.	8,400 sq. ft.
Lot Width	50'	70'
Front Yard	20'	15' 2" using setback average
Side Yards	6' for two-story buildings	11' on the west; 10' 2" on the east
Rear Yard	20'	51.5'
Floor Area Ratio	N/A	---
Building Height	3 stories and 40 feet	2 stories
No. of Parking Stalls	1/ unit, not to exceed 2.5/ unit	3 regular, 1 accessible
Maximum Lot Coverage	70%	45.5%
Usable Open Space	500 sq. ft. per dwelling unit	2,211 sq. ft.
Loading	N/A	---
No. Bike Parking Stalls	4 (1 per unit for up to 2-bdrm unit)	4
Building Form	Four-Unit Building	Complies with requirements
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

## Project Review

The applicants are requesting approval to raze the three-bedroom, one-bath single-family home, which was constructed in 1907 according to City records and has been used as a rental property in recent years. The four-unit apartment building proposed to replace the existing residence will be a two-story structure with a gable roof that will contain 4 two-bedroom units. Two units will be located on each floor, with a partially finished basement that will include finished floor area to be used by one of the first floor units. Parking for 4 automobiles (1 accessible) and 4 bicycles will be located in a surface parking lot in the rear yard that will be accessed by a single driveway from Ash Street.

## Analysis & Conclusion

The new Zoning Code notes that zoning map 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 (of which the zoning map is part) 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 Comprehensive Plan identifies the subject site and nearby residential properties for Low-Density Residential (LDR) uses. Relatively low densities and a predominance of single-family and two-family housing characterize LDR districts, though some LDR areas in older neighborhoods of the City include "house-like" structures that were built as or were converted to multi-unit dwellings. The Plan notes that smaller multi-unit buildings may be compatible with the LDR designation at locations specified in an adopted neighborhood or special area plan, but that large apartment buildings or apartment complexes are not recommended. [Note: There is no adopted neighborhood or special area plan that applies to the subject site.]

In general, the Comprehensive Plan recommends that LDR areas be protected from encroachments by higher density or higher intensity uses than what presently exists in the neighborhood, and that future conversions of housing in older mixed-housing type neighborhoods from single-family to multi-unit be discouraged. Infill or redevelopment projects should be compatible with established neighborhood character and be consistent with an adopted neighborhood or special area plan. While LDR areas are predominated by single-family detached houses on individual lots, a variety of other residential building forms may be appropriate in LDR districts, including townhouses, attached single-family, stacked flat buildings similar in character to the single-family buildings in the area, and small apartment buildings compatible with neighborhood character and generally limited to no more than four-unit buildings if interlaced with other housing types. The Comprehensive Plan also recommends that LDR areas include at least two different housing types and both owner-occupied and rental housing.

Staff believes that the scale and design of the four-unit proposal is largely consistent with the scale and design of many of the residential buildings surrounding it, and that the proposed four-unit apartment building has been designed to blend in well with its predominantly single-family residential surroundings, more so than an earlier proposal for the subject site, which called for an eight-unit apartment building in a larger "house-like" structure. Staff also believes that the proposed four-unit building represents an appropriate intensification in the density of this blockface of Regent Street, which includes a mix of single-family, multi-family and non-residential buildings between Ash and Allen streets, while adhering to the recommended characteristics of LDR districts in the Comprehensive Plan. Staff believes that the subject proposal can be found to be consistent with the character and intent of the established LDR district, though a similar proposal on a more uniformly single-family-developed block of Regent Street or on a parcel in the Regent neighborhood further off of Regent Street may not be found to be as consistent.

A conditional use is required for the proposed building due to the presence of 2 three-family buildings and a multi-family building complex within 300 feet of the subject site (2212 and 2218 Regent Street and 26 N. Allen Street, respectively). Section 28.047(2)(a) requires conditional use approval for any two-family, three-family or multi-family dwelling in the TR-V1 zoning district constructed within 300 feet of another such dwelling. In reviewing the proposed development against the standards of approval for conditional uses, staff believes that those standards can be met. Staff does not believe that the establishment of a four-unit apartment building on the subject site will have a negative impact on the uses, values and enjoyment or normal and orderly development of surrounding properties, or that the proposed building will result in an over-concentration of non-single-family dwellings in the area, which as noted previously, is predominated by single-family homes located in the Regent neighborhood.

Finally, the applicants indicate that the existing structure “was poorly built originally” and suffers from an outdated interior that includes low floor-to-ceiling heights on the second floor, foundation deterioration, inefficient windows, and a lack of insulation. The applicants have provided photos of the interior and exterior of the house to substantiate some of their assertions about the condition of the structure. Staff has not toured the residence and does not have any information that would suggest that the demolition standards cannot be met with the request to raze it. The Landmarks Commission informally reviewed the demolition of the house on November 12, 2012 and noted that while the structure had no known historic value, it does contribute to the neighborhood context and character.

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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#### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment ID 28.022–00030, rezoning 2224 Regent Street from TR-C2 (Traditional Residential-Consistent District 2) to TR-V1 (Traditional Residential-Varied District 1), and **approve** a demolition permit and conditional use to allow a single-family residence to be demolished and a four-unit apartment building to be constructed, all, subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. Revise the project plans per Planning Division approval prior to the issuance of demolition or building permits for the project to eliminate the accessible entrance shown along Regent Street (the accessible sidewalk from Ash Street shall remain). Staff feels removal of this accessible ramp will result in a front yard aesthetic that is more consistent with other nearby residential properties.

The following conditions have been submitted by reviewing agencies:

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

2. The proposed rain garden in the northeast corner of the site will be required to be designed such that during a 10-year storm event the peak rate of discharge off the site matches the current peak rate of discharge in the lot’s existing condition.
3. Preliminary approved apartment unit numbers are as follows: Lower right unit - # 101; Lower left unit - # 102; Upper right unit - # 201; Upper left unit - # 202.
4. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
5. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
6. All work in the public right of way shall be performed by a City-licensed contractor.
7. All damage to the pavement on Regent Street and Ash Street adjacent to this development shall be restored in accordance with the City’s Pavement Patching Criteria.

8. 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.
9. 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.
10. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one (1) acre, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
11. 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).
12. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. Note: New plugging procedures and permit fees are in effect as of January 1, 2013.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

13. A condition of approval shall be that no residential parking permits shall be issued for 2224 Regent Street, as would be consistent with other projects in the area. The applicant shall inform all tenants of this facility of the restriction in their apartment leases. The applicant shall submit a copy of the lease for the 2224 Regent Street project noting this condition when submitting final plans for City approval.
14. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
15. 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.
16. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

17. The developer shall pay \$9413.60 in park impact fees (2013 fees in lieu of parkland dedication and for park development) for the 4 multi-family units proposed less a credit of \$3,687.96 for the existing single-family residence to be razed. The developer must select a method for payment of the \$5,725.64 of park fees due before signoff on the SIP. This development is within the Vilas-Brittingham impact fee district (SI28). (Please reference ID#13102 when contacting Parks about this project.)
18. Existing street trees shall be protected. The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, the contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system.
19. 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.

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

20. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Section 28.185(7)(a)5. of the Zoning Ordinance 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.
21. For the proposed detached accessory structure (refuse containers and bicycle parking), provide detail showing the structure meets enclosure requirements for long-term bicycle parking and refuse enclosure with final plans.

**Fire Department** (Contact Bill Sullivan, 261-9658)

22. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows: Per IFC 503 Appendix D105, provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
23. Note: The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Please consider allowing the Madison Fire Department to conduct training sequences on this site prior to demolition. Contact the MFD Training Division at 246-4587 to discuss this possibility.

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

24. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency did not submit comments for this request.