



## PLANNING DIVISION STAFF REPORT

April 27, 2020

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2122 Luann Lane (District 14 – Ald. Carter)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [59685](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Planning Division

### Summary

**Applicant, Contact & Property Owner:** Todd Nelson; 2122 Luann Lane, LLC; 710 Clyde Street; Stoughton, WI 53589

**Requested Action:** The applicant requests approval of the following conditional uses: 1) A multi-family dwelling with more than eight (8) units; 2) Accessory buildings measured at ground floor that in total exceed 10% of lot area; and 3) An individual accessory building that exceeds 800 square feet at ground level, all to convert an existing commercial building into a 17-unit apartment building with new detached garages in the Commercial Center (CC) Zoning District at 2122 Luann Lane.

**Proposal Summary:** The applicant proposes to convert an existing 20,448-square-foot two-story office building into a 17-unit apartment building. As part of this proposal, the applicant will reconstruct the existing surface parking lot and construct two detached nine-stall garages for tenants. No major exterior changes to the existing building are proposed at this time.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183]. MGO §28.061 lists a *multi-family dwelling with more than eight (8) dwelling units* as a conditional use in the Commercial Center (CC) Zoning District. Furthermore, MGO §28.131 states that all accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall comply with maximum area per lot and maximum size of accessory building requirements. The total area of accessory buildings measured at ground floor shall not exceed ten percent (10%) of lot area but no more than one thousand (1,000) square-feet. A larger total building area may be allowed by conditional use approval. Additionally, no individual accessory building shall exceed eight hundred (800) square-feet at ground level except by conditional use approval.

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the requests to convert an existing commercial building into a residential building with detached garages on a property zoned Commercial Center (CC) District at 2122 Luann Lane. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 49,947-square-foot (approximately 1.15-acre) project site is located on the north side of Luann Lane near the Coho Street intersection. The site is located within Aldermanic District 14 (Ald. Carter) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel contains a 20,448-square-foot two story office building with a finished basement. City Assessor records state that the building was originally constructed in 1982. Many different tenants have occupied the space over time, with the most recent being a restaurant-nightclub and catering business.

**Surrounding Land Use and Zoning:**

**North:** The Cannonball Bike Path, with a variety of large commercial businesses (car dealership and furniture store) along the W Beltline Frontage Road, zoned Commercial Center (CC), with Highway 12 beyond;

**East:** A two-story commercial building, zoned CC;

**South:** A funeral home and multi-family residential units, zoned CC and Suburban Residential – Varied 2 (SR-V2); and

**West:** Multi-family residential units, zoned SR-V2 and Planned Development (PD).

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends employment uses for the subject property. The [Arbor Hills-Leopold Neighborhood Plan](#) (2013) includes the property within the Greenway Cross Employment/Business Sub-Area. Plan recommendations state that, “For all development proposals in this sub-area, encourage a transition to a higher proportion of office/employment uses than currently exists; maintain consistency with the Comprehensive Plan General Commercial designation and the Code’s Commercial Center District.” The Neighborhood Plan recommends General Commercial for the subject site, but recommends Low Density Residential (LDR) for the property immediately adjacent to the west.

**Zoning Summary:** The project site is currently zoned Commercial Center (CC) District.

Requirements	Required	Proposed
Lot Area: for exclusive residential use	750 sq. ft./unit (12,750 sq. ft.)	49,947 sq. f.t
Front Yard Setback	None	Adequate
Side Yard Setback: for exclusive residential use	10'	10' east side 12.3' west side yard
Rear Yard Setback	Lesser of 20% of lot depth or 20'	20.5'
Usable Open Space	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units (4, 320 sq. ft.)	Adequate (21)
Maximum Lot Coverage	85%	58%
Minimum Building Height	5 stories/68'	Existing two story building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	14 surface stalls 18 garage stalls (32 total)
Accessible Stalls	Yes	None (22)
Loading	None	None
Number Bike Parking Stalls	1 per unit up to 2-bedrooms, ½ space per add'l bedroom (17), 1 guest space per 10 units (2) (19 total)	7 surface stalls 18 garage stalls
Landscaping and Screening	Yes	Yes (23)(24)

Lighting	Yes	Yes
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items</b>	Barrier Free (ILHR 69); Utility Easements	

*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, with Madison Metro Routes 18, 40, and 47 serving the site.

## Project Description

The applicant, Todd Nelson representing 2122 Luann Lane, LLC, proposes to convert an existing two-story 20,448-square-foot office building into a 17-unit apartment building. Proposed dwelling units range in size from 700-square-feet to 1,500-square-feet and include seven one-bedroom units and ten two-bedroom units. Plans show that most of the units will have individual balconies or patio space. As proposed, there are five basement units, which have well windows and no direct access outside.

According to the letter of intent, the applicant will replace all interior walls and all the mechanical systems including electrical and HVAC systems. Additionally, the building will become code compliant in terms of accessibility and fire safety. The applicant proposes to replace all the asphalt parking area and construct two private parking garages. As proposed, the applicant will remove some of the existing surface stalls and provide additional greenspace for residents. In keeping with the submitted materials, there will be 14 vehicle surface stalls and 18 covered vehicle stalls in two separate 2,592-square-foot, nine-stall garages. One of the garages will be oriented east-west and will be placed in the rear of the building. The other garage will be oriented north-south and will be placed on the west side of the building. The garages will have similar colors and materials to the existing building, with a dark weatherwood shingled roof and light beige smart siding.

## Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183].

### Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) recommends employment uses for the subject property. According to the Plan, “Employment areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional uses under relevant zoning districts.” In describing the specificity of the Generalized Future Land Use Map, the plan states “While land uses are mapped to specific locations, the recommendations presented in the GFLU Map are still relatively broad, and the exact shape of many of the mapped land use categories are necessarily somewhat general.” Staff note that the Plan recommends Low-Medium Residential (LMR) uses for the parcels immediately to the south and west. LMR recommends residential uses between one and three stories and seven to 30 dwelling units per acre (du/ac). The [Arbor Hills-Leopold Neighborhood Plan \(2013\)](#) includes the property within the Greenway Cross Employment/Business Sub-Area. Plan recommendations state that, “For all development proposals in this sub-area, encourage a transition to a higher proportion of office/employment uses than currently exists; maintain consistency with the Comprehensive Plan General Commercial designation and the Code’s Commercial Center District.” The Neighborhood Plan recommends General Commercial for the subject site, but recommends Low Density Residential (LDR) for the property immediately adjacent to the south and west.

Given that this property is adjacent to residential uses directly to the south and west, staff believes that this proposal will not inhibit the goals and recommendations in both the Comprehensive and Neighborhood Plans. Staff believes that both plans are supportive of adaptive reuse of existing structures in regards to sustainability and by providing more housing options throughout the city. Further consideration of the proposed use is provided with deference to the Conditional Use Approval Standards, but staff believes that this request generally conforms to the adopted plan recommendations.

### **Conditional Use Standards**

The applicant is requesting approval of three conditional uses in the Commercial Center (CC) Zoning District: 1) A multi-family dwelling with more than eight (8) units; 2) Accessory buildings measured at ground floor that in total exceed 10% of lot area; and 3) An individual accessory building that exceeds 800 square feet at ground level.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. As previously stated, the Planning Division believes that this proposal generally conforms to the adopted plan recommendations for the subject site. Staff believes that the Conditional Use Approval Standards can be found met, with the recommended conditions of approval, and provides further discussion on Standards #3, #4, and #5.

Conditional Use Standard #3 states, "The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." Further, Conditional Use Standard #4 states, "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district." The Planning Division believes that both of these standards can be found met. Staff notes that there is a commercial pattern of development directly east of the subject site and a residential pattern of development directly to the west. The Planning Division does not believe that converting a commercial building to a residential building will diminish the uses, values, and enjoyment of property in the neighborhood, nor will it impede the normal and orderly development of surrounding properties. Staff also believes that the location and orientation of the proposed garages is in keeping with the Approval Standards. While they are larger accessory buildings, the request meets all the Zoning requirements in terms of lot coverage and usable open space. Staff also notes that underground parking is not feasible in this location because this is an adaptive reuse of an existing structure.

Conditional Use Standard #5 states, "Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided." According to Metro Transit, the nearest bus stop is just under 0.25 miles, with all-day service on Greenway Cross east of Coho Street. Under normal conditions, there are four trips per hour during peak periods on weekdays, with hourly service midday, evenings, and weekends. Staff believes that this amount of transit service is adequate to serve the additional residents in the neighborhood. Furthermore, in regards to drainage, City Engineering will require the applicant to provide a drainage plan to address the fact that the proposed garages will interfere with the current drainage patterns. The Planning Division recommends a condition of approval, requiring that the applicant work with Planning, Zoning, and Engineering staff to ensure that the new layout of the garages is in keeping with the intent of the proposal and conforms to all Zoning requirements. The Planning Division believes that this standard can be found met.

## Public Input

At the time of report writing staff did not receive any public comments on this proposal. The District Alder hosted an online neighborhood meeting with the applicant and City staff on April 16, 2020. The neighbors did not provide a formal recommendation at that meeting.

## Conclusion

Staff believes that this proposal can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies. The Planning Division is supportive of adaptive reuse of an existing structure to provide more housing within the city. Staff believes that this proposal is in keeping with the surrounding pattern of development and will be a positive addition to the neighborhood.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the requests to convert an office building into a 17-unit apartment building with accessory buildings exceeding 800 square-feet in area and 10% of lot area on a property zoned Commercial Center (CC) District at 2122 Luann Lane. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

#### Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The applicant shall work with Planning, Zoning, and Engineering staff to determine the exact placement of the garages if changes are required as a result of City Engineering's conditions of approval.

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

2. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development show the connection of the private internal drainage system to the public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b)). Currently the site drains overland flow to the NW corner of the lot. The proposed plan will cut off that drainage with garages. Please revise to show how this will be addressed.

3. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
5. A Storm Water Management Report and Storm Water Management Permit is required for this project.

See Storm comments for report and permit specific details and requirements.

6. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
7. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity. (POLICY)
8. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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

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

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

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

the State of Wisconsin.

**Electronic Data Files:** Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

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

**Oil/Grease Control:** Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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

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

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

12. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
13. 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.
14. 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.
15. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
16. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.

17. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
18. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
19. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

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

20. Provide a dwelling unit summary on the site plan page including the number and type of dwelling unit per floor.
21. Provide calculations for the amount of useable open space that will be provided and identify each qualifying at-grade usable open space area on the final plans. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
22. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls including van accessible stalls. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
23. Screening is required adjacent the Zoning district boundary along the west property line. Screening shall be provided along side and rear property boundaries between commercial/ 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. Submit a detail of the screening fence with the final plans.
24. Show the trash enclosure area on the site plan. 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. Submit a detail of the trash enclosure.
25. On the building elevations for the converted apartment building, identify the building materials and colors. Call out any maintenance, repairs, or alterations required for the building exterior. On the garage elevations, identify the building materials and colors.
26. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
27. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances 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.



**Please contact Bill Sullivan of the Fire Department at (608) 261-9658 if you have any questions regarding the following item:**

28. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. The proposal is considered a change of use; therefore, the building must be brought into compliance with the 2015 edition of the International Building Code.

**Please contact Sarah Lerner of the Parks Division at (608) 261-4281 if you have any questions regarding the following item:**

29. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 20005 when contacting Parks about this project.

**Please contact Jeff Quamme of City Engineering – Mapping Section at (608) 266-4097 if you have any questions regarding the following three (3) items:**

30. The proposed new building (garage) and existing building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit.

31. The address of the apartments will be 2128 Luann Ln. The 2122 Luann Ln address will be inactivated and the office building data will be transferred to historical. 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.

32. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) for redevelopment of a complete interior addressing plan. Label existing tenants and their suite addresses. This project combines several existing suites. We need to determine the correct restaurant suite number and inactivate/retire the absorbed suite numbers. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

**Please contact Jeff Belshaw of the Water Utility at (608) 261-9835 if you have any questions regarding the following item:**

33. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.