

# PLANNING DIVISION STAFF REPORT

August 28, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4757 Hayes Road (District 17, Alder Madison)  
**Legistar File ID #:** [79015](#)  
**Prepared By:** Lisa McNabola, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Josh Wilcox; Gary Brink & Associates, Inc.; 2248 Deming Way, Suite 120, Middleton, WI 53562

**Contact:** Cody Wiseman; Wiseman Capital Group; Madison, WI

**Property Owner:** RNA Developers, LLC; 4765 Hayes Road, Madison, WI 53704

**Requested Action:** Consideration of a conditional use for a multi-family building with more than 36 units in the Commercial Corridor-Transitional District at 4757 Hayes Road.

**Proposal Summary:** The applicant proposes to convert a 135-room motel into a multifamily building with 131 units.

**Applicable Regulations & Standards:** Standards for conditional uses are found in MGO §28.183(6).

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and approve the request to allow a multi-family building with more than 36 units at 4757 Hayes Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 117,297 square-foot (2.69-acre) parcel is located along Hayes Road between Forest Run Road and Morningside Road. The site is adjacent to I-39. It is located within District 17 (Alder Madison) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel is occupied by a three-story, 44,706 square-foot motel. It is zoned Commercial Corridor – Transitional (CC-T) District.

### Surrounding Land Use and Zoning:

**North:** Multifamily residential buildings, zoned Planned Development (PD) District and Suburban Residential – Varied 2 (SR-V2) District;

**East:** I-39;

**South:** Commercial buildings, two hotels, and two motels, zoned Commercial Corridor – Transitional (CC-T) District; and

**West:** Office building, zoned CC-T District; multifamily residential, zoned PD District; Sandburg Woods Park.

**Adopted Land Use Plan:** The [2018 Comprehensive Plan](#) recommends General Commercial (GC) development for the subject property and properties to the south, and recommends Medium Residential (MR) development for properties to the north. This site is also within the Northeast Area Plan planning area. Planning efforts are underway and the Plan is expected to be adopted in 2024. That planning effort is currently underway and staff advises that only plans adopted at the time of application should be considered when considering land use applications.

**Zoning Summary:** The property is zoned Commercial Corridor – Transitional (CC-T) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	500 sq ft/d.u. = 65,500 sq ft	117,297
Front Yard Setback	5 ft	98 ft
Max. Front Yard Setback	N/A (Existing)	98 ft
Side Yard Setback	None	70 ft
Rear Yard Setback	20 ft	93 ft
Usable Open Space	40 sq ft/d.u. = 5,240 sq ft	7,600 sq ft
Maximum Lot Coverage	85%	60%
Maximum Building Height	5 stories/78 ft	3 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 328 maximum	105
Electric Vehicle Stalls	None (Existing)	None
Accessible Stalls	5	5
Loading	No	No
Number Bike Parking Stalls	1/d.u. + 1/10 d.u. = 144	85 (2)
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Form and Design	No	N/A

*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not within 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 proposes to convert a three-story, 135-room motel into a multifamily building with 131 units. All of the units would be studio apartments and range from 232 sq. ft. to 288 sq. ft. Each unit will have a bathroom, kitchen and living area with a bed. The units on the first and second floor have exterior entries and the third floor is enclosed with entries off of an interior hallway. The main entrance is centered in the building and provides access to the communal areas, which include a lounge area, fitness room, meeting room, bike storage room, and laundry room. Exterior stairways are located on the northern and southern ends of the building. An outdoor pool is located at the rear of the building. The dog run is located in the southeast corner and is adjacent to existing commercial uses. There are 102 vehicle stalls, 26 short term bicycle stalls, and 118 long term bicycle stalls.

Parking spaces adjacent to the building would be removed and replaced with landscaping. The drop-off area would also be replaced with landscaping and a walkway. New landscaping would be installed adjacent to the building and in the parking islands. Deciduous trees would be planted along I-39 where there is a gap in the already established landscaping there.

The applicant proposes to replace the existing beige and grey vinyl siding with dark gray lap siding on the first two floors and dark grey vertical board and batten siding on the third floor. There are two vertical elements with green gable roofs on both the east and west façades. The roofs would be removed and the existing white vinyl would be replaced with a dark bronze vertical corrugated metal. The three other vertical elements with white vinyl siding and green standing seam metal roofs would remain. New dark brown doors would be installed at each exterior unit, and all windows would be replaced.

### **Conformance with Adopted Plans**

The [2018 Comprehensive Plan](#) recommends General Commercial (GC) development for the subject property and properties to the south, and recommends Medium Residential (MR) development for properties immediately to the north. General Commercial areas provide the city's population with a wide range of retail goods and services, including certain business and professional offices. GC districts are not generally recommended for residential uses, though the plan notes that such uses may be considered as part of a conditional use under relevant zoning districts. Staff note that the property has mixed-use zoning (CC-T- Commercial Corridor – Transitional District) and a multi-family building with more than 36 units is a conditional use in this district. Further, as the subject property abuts areas planned for Medium Residential development, staff notes that the Generalized Future Land Use (GFLU) map is relatively broad and that the exact shape of many of the mapped land use categories are necessarily somewhat general.

Additionally, staff do not believe that this would impede commercial or residential redevelopment opportunities consistent with adopted plans.

### **Conditional Use Standards**

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, 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.

Per standard 1, "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare." Among the key considerations is the site's interstate proximity, though the site appears similar to residentially developed properties abutting the interstate to the north. Staff have previously encouraged the developer to consider noise mitigation strategies due to the proximity of the proposed development to I-39. Staff acknowledge that re-using an existing building may limit the ability to implement comprehensive noise mitigation strategies. New windows have been installed, which may limit the noise associated with I-39 to some extent. Staff also acknowledge that the applicant is proposing to add new vegetation along the interstate side, intended to fill in gaps within existing vegetation. Upon staff's review of the landscape plan, staff recommend the following condition of approval to increase the amount of plantings that can provide additional year-round screening, "Prior to final sign-off and issuance of permits, the applicant shall revise the landscape plan to increase the screening between interstate and site which should incorporate additional evergreen plantings and/or other strategies that will provide enhanced screening. Such details shall be approved by staff."

As it relates to the general welfare of future residents, staff note that the following amenities would be available: on-site amenities to include a lounge area, fitness room, meeting room, dog run and outdoor pool, Sandburg Woods park less than one mile to the west, standard bus service at the intersection of Hayes Road

and Forest Run Road, and access to retail and service businesses located along Hayes Road and the East Washington Avenue corridor.

Per standard five, "Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided." Per the site plan there is no walkway from the public sidewalk to the main entrance. To enhance pedestrian safety Traffic Engineering has recommended the following condition, "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."

Per standard seven, "The conditional use conforms to all applicable regulations of the district in which it is located." Per the zoning code the applicant is required to provide 144 bicycle parking stalls, and 90% are required to be long term stalls. The applicant is proposing 118 long term stalls and 26 short term stalls. The applicant will need to obtain a bicycle parking reduction from the Zoning Administrator or provide additional long term stalls, as noted in the recommended conditions of approval from zoning. If a parking reduction is not obtained then the floor plan or site plan may need to be modified, as such staff recommend the following condition, "The Director of the Department of Planning and Community and Economic Development may consider a minor alteration to the conditional use in the future for modifications to allow for compliance with the bicycle parking requirements in the zoning code."

### Conclusion

The applicant proposes to convert a 135-room motel into a multifamily building with 131 units. Staff note that the proposed site improvements and access to amenities may make this site more suitable for residential development, compared to its existing condition. On balance, staff believes that conditional use standards can be found met, subject to the recommended conditions of approval.

## Recommendation

### Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and approve the request to allow a multi-family building with more than 36 units at 4757 Hayes Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

### Planning (Contact Lisa McNabola, 243-0554)

1. The Director of the Department of Planning and Community and Economic Development may consider a minor alteration to the conditional use in the future for modifications to allow for compliance with the bicycle parking requirements in the zoning code.

2. Prior to final sign-off and issuance of permits, the applicant shall revise the landscape plan to increase the screening between interstate and site which should incorporate additional evergreen plantings and/or other strategies that will provide enhanced screening. Such details shall be approved by staff.

**Zoning** (Contact Jacob Moskowitz, 266-4560)

3. A bicycle parking reduction will be required per Section 28.141(5). Submit a request for a bicycle parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
4. 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.
5. Provide elevations with glass detail consistent with Sec. 28.129 Bird-Safe Glass Requirements. Sec. 28.129 applies only to the added windows.

**Engineering Division** (Contact Tim Troester, 267-1995)

6. 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))
7. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

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

8. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
9. 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.
10. 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.

11. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
12. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
13. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
14. 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.
15. 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.
16. "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.

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

17. Due to the proposed change of use, the FDC shall be relocated to the Hayes Street side of the building.

**Parks Division** (Kathleen Kane, 261-9671)

18. 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 North Park-Infrastructure Impact Fee district. Please reference ID# 23028 when contacting Parks about this project.

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

19. Metro Transit operates daily all-day transit service along Hayes Road at the Forest Run Road intersection near this property - with trips at least every 30 minutes.
20. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 37 Weekday & 36 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

**Parking** (Contact Trent Schultz, 246-5806)

21. The applicant shall submit a Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto:tdm@cityofmadison.com). The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

**City Engineering Division – Mapping Section** (Contact Jeffrey Quamme, 266-4097)

22. Upon approval of the proposed parking lot paving and dog exercise area with fencing lying within the City of Madison Easement for sanitary sewer per Doc No. 1581940, a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate

23. Identify the all of the existing easements on the Site Plan including the amended 10' landscape buffer along the Highway Corridor per document no. 1605823
24. There are underlying Public Utility easements platted within the limits of the existing structure. Consider releasing the existing easements.
25. Current guidance by the WisDOT is that platted No Building Setback is interpreted and being enforced by the department as a no improvement setback. The city does not police this setback. Development team is advised to contact WisDOT about proposed improvements within setback area.
26. The address of the hotel shall be retired and archived. The address of the apartments is 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.
27. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development and approval of the apartment numbering addressing plan. 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 verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering.

Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction or remodeling until final inspection by the Madison Fire Department.

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.

**Forestry Section** (Contact Jeff Heinecke, 266-4890)

28. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

The following agencies reviewed the request and recommended no conditions of approval: Water Utility.