

PLANNING DIVISION STAFF REPORT

October 3, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 4142 Monona Drive (15th Alder District, Ald. Foster)
Application Type: Conditional Use
Legistar File ID #: [73353](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Amy Mondloch; Solace Friends, Inc.; P.O. Box 5587, Madison, WI 53705

Contact: Kathy Kamp; Solace Friends, Inc. Board Member; 4006 Cherokee Drive, Madison, WI 53711

Requested Action: Consideration of a conditional use in the Neighborhood Mixed-Use (NMU) District to allow an adult family home at 4142 Monona Drive within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement.

Proposal Summary: The applicant proposes to establish an adult family home.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists an *adult family home* as a permitted/conditional use in the Neighborhood Mixed-Use (NMU) District. Per the Supplemental Regulations [MGO §28.151], no new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement unless approved as a conditional use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request to allow an adult family home at 4142 Monona Drive within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 32,343 square-foot (.74-acre) parcel is located on the east side of Monona Drive between Buckeye Road and East Winnequah Road. It is also located within Alder District 15 (Ald. Foster) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a 3,225 square-foot single family building built in 1956. The building was most recently used as an office building. It is zoned Neighborhood Mixed-Use (NMU) District.

Surrounding Land Use and Zoning:

North: Lake Edge Shopping Center, zoned Neighborhood Mixed-Use (NMU) District;

East: Single family residences, zoned Suburban Residential-Consistent 1 (SR-C1) District.;

South: Single family residences, zoned SR-C1 District; and

West: Across Monona Drive, San Damiano Park, City of Monona.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Low-Medium Residential (LMR) development for the subject property. The Plan recommends a mix of LMR, Low Residential, and Neighborhood Mixed-Use development for surrounding properties.

Zoning Summary: The property is zoned Neighborhood Mixed-Use (NMU) District.

Requirements	Required	Proposed
Lot Area: For exclusive residential use	500 sq. ft./d.u.	32,343.40 sq. ft.
Front Yard Setback	0' or 5'	97'10"
Max. Front Yard Setback	25'	97'10" existing front yard
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (SR-C1): 6'	10'1" south side yard
Side Yard Setback: For exclusive residential use	One-story: 5'	13'4" north side yard
Rear Yard Setback	20'	Adequate
Usable Open Space	40 sq. ft./d.u.	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	3 stories/ 40'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	6
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Adult family home: 1 per dwelling	2
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building (2)

Table Prepared by Kenny Kirchgatter, 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

The applicant proposes to establish an adult family home at 4142 Monona Drive. Conditional use approval is required because there is an existing adult family home located within two thousand five hundred (2,500) feet. Per the applicant, they will provide care for terminally-ill people who are housing insecure. Solace Friends, Inc. staff and volunteers provide in-home care, such as cleaning and laundry, meal preparation, etc. Licensed hospice agencies may provide medical care as needed. The applicant expects to serve 20 to 25 people annually.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists an *adult family home* as a permitted/conditional use in the Neighborhood Mixed-Use (NMU) District. Per the Supplemental Regulations [MGO §28.151], no new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement unless approved as a conditional use.

Conformance with Adopted Plans

The 2018 Comprehensive Plan recommends Low-Medium Residential (LMR) development for the subject property. LMR areas are made up of any or all of the following types of housing: small-lot single-family development, two-unit buildings, three-unit buildings, rowhouses, and small multifamily buildings.

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.

Given due consideration, the Planning Division anticipates that the establishment of an adult family home within two thousand five hundred (2,500) feet of an existing adult family home should not result in significant negative impacts to the surrounding properties. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Staff believes that the Conditional Use Standards can be found met.

Supplemental Regulations

According to Table 28D-2 [MGO §28.061], an *adult family home* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.
- b) The applicant must disclose in writing the capacity of the adult family home.
- c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability or handicap, or unless approved as a conditional use.
- d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- e) No conditional use approved under this section shall be transferable to another location or permit-holder.

Staff believes that all of the Supplemental Regulations can be met.

Conclusion

Staff believe that the proposed adult family home 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.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to allow an adult family home at 4142 Monona Drive within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Fire Department (Contact William Sullivan, 261-9658)

1. Fire sprinkler protection will be required if the number of residents exceeds (5). Provide the number of clients staying at one time.

City Engineering Division – Mapping Section (Contact Julius Smith, 264-9276)

2. A Public Storm Sewer Easement Granted to the City is required at the Northwest corner of the Parcel over existing City Storm Sewer facilities.

Coordinate with Julius Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) for further information.

3. Note: There is fencing shown along the shared drive, however both parcels using the shared drive area appear to have their own access to Monona Drive. The owner/developer are responsible for any agreements, permissions or releases that may or may not be necessary for the termination of the unknown private connection that exists.
4. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
5. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

There appears to be a business sign in the front of the site, along with a new shed (the old sheds removed) in the back, sidewalk to the Lake Edge Shopping Center, with a ramp connection and recent Tree removals not shown on the site plan provided.

6. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.
7. Label all rooms with the proper use of room.

Planning Division (Contact Lisa McNabola, 243-0554)

8. The property at 4142 Monona Drive is located within the boundary of the Monona Drive burial site (DA-0561, BDA-0298). As such, any ground-disturbing work will need to secure a Request to Disturb permit from the Wisconsin Historical Society. <https://www.wisconsinhistory.org/Records/Article/CS15239>

Contact Kim Cook at the Wisconsin Historical Society to secure the Request to Disturb permit. 608-264-6493 \ kimberly.cook@wisconsinhistory.org

9. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be very close to those associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

10. As part of securing the required Request to Disturb from the Wisconsin Historical Society, also copy the submittal to the Ho-Chunk National Tribal Historic Preservation Office. Contact at The Ho-Chunk Nation's National Tribal Historic Preservation Office: William Quackenbush. P. O. Box 667, Black River Falls, WI 54615. Phone: 715-284-7181 ext. 1121. Email: bill.quackenbush@ho-chunk.com

Zoning (Contact Jenny Kirchgatter, 266-4429)

11. The adult family home shall comply with supplemental regulations MGO Section 28.151 for an Adult Family Home.
12. On the floor plans, label the proposed rooms on the main level and the rooms located in the lower level. If interior floor plan changes or exterior building changes are proposed, provide updated floor plans and elevations.
13. 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.

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

14. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Parks Division (Contact Kathleen Kane, 261-9761)

15. 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 East Park-Infrastructure Impact Fee district. Please reference ID# 22033 when contacting Parks about this project.
16. Pursuant to MGO 20.08 (2)(c)2.d. the park impact fee may be reduced for multi-family dwelling units that are limited to occupancy by persons fifty-five (55) years of age or older by appropriated recorded restriction for a period of not less than thirty (30) years.

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