PLANNING DIVISION STAFF REPORT

October 7, 2024

PREPARED FOR THE PLAN COMMISSION

Project Address: **1902 S Stoughton Road**

Application Type: Conditional Use

Legistar File ID # 84996

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jeff Stowe; Thrive Architects, LLC; 7818 Big Sky Drive, Suite 209; Madison, WI 53719

Property Owner: Carrie'le Bird; 1902 S Stoughton Road; Madison, WI 53716

Requested Actions: Consideration of a conditional use in the Commercial Corridor-Transitional (CC-T) District for a single-family residence to allow a commercial building to be converted into a single-family residence at 1902 S Stoughton Road.

Proposal Summary: The applicant proposes to convert a one-story, former commercial building into an eight-bedroom, single-family residence.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28D-2 in MGO Section 28.061(1) and the Supplemental Regulations [MGO §28.151] notes that *Single-family detached dwellings* are conditional uses in the Commercial Corridor – Transitional (CC-T) District.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Commercial Corridor-Transitional (CC-T) District for a single-family residence to allow a commercial building to be converted into a single-family residence at 1902 S Stoughton Road, subject to the input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The 13,559-square-foot (roughly 0.31-acre) parcel is located to the southwest of the intersection of S Stoughton Road and Allis Avenue. It is also located on Alder District 15 (Martinez-Rutherford) and the Madison Metropolitan School District.

Existing Conditions and Zoning: The subject site is developed with a roughly 5,800-square-foot commercial building – formerly the home of Great American Chimney & Masonry. The site is zoned Commercial Corridor-Transitional (CC-T) District.

Surrounding Land Uses and Zoning:

North: Across Allis Avenue is the Town of Blooming Grove Town Hall, located in the Town of Blooming Grove;

South: Multi-tenant strip retail, zoned CC-T (Commercial Corridor-Transitional District);

West: A one-story commercial building, zoned CC-T, beyond which is a single-family residence in the SR-V1 (Suburban Residential – Varied 1 District); and

East: South Stoughton Road (Service Road) and US Highway 51.

Adopted Land Use Plans: Both the 2023 Comprehensive Plan and 2008 Stoughton Road Revitalization Project Plan recommend General Commercial (GC) uses for the subject parcel.

Zoning Summary: The project is zoned CC-T (Commercial Corridor-Transitional District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	500 sq. ft./d.u. (500 sq. ft.)	13,559.30 sq. ft.
Front Yard Setback	0' or 5'	Adequate
Max. Front Yard Setback	25'	Existing building setback
Side Yard Setback: For exclusive residential use	10'	Existing side yard
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	Adequate
Usable Open Space	40 sq. ft./d.u. (40 sq. ft.)	Adequate
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/78'	Existing 1-story building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	Existing off-street parking area
Number Bike Parking Stalls	Single-family detached dwelling: none	None
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	None
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	
Yes:	Utility Easements; Wellhead Protection (WP-09)
No:	Urban Design; Historic District; Floodplain; Wetlands; Adjacent to Park, TOD Overlay; Barrier Free (ILHR 69)

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which operates daily all-day transit service along Turner Avenue near this property - with trips at least every 30 minutes. Metro transit operates additional daily all-day transit service along Buckeye Road near this property - with trips at least every 60 minutes.

Project Description

The applicant is requesting approval of a conditional use in the Commercial Corridor-Transitional (CC-T) District for a single-family residence to allow a commercial building – formerly the home of Great American Chimney & Masonry – to be converted into a single-family residence at 1902 S Stoughton Road. While the submitted materials mention that this will be run as a 'group home for children', in discussion with Zoning Staff, it was determined that the proposed use does not fall under a 'Community Living Arrangement' (CLA), which is licensed by the State of Wisconsin. Instead, since foster children are included in the family definition in the Zoning Code (MGO Section 28.211), it is considered a single-family residence and would function the same as any other residence in Madison that happened to have eight children.

As for changes to the structure, on the exterior, several new windows which will be installed, and the main commercial storefront on the north side of the building will be removed and replaced with an exterior wall with a few windows. On the interior, the space will be further subdivided to create the eight new bedrooms. There will be two entrances to the residence – one near the northwest corner which enters into the recreation room, and the other near the east end, which enters into the kitchen.

Analysis & Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28D-2 in MGO Section 28.061(1) and the Supplemental Regulations [MGO §28.151] notes that *Single-family detached dwellings* are conditional uses in the Commercial Corridor – Transitional (CC-T) District.

Conformance with Adopted Plans

The subject parcel and other nearby commercial properties are recommended for General Commercial (GC) uses by the 2023 Comprehensive Plan and 2008 Stoughton Road Revitalization Project Plan. Importantly, on Page 24, the Comprehensive Plan provides the following note regarding residential uses in GC area (emphasis added):

> *"General Commercial (GC) 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, especially those that are adjacent to highways due to noise impacts, though such uses may be considered as part of a conditional use under relevant zoning districts when there is adequate access to parks, transit, and a walkable street network. GC includes automobile-oriented uses and "heavy" commercial uses with the appearance or operational characteristics not generally compatible with residential or small-scale commercial activities."*

In response, regarding access to transit, the applicant notes that the subject property *"is within walking distance of 2 public transit routes. The closest is at the intersection of Allis and Turner Avenue (3 blocks to the west). The other public transit route is at the intersection of Buckeye & Camden Roads, less than a 0.25-mile walk."* Staff note that indeed, Metro operates daily all-day transit service along Turner Avenue near this property - with trips at least every 30 minutes. Metro transit also operates additional daily all-day transit service along Buckeye Road near this property - with trips at least every 60 minutes. While there are sidewalks which provide access to the service along Turner Avenue (the nearest stops are located at the intersection with Allis Avenue), to access the bus service along Buckeye Road (the nearest stops are located at the intersection with Camden Road), Staff note that are no sidewalks along either the S Stoughton Road frontage road or along the block of Camden Road needed to most directly access it.

Regarding a walkable street network, the applicant notes that "*There is a sidewalk on the north side of the property (along Allis Avenue) that provides a direct connection with a walkable route to the residential neighborhood less than 200' to the west."* While the sidewalk network is rather intermittent in the neighborhood west of the subject site, there are indeed sidewalks along both sides of Allis Avenue for six blocks heading west from the subject site, before continuing onto E Dean Avenue where they extend all the way out to Monona Drive. However, there are no sidewalks along the S Stoughton Road frontage road, heading north and south from the subject site.

Finally, regarding the access to parks, the applicant notes that the distance to the nearest park (Monona Park) is less than 0.5-mile walk to the west. Staff note that there are sidewalks along all but a block and a half of the walk to Monona Park.

Despite the rather isolated proposed location for a single-family residence, surrounded by commercial uses and just over 100 feet from a busy state highway, given the access to parks, transit and walkable street network described above, Staff believe it possible to find that the location provides adequate enough access to these elements. Therefore, in giving 'due consideration' of the plan recommendation, Staff believe that on balance the Plan Commission can find the proposal compatible with the Plan's recommendation of General Commercial.

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.

On balance, staff believes the Plan Commission can find the conditional use standards of approval are met. While the use sits along the Stoughton Road frontage road, it also abuts Allis Avenue at a gateway into a larger residential neighborhood. In order to help make the setting more comfortable and hospitable for its users given the proximity to the busy state highway nearby, staff are recommending a condition requiring the applicant to work with staff to add additional vegetative screening along the S Stoughton Road sidewalk.

Staff does not believe that conversion of this building into a residential use would impede the normal and orderly development of the surrounding properties. At the time of report writing, staff is also not aware of any evidence that the use will be detrimental to or endanger the public health, safety, or general welfare or would impair or diminish the uses, values and enjoyment of the surrounding properties.

Staff is not aware of public comments for or against the request as of the writing of this report.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Commercial Corridor-Transitional (CC-T) District for a single-family residence to allow a commercial building to be converted into a single-family residence at 1902 S Stoughton Road, subject to the input at the public hearing and the following conditions from reviewing agencies:

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

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The applicant shall work with staff to amend the landscaping plan to add additional vegetative screening along the S Stoughton Road yard.

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

The agency reviewed this request and has recommended no conditions of approval.

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

2. The building being updated lies within a Public Utility Easement containing a 30" diameter public storm sewer per Doc No. 947369 A Consent to Occupy Easement Agreement shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities and requirements in conjunction with the existing building and site improvements. Coordinate with Jeff Quamme at jrquamme@cityofmadison.com

3. Show and dimension the 20' Wide Public Utility Easement and the 30" existing storm sewer pipe within the easement accurately on the site plan.

4. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.

5. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

6. The address of the group home is 5017 Allis Ave. The 1902 S Stoughton Rd address will be retired and archived with the remodel and change of use. 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.

Traffic Engineering Review (Contact Luke Peters, (608) 266-6543)

The agency reviewed this request and has recommended no conditions of approval.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

7. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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

8. Remove the existing abandoned commercial signs including the wall signs and ground sign.

9. Remove one of the existing driveways/curb cuts. A single-family residence may have two driveways provided both driveways meet at a point outside the required front or street side yard setbacks and both driveways lead to the same garage or to the same paved or graveled parking area.

10. 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.

Fire Review (Contact Matt Hamilton, (608) 266-4457)

11. Home to be limited to a maximum of 8 individuals and not be licensed by DHS as a CBRF to relieve the requirement for a sprinkler system. MFD continues to strongly encourage the installation of fire sprinkler systems in single family homes.

Parks Review (Contact Kathleen Kane, 608-261-9671)

12. 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# 24050 when contacting Parks about this project.

Forestry Review (Contact Jeffrey Heinecke, (608) 266-4890)

13. 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.

Water Utility Review (Contact Jeff Belshaw, (608) 261-9835)

The agency reviewed this request and has recommended no conditions of approval.

Metro Review (Contact Timothy Sobota, (608) 261-4289)

14. Metro Transit operates daily all-day transit service along Turner Avenue near this property - with trips at least every 30 minutes. Metro transit operates additional daily all-day transit service along Buckeye Road near this property - with trips at least every 60 minutes.

15. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 56 Weekday & 52 Weekend. Please contact Metro Transit if additional analysis would be of interest.