



## Report to the Plan Commission

April 22, 2013

**Legistar I.D. #29432**  
**120-142 W. Johnson Street &**  
**129-139 W. Gorham Street**  
**Certified Survey Map Referral**

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

**Requested Action:** Consideration of a two-lot Certified Survey Map (CSM) of the property owned by St. Raphael's Congregation located at 120-142 W. Johnson Street and 129-139 W. Gorham Street.

### **Applicable Regulations & Standards:**

Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions. Section 16.23(3)(a)4 requires that the Plan Commission consider the recommendations of the Landmarks Commission under Section 33.19(5)(i)1 for any land divisions and subdivision plats of landmark sites and properties in historic districts regarding lot sizes.

Section 33.19(5)(i)1 allows the Landmarks Commission to review proposed land divisions and subdivision plats of landmark sites and properties in historic districts and make an advisory to the Plan Commission on whether the proposed lot sizes will negatively impact the historic character or significance of a landmark or landmark site and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the Historic District.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 120-142 W. Johnson Street and 129-139 W. Gorham Street, 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:** St. Raphael's Congregation; 404 E. Main Street; Madison; Msgr. Kevin Holmes, representative.

**Surveyor:** Chris Adams, Williamson Surveying & Associates, LLC; 104A W. Main Street; Waunakee.

**Proposal:** The applicant and property owner proposes to subdivide the Holy Redeemer campus into 2 lots. The applicant wishes to record the Certified Survey Map as soon as all regulatory approvals have been granted.

**Review Schedule:** The State's subdivision statute, WS 236, requires that action be taken on a Certified Survey Map within 90 days of submittal unless a written extension is granted by the applicant. If no action is taken within 90 days and no extension granted, the CSM is deemed approved. The proposed CSM application was submitted to the City on February 28, 2013. Therefore, the 90-day review period for this CSM will end circa May 28, 2013.

**Existing Conditions:** The site of the proposed land division is developed with Holy Redeemer Church 128 W. Johnson Street, the former church school located at 142 W. Johnson Street, a rectory at 120 W. Johnson Street, and a church residence addressed 129 W. Gorham Street. The area west of the residence at 129 W. Gorham Street and between the church and school buildings is a surface parking lot that serves the 1.41-acre overall parcel, which is zoned DC (Downtown Core District) and is located approximately 150 feet northeast of the intersections of W. Gorham and W. Johnson streets and N.

Henry Street. The subject site is located in Aldermanic District 4 (Verveer); Mansion Hill Historic District; Madison Metropolitan School District.

**Surrounding Land Use and Zoning:**

North: Multi-family residences and a rooming house, zoned DR-1 (Downtown Residential 1 District) and DR-2 (Downtown Residential 2 District);

South: Properties across from the church site are primarily developed with various commercial buildings fronting State Street, including the rear of the Orpheum Theater, all zoned DC (Downtown Core District);

West: Multi-tenant commercial buildings on N. Henry Street, (Plaza Tavern, etc.), zoned UMX (Urban Mixed-Use District) and DC;

East: Single-family and multi-family residences, zoned DR-1 along W. Gorham Street and DR-2 along W. Johnson Street.

**Adopted Land Use Plans:** The Comprehensive Plan includes the entire Holy Redeemer Church property in the Mansion Hill Residential Sub-District, which allows multi-unit high-density residential uses with densities generally of up to 60 units per acre in buildings at least two-stories tall, with the maximum heights to be established by underlying zoning. Properties immediately to the west of the site are included in the State Street Mixed-Use Sub-District, which encourages mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the first floor and residential uses on upper floors.

The Downtown Plan includes the Holy Redeemer property in the State Street Neighborhood/ District, with a predominant downtown mixed-use generalized future land use. Properties to the north and east of the subject site are located in the Mansion Hill Neighborhood/ District and are recommended for a predominant residential generalized future land use. The maximum recommended building height for the subject site and properties to the north and east in the Downtown Plan is 5 stories.

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

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** Existing DC (Downtown Core District).

Bulk Requirements	Required	Proposed
Lot Area	No minimum	---
Lot width	N/A	---
Usable open space	N/A	---
Minimum front yard	0'	7.7' to 18.6' for existing bldgs.
Maximum front yard	N/A	See above
Side yards	First two stories of all bldgs.: 0'	See cond. 5 on page 4
Rear yard	0'	Adequate for existing house
Minimum building height	2 stories	Existing buildings
Maximum building height	5 stories	Existing buildings
Building Coverage	N/A	---

*Prepared by: Pat Anderson, Asst. Zoning Administrator and Tim Parks, Planning Division*

## **Project Review**

---

St. Raphael's Congregation is requesting approval of a two-lot Certified Survey Map to subdivide the approximately 1.4-acre Holy Redeemer Church property, which includes the church sanctuary at 128 W. Johnson Street, a two-story rectory at 120 W. Johnson Street, a four-story former church school at 142 W. Johnson Street, a two-story residence located at 129 W. Gorham Street and a surface parking lot accessed from W. Gorham Street. Holy Redeemer Church was designated a City landmark in 1983, while Holy Redeemer school was constructed in 1892 and designated as a City landmark in 1999. The entire property is also located in the Mansion Hill Historic District.

Lot 1 of the proposed CSM will be a 1.13-acre parcel containing the church sanctuary, rectory and W. Gorham Street residence. Lot 2 is proposed as an approximately 83-foot wide and 146.5-foot deep parcel that will contain the school building. The school building will be setback approximately 14 feet on the east and 30 feet on the north from the proposed lot lines dividing the property. The land division will create a planned multi-use site as defined in the Zoning Code, as the proposed lots will share the existing access and parking serving the property, including the approximately 30 stalls located between the sanctuary and school buildings and the school and W. Gorham Street.

The applicant and property owner are separately pursuing approvals to convert the former school on proposed Lot 2 in multi-family residences, and received approval from the Landmarks Commission on March 11, 2013 of a Certificate of Appropriateness to restore the exterior of the school and construct an addition at the rear of the building to facilitate the potential residential conversion. Multi-family dwellings are a permitted use in the DC-Downtown Core zoning district, and there are no prescribed lot area or usable open space requirements for residential uses in the DC district. At this time, approval of the potential renovation and addition of the school into apartments will not require approval by the Urban Design Commission or Plan Commission. The DC district allows minor exterior changes or new buildings and additions less than 20,000 square feet to be approved by the Director of the Department of Planning and Community and Economic Development if he/ she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines. Information on the potential conversion of the school into apartments can be found on the City's Legislative Information Center as [File ID 29258](#).

## **Analysis & Conclusion**

---

The Planning Division believes that the proposed land division of the subject property can meet the standards for approval for Certified Survey Maps in the Subdivision Regulations. In reviewing a Certified Survey Map, Section 16.23 (5)(g)3 of the Subdivision Regulations stipulate that:

“The map shall be reviewed by the Department of Planning and Community and Economic Development, and other City agencies as determined by the Director of Planning and Community and Economic Development for comment concerning matters within their jurisdiction, for conformity with the provisions of the ordinances and for the possible effect of the proposed division on any plans as set forth in the master plan, the official map or neighborhood unit development studies.”

Staff is unaware of any requirements in the Zoning Code or recommendations in the [Comprehensive Plan](#) or [Downtown Plan](#) that would suggest that the proposed land division should not be approved. In addition, the City's preservation planner and the Landmarks Commission expressed no concerns with

the proposed subdivision of the landmark property during their review of the renovation and addition plans for Holy Redeemer School on March 11, 2013 (see attached reports).

Planning staff is aware of concerns that have been expressed by some in the community about the proposed conversion of the former school into apartments. However, staff does not believe that the potential reuse of one of the buildings on the property being subdivided should influence the Plan Commission's review of the proposed CSM. The primary focus of the Plan Commission whenever it reviews a plat or CSM should be to ensure that the size, shape and orientation of proposed lots is appropriate for the location of the subdivision and for the type of development and use contemplated, and to ensure that the proposed subdivision can implement adopted City plans. The Subdivision Regulations further recommend that the lots be designed to provide an "aesthetically pleasing building site and a proper architectural setting for the buildings contemplated." In the case of this land division, the proposed lots are largely already developed with a variety of buildings, and staff believes that both lots can meet these general lot design criteria, including Lot 2, which staff feels has been designed to support the addition that may be constructed if Holy Redeemer School is converted to residential use as is currently being contemplated.

Further, while the property owner is splitting the existing parcel to facilitate the potential reuse of one of the buildings on the parcel, the reuse is not necessarily connected to the proposed land division. Hypothetically, the reuse of a portion of the property could proceed without the CSM, as such a project is a permitted use of the property. Conversely, the same CSM could be proposed to re-divide the property absent the potential reuse of the existing buildings.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

---

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

The Planning Division recommends that the Plan Commission find the standards for land divisions met with this request and **approve** a Certified Survey Map of property located at 120-142 W. Johnson Street and 129-139 W. Gorham Street subject to input at the public hearing, the following Planning Division condition(s), and the conditions from reviewing agencies below:

1. That the Certified Survey Map be revised prior to final signoff and recording as follows:
  - 1a.) show the boundaries of the existing parking lot on the site;
  - 1b.) provide setback dimensions from the school building on Lot 2 to the northerly and easterly proposed lot lines;
  - 1c.) revise how the retaining wall adjacent to the residence at 129 W. Gorham Street is depicted to prevent potential confusion; the wall and fence currently appears as a part proposed lot line.
2. The applicant shall receive approval of the reciprocal land use agreements, reciprocal access easements and shared parking agreements necessary to govern the planned multi-use site created by this CSM. The agreement(s) and easement(s) shall be recorded with the Dane County Register of Deeds following approval by the City Engineer, Traffic Engineer, and Director of the Department of Planning and Community and Economic Development prior to final approval of the CSM for recording.

The following conditions have been submitted by reviewing agencies:

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

3. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map.
  - a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
  - b.) All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6 feet in width measured from the property line to the interior of each lot except that the easements shall be 12 feet in width on the perimeter of the certified survey. For purposes of 2 or more lots combined for a single development site, or where 2 or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of 6 feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be 12 feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

Note: In the event of a City of Madison Plan Commission and/or Common Council approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

Information to Surveyor's: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/ areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

4. If the lots within this Certified Survey Map are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the Certified Survey Map and recorded at the Dane County Register of Deeds.
5. A minimum of 2 working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
6. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to City Engineering sign-off, unless otherwise

collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.

7. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
8. In accordance with Section s.236.34(1)(c), which says a CSM shall be prepared in accordance with s.236.20(2)(c)&(f), Wisconsin Statutes, the applicant shall show the type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements being conveyed by the CSM. Identify the owner and/or benefiting interest of all easements.

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

This agency did not submit comments for this request.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency submitted a response with no comments or conditions for this request.

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

9. A lot is being created by this CSM that may facilitate the adaptive reuse of the Holy Redeemer School as a multi-family residential development. The developer must select a method for payment of park fees before signoff of the CSM; the park fees will be collected at the time building permits are issued for a new residential use on these lots. This development is within the Tenney, Law, & James Madison park impact fee district (SI26). Please reference ID# 13121 when contacting Parks Division staff about this project.

Note: The park dedication requirement for a multi-family unit equals 700 square feet per dwelling unit. The fee in lieu of parkland dedication for multi-family units is \$1,708.00 per unit in 2013. The park development fee for a multi-family unit in 2013 is \$645.40 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments.

10. 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.

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

11. Lot division shall not create any building code violations to the existing buildings. Accommodations shall be made to ensure current fire access is not diminished or still meets current requirements.

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

12. Note: In accordance with MGO Section 13.21, all operating wells shall be identified and permitted by the Water Utility and all unused private wells shall be abandoned.

**Office of Real Estate Services** (Contact Jennifer Frese, 267-8719)

13. Prior to requesting final approval prior to recording, executed signature block certifications shall be included for all parties of interest, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The title of each certificate shall be consistent with the ownership interest reported in the most recent title report.

14. As of April 3, 2013, the 2012 real estate taxes are paid in full for the subject property and there are no special assessments reported.

15. Prior to final CSM sign-off, please verify with Janet Dailey at City Engineering (261-9688) or Sharon Pounders at the Water Utility (266-4641) that stormwater management fees are paid in full.

16. The following CSM revisions shall be made:

- a.) Include a note that states the lands within the CSM boundary are subject to a permit given to Wisconsin Telephone Company per the conveyances recorded as Document Nos. 466528 and 466529, if still applicable.
- b.) Update the label for the 10-foot electric easement to include the recorded document number.