



PREPARED FOR THE PLAN COMMISSION

Project Address: 1356 MacArthur Road (17th Aldermanic District, Alder Baldeh)
Application Type: Conditional Use Alteration
Legistar File ID #: [40396](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Property Owner: Steve Bohlman; CNEH Condos LLC; 1360 MacArthur Rd., Madison, WI 53714

Contact: Josh Wilcox; Gary Brink & Associates, Inc.; 7780 Elmwood Ave., Ste 204, Middleton, WI, 53562

Requested Action: Approval of an alteration to an approved conditional use to allow for an installed fence which is inconsistent with approvals to remain on the site.

Proposal Summary: The applicant proposes to maintain a solid wood fence on the site, rather than to comply with Zoning orders to replace it with a “transparent” metal fence as was approved for the site. Recent revisions to the proposal include a commitment to relocate the fence three feet southward off of the property line along MacArthur Road.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met, and **approve** the request at 1356 MacArthur Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: 1356 MacArthur Road is located on the south west side of MacArthur Road between East Washington Avenue and Sycamore Avenue; Aldermanic District 17 (Baldeh); Madison Metropolitan School District.

Existing Conditions and Land Use: The property is developed with a mixed-use building with 36 residential units and a ground floor childcare facility, constructed in 2013.

Surrounding Land Use and Zoning:

Northeast: Across MacArthur Road to the northeast, single-family homes in the Suburban Residential – Consistent 1 (SR-C1) District.

Southeast and Northwest: Three-story commercial buildings in the CC-T District.

Southwest: Across N Stoughton Road to the southwest, one-story commercial buildings in the CC-T District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low-density residential uses for the property.

Zoning Summary: The property is in the Commercial Corridor-Transitional (CC-T) District.

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, including transit routes running along East Washington Avenue.

Project Description, Analysis, and Conclusion

The applicant requests an alteration to a conditional use approved in January, 2013 for a mixed use building with a daycare facility and 36 residential units. As approved, the facility would have had a transparent metal fence surrounding the outdoor space associated with the daycare facility. As constructed, the solid wooden fence built just inside the property line has been ordered to be removed by Zoning staff and replaced with the approved fence. The applicant is seeking Plan Commission approval for an alteration in order to keep the constructed fence in place, in order to preserve privacy and security for children playing outside the daycare facility and to avoid the cost of its replacement.

As Approved



As Constructed



Staff is sympathetic for the need for privacy related to the daycare play area, but never would have supported a solid wooden fence constructed along the street-side property line when this project was approved in early 2013. In recent weeks, the applicant has worked with neighbors and staff to come up with an acceptable solution that can meet the privacy and security needs of the daycare facility, along with the minimum space requirements for the play area.

Following conversations with interested neighbors, Alder Baldeh, and staff, the most recent plans show the existing fence relocated three feet off of the property line (approximately four feet from the sidewalk), with landscaping in the narrow strip of land in front of it. The landscaping includes groupings of emerald arbor vitae and three types of shrubs, in bark mulch, which will hopefully achieve a natural look, while softening the impact of the wooden fence along MacArthur Road.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met, and **approve** the request at 1356 MacArthur Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Heather Stouder, 266-5974)

1. Final plans submitted for staff review and approval shall include a landscape plan for the area between the fence and MacArthur Road. This plan shall ensure that mature plants will not encroach into the public sidewalk, and shall be stamped by a registered landscape architect.
2. As is required, the landscaping in the subject area and on the site as a whole shall be maintained by the property owner over time, consistent with zoning approvals.

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

3. Applicant shall be aware that the portion fence along MacArthur Road appears to be within a public utility easement. The fence is subject to the rights of the utilities that are authorized to use the easement.
4. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
5. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
6. All damage to the pavement on MacArthur Rd, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

Traffic Engineering (Contact Eric Halvorson, 266-6527)

7. 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; 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.
8. 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.

9. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
10. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).
11. Maintain 5 foot clear walkway from the parking facility to the main entrance. There is a pinch point between the bicycle parking and the entrance. Also parking stalls can be shortened to 16 feet if the adjacent sidewalk is widened to 7 feet with the two feet of vehicle of overhang noted on the plan.

Water Utility (Contact Dennis Cawley, 266-4651)

12. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.