

PLANNING DIVISION STAFF REPORT

April 24, 2017



PREPARED FOR THE PLAN COMMISSION

Project Address: 707-713 E. Johnson St. (District 2 – Ald. Zellert)

Application Type: Zoning Map Amendment, Demolition Permit, Conditional Use

Legistar File ID # [46546](#) and [46285](#)

Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Michael Matty; Renaissance Property Group; 2132 Fordem Ave., Suite 1300; Madison, WI 53704

Contact: Chris Oddo; InSite Consulting Architects, LLC; 115 E. Main St., Suite 200; Madison, WI 53703

Requested Action: The applicant requests approval of:

- A Zoning Map Amendment to rezone 707-713 E Johnson St. from Traditional Residential-Varied 2 (TR-V2) to Neighborhood Mixed-Use (NMU);
- Two Demolition Permits to demolish an existing residential building located at 707-709 E Johnson St. and to relocate the residential building located at 711-713 E Johnson St. to E Dayton St.; and
- Conditional Use approval for more than eight dwelling units in a mixed-use building in the NMU zoning district, an exception to the side yard height transition to a residential district, a multi-tenant building in excess of 10,000 square-feet, and a parking reduction in excess of 20 spaces.

Proposal Summary: The Applicant is requesting Demolition Permit and Conditional Use approval to demolish the existing two-story, two-unit residential building located at 707-709 E Johnson St. and to relocate the existing two-story, two-unit residential building located at 711-713 E Johnson St. to E Dayton St. for the purpose of constructing a new, three-story mixed-use building with roughly 3,000 square-feet of commercial space on the ground floor and 21 efficiency units above. As part of the development proposal, the Applicant is proposing to rezone the project site from TR-V2 to NMU.

The development proposal includes various site improvements, including landscaping and screening, excess bike parking and a loading zone. No on-site vehicle parking is proposed.

As part of the development proposal, by separate application, the applicant has also requested an administrative CSM to combine the two lots that currently comprise the project site into one lot.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments pursuant to Section 28.182(6), MGO. This proposal is subject to the standards for demolition permits pursuant to Section 28.185(7), MGO, the standards for Conditional Uses pursuant to Section 28.183(6), MGO, and the applicable Supplemental Regulations pursuant to Section 28.151, MGO for dwelling units in mixed-use buildings.

Pursuant to Section 28.151, MGO, dwelling units in mixed-use buildings in excess of eight units are identified as conditional uses in the NMU zoning district. Pursuant to Section 28.064(3)(d), MGO, buildings exceeding the

height and/or the ratio limitation along a side yard adjacent to a residential district and Section 28.064(4)(a), MGO, a building consisting of more than 10,000 square-feet containing two or more uses requires Conditional Use approval. Pursuant to Section 28.141(5), MGO a parking reduction request in excess of 20 spaces and more than 25% of the overall required parking requires Conditional Use approval.

Review Required By: Plan Commission and Common Council

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for:

- Zoning Map Amendments are met, the Plan Commission should **forward** Zoning Map Amendment 28.022 - 00247, rezoning 707-713 E Johnson St. from TR-V2 to NMX, to the Common Council with a recommendation to approve;
- Demolition Permit are met the Plan Commission should **approve** the request to demolish the existing residential building located at 707-709 E Johnson St. and relocate the existing residential building located at 711-713 E Johnson St. to E Dayton St. subject to Common Council approval of the Zoning Map Amendment; and
- Conditional Use are met, the Plan Commission should **approve** the request to construct a three-story mixed-use building comprised of 21 dwelling units and roughly 3,000 square-feet of ground floor commercial space with no on-site parking at 707-713 E. Johnson St., subject to Common Council approval of the Zoning Map Amendment.

This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located just to the northeast of the intersection of N Blount and E Johnson streets, on the east side of E Johnson Street, next to the Caribou Tavern. The project site is comprised of approximately 9,791 square-feet (0.22 acres).

The site is in Aldermanic District 2 (Zellers), the Tenney-Lapham Neighborhood, and the Madison Metropolitan School District.

Existing Conditions and Land Use: The project site consists of two separate lots, 707-709 E Johnson St. (4,059 square-feet), located on the south side of the project site next to the Caribou Tavern, and 711-713 E Johnson St. (5,676 square-feet) on the north. Both lots comprising the project site are zoned Traditional Residential-Varied 2 (TR-V2).

Today, the project site is home to two, two-story residential buildings, each comprised of two units with a total of 13 bedrooms between the two structures. According to the City Assessor's records, 707-709 E Johnson St. is comprised of roughly 2,190 square-feet constructed in the late 1800s and 711-713 E Johnson St. roughly 2,544 square-feet was constructed in the early 1900s.

Interior and exterior photos of the existing building have been included as part of the Applicant’s plan set (refer to pages A1.01-P2) materials, but can also be found at the following web link:

https://www.cityofmadison.com/dpced/planning/documents/707-713ejs_site2.pdf

Surrounding Land Use and Zoning:

North: Multi-family residential (two units); TR-V2 zoning;

South: Restaurant-tavern (Caribou Tavern) and commercial (Laundromat); Neighborhood Mixed-Use (NMX) zoning;

East: Multiple multi-family residential units (five units); TR-V2 zoning; and

West (across E Johnson Street): Commercial mixed-use (Forequater restaurant with residential above) and multi-family residential (two units); NMX and TR-V2 zoning respectively.

Zoning Summary: While the project site is currently zoned Traditional Residential-Varied 2 (TR-V2), the Applicant is requesting to rezone the project site to Neighborhood Mixed Use (NMX). Pursuant to Section 28.064, MGO, the NMX zoning district’s general purpose and intent statement speaks to:

- Encouraging pedestrian, bicycle and transit use as a means of accessing these commercial areas;
- Ensuring diversification of uses, including residential, commercial and civic uses, in order to enhance the vitality and appeal of these areas; and
- Facilitating preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

NMX Zoning Criteria		
Requirements	Required	Proposed
Front Yard Setback	25’ maximum	6’0”
Side Yard Setback: Where buildings abut residentially zoned lots at side lot line	Two-story: 6’ (TR-V2 district)	10’0” (north)
Side Yard Setback: Where proposed building or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5’ Two-story: 6’	10’-4” (south)
Rear Yard Setback	20’	28’4”
Usable Open Space	160 sq. ft. per lodging room or 1-bedroom unit 320 sq. ft. for >1-bedroom units (3,360 sq. ft.)	3,575 sq. ft. (See Zoning Condition No. 1)
Maximum Lot Coverage	75%	40%
Maximum Building Height	3 stories/40’	3 stories/36’
Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (21)	0 (See Zoning Condition No. 2)

	General retail; service business; office: 1 space per 400 sq. ft. floor area (7) (8 total)	
Accessible Stalls	None	0
Loading	None	8' x 16' loading zone
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (21) 1 guest space per 10 units (2) General retail; service business; office: 1 space per 2,000 sq. ft. floor area (2 minimum)	25 basement 6 surface 21 apt. unit bicycle storage (See Zoning Conditions No. 2, 7, and 8)
Landscaping and Screening	Yes	Yes (See Zoning Conditions 9 and 10)
Lighting	No	No (See Zoning Condition No. 12)
Building Forms	Yes	Commercial Block Building (See Zoning Condition No. 11)

* Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval.

Other Critical Zoning Items	
Yes:	Barrier Free (ILHR69), Utility Easements, Wellhead Protection (WP-24)
No:	Urban Design, Historic District, Floodplain, Adjacent to Park, Wetlands

Zoning Table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Adopted Land Use Plan: The Comprehensive Plan recommends Neighborhood Mixed-Use (NMU) development on the south side of the project site (707-709 E Johnson St.), and Medium Density Residential (MDR) development on the north side of the site (711-713 E Johnson St.).

The Comprehensive Plan identifies NMU districts as appropriate “*locations for clusters of relatively small convenience shopping and service uses that serve as activity centers and gathering places for the surrounding neighborhoods or districts*” (Page 2-86, Comprehensive Plan). In addition, the Comprehensive Plan further identifies that these areas be designed in a manner that provides a pedestrian-oriented “urban” environment, including:

- Placing buildings at the street and close to sidewalks;
- Locating any parking behind buildings or underground;
- Utilizing design features that provide for an enhanced design aesthetic, especially at the pedestrian level; and
- Incorporating the Transit Oriented Development standards where feasible as outlined in the Comprehensive Plan.

The Comprehensive Plan identifies neighborhood-serving commercial, residential types, mixed-use buildings and noncommercial residential support uses similar to Low Density Residential (LDR) districts, including parks,

gardens, day care centers, civic facilities, places of worship and small offices or retail in mixed-use buildings (Page 2-81, Comprehensive Plan).

The Comprehensive Plan characterizes MDR districts as areas designated primarily for dense multi-family housing types, including larger apartment buildings and complexes. The MDR recommendation is mainly applied to portions of established neighborhoods that are composed of primarily “house-like” residential buildings. The Comprehensive Plan identifies an average density of 16-40 units per acre for the MDR area as a whole. Non-residential uses, including day cares, schools, civic facilities, places of worship and small-scale neighborhood serving retail and service uses, especially in mixed-use buildings are identified as being appropriate in the MDR districts. The MDR areas are also intended to be the supporting development for larger-scale activity centers, providing housing en-mass, *“generally should be located around and near more-intensively development areas, such as mixed-use, general commercial or employment district in order to provide convenient access to these activity centers...”* (Page 2-82, Comprehensive Plan).

Adopted Neighborhood Plan: The project site is located within the Tenney-Lapham Neighborhood Plan (the “Plan”) planning area. The Plan recommends as Medium Density Residential 1 (MDR1) land uses and development for the project site (refer to Map 5, Tenney-Lapham Neighborhood Plan Land Use Recommendations). Within the Plan, the MDR1 district is defined as development at 16-25 units per acre with housing types and design standards being the same as those identified for the Low Density Residential designation, including detached houses, two and three flats, row houses, and small apartment buildings (max. four units). The Plan recognizes that while tear down and rebuilding can be acceptable in context, design guidelines have been provided to ensure the compatibility of new buildings within the framework of the existing built environment.

The design guidelines for replacement structures include: maintaining small front yards and large back yards, limiting height to three stories, maintaining footprint-to-lot-size ratios, encouraging front porches and maintaining consistency in scale, spacing and general architectural vernacular (Page 15, Tenney-Lapham Neighborhood Plan).

While the Plan designates the project site with a residential land use district, it also identifies the long range vision for the 700 block of E Johnson Street as exhibiting more of a neighborhood mixed-use development pattern. The Plan anticipates the expansion of the Neighborhood Mixed Use (NMU) land use district to the north from the intersection of N Blount and E Johnson streets, including the project site. As stated in Note 1 on Map 5, *“The west end of the block has businesses today. While the near-term goals for growth of the E Johnson Business District focus on the 800 and 900 blocks, the long-range vision anticipates expansion of the NMU district to the 700 block as well.”*

The Plan also identifies goals for future growth along the 700-900 blocks of E Johnson Street. The Plan states: *“The neighborhood seeks to increase the business use of these blocks while keeping the residential flavor. Adaptive re-use of residential structures for specialty businesses is encouraged for this district. Replacement structures specifically designed for neighborhood mixed-use is also encouraged”* (Page 18, Tenney-Lapham Neighborhood Plan).

As defined in the Plan, the NMU land use category is defined as having an average net density of 15-40 dwelling units per acre and as an area where pedestrian/transit-oriented design principles should be utilized to influence design. Ground-floor retail with residential uses above is recognized as an appropriate design for new structures constructed in this district (Map 5, Tenney-Lapham Neighborhood Plan).

Environmental Corridor Status: The subject site 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 requests approval of a Zoning Map Amendment, Demolition Permit and Conditional Use to rezone the project site from a residential zoning district (TR-V2) to Neighborhood Mixed-Use (NMX) to construct a three-story, roughly 15,000-square-foot, mixed-use building (including a roughly 3,000-square-foot basement) comprised of a ground floor commercial space with residential units above. The applicant's development proposal includes:

- A roughly 3,000-square-foot commercial space on the ground floor,
- 21 efficiency residential units on two floors,
- A large backyard open space,
- Excess bike parking (25 spaces required where 52 are proposed, including in-unit wall racks (21 spaces), private basement storage(25 spaces) and public surface bike parking (six spaces)),
- Loading area, and
- A three-foot ornamental fence along the north property line that is shared with residential development.

No onsite parking is proposed.

The proposed building is comprised of three stories and roughly 15,000 square-feet (including a 3,000-square-foot basement for laundry and bicycle storage). The ground floor is the proposed location of a future commercial tenant and includes pedestrian scaled design elements, including a storefront window system and space for a future outdoor eating area should a restaurant locate in the commercial space. Note, an outdoor eating area would require separate Plan Commission review and approval. The upper two stories will be comprised of 21 efficiency residential units. Recognizing the limited wall space for windows as a result of the efficiency unit typology, the Applicant is also reserving a large blank spot on the south building elevation for public art as shown on Sheet A3.01 of the plan set.

The building can be characterized as having a traditional mixed-use building design with a square building footprint and flat roof. The material palette is comprised of both traditional and modern materials, including brick and two different metal panel systems. The ground floor of the building is primarily clad in brick with metal panels, both horizontal and vertical installations, on the upper stories. The proposed building is minimalistic in detailing, including corrugated metal shade awnings on the upper stories, limestone accent band, cap and water table details on the ground floor.

Analysis and Conclusion

This request is subject to the approval standards for Zoning Map Amendments, Conditional Uses, and Demolition Permits. This analysis begins with a review of conformance with adopted plan recommendations.

Conformance with Adopted Plans

The project site is located within the Tenney-Lapham Neighborhood Plan (the "Plan") planning area. The Plan identifies the continued growth of commercial uses already present on the west end of the 700 block of E Johnson Street as a desire of the neighborhood: "*Replacement of existing structures with structures specifically designed for neighborhood mixed-use is also encouraged*" (Page 18, Tenney-Lapham Neighborhood Plan). The Land Use Map in the Plan identifies the extension of the Neighborhood Mixed Use (NMU) land use district along

the 700 block of E Johnson Street as a future growth opportunity. As such, the proposed NMX zoning was found to be consistent with the Plan.

The Plan identifies a density range within the NMU land use recommendation as 16-40 dwelling units per acre, which is below the high end of the density range identified in the Comprehensive Plan recommendation of 60 dwelling units per acre. The proposal, at 100 dwelling units per acre, is in excess of the density recommendations identified in both the Comprehensive Plan and neighborhood plan. Although in excess of the densities identified in both the neighborhood plan and Comprehensive Plan, the scale and character of the proposed development is consistent with many other goals and design guidelines identified in the Plan, including those related to height, building footprint-to-lot size ratio, mass and scale, and building spacing.

Planning Division staff believes that the proposed NMX zoning is generally consistent with both the Comprehensive Plan and Tenney-Lapham Neighborhood Plan recommendations:

- The intent of the NMX zoning district is to “*encourage diversification of uses, including residential, commercial and civic uses in order to enhance the vitality and appeal of these areas*” (Section 28.064, MGO);
- The district permits a variety of development types and uses can be consistent and compatible with residential and mixed-use development; and
- The goals identified in the adopted neighborhood plan to expand the business district and NMU land use recommendation along the 700 block of E Johnson Street.

Zoning Map Amendment Standards

The Applicant is requesting a Zoning Map Amendment to rezone the project site from TR-V2 to NMX. Pursuant to Section 28.182(6), MGO, “*Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.*”

Staff believes that the broad standards for Zoning Map Amendments can be met. Such standards state that amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s Comprehensive Plan. 2010 Wisconsin Act 372 clarified “consistent with” as “further or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

Demolition Permit Standards

The intent of the Demolition Permit review is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic resources, encourage reuse and/or relocation of existing buildings and to give a property owner a decision on a proposed use prior to demolishing or moving an existing building.

Demolition Permit requests, are reviewed for consistency with the:

- Applicable zoning district provisions for the NMX zoning district;
- The adopted neighborhood plan;
- The city’s Comprehensive Plan; and
- The report from the City’s Historic Preservation Planner.

The standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts, including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed use should be compatible with adopted plans, which are discussed above.

Historic Preservation staff and the Landmarks Commission reviewed the proposed demolition at its January 30 and March 3, 2017 meetings. The Landmarks Commission found that collectively, with those along the 700 block of E Johnson Street, the buildings have historic value that contributes to the larger vernacular context of Madison's built environment, but that, individually, the buildings themselves are not known to have historic, architectural or cultural significance.

While the Applicant has requested full demolition of both of the existing structures currently located on the project site, only one demolition will result. The structure located at 707-709 E Johnson will be demolished in its entirety. The structure located at 711-713 E Johnson Street will be relocated to E Dayton Street and will be included as part of the proposed residential building complex Planned Development also being proposed (please refer to LNDUSE-2017-00019, Legistar ID# [46548](#) and [46286](#)). As part of the Planned Development, the Applicant is proposing to rehabilitate the building to accommodate two residential units and restore/repair architectural elements, including front and side porches and window trim detailing.

The Planning Division believes that the proposal is consistent with adopted plan recommendations and that the Demolition Permit standards can be found met.

Conditional Use Standards

Generally, the intent of a Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties. In order to approve the Conditional Use request, Plan Commission must find that the proposed Conditional Use approval standards pursuant to Section 28.183(6), MGO, including those related to mitigating nuisance impacts, normal and orderly development, and maintaining consistency and compatibility with the intended character and zoning district have been met.

Planning Division staff believes that the requested Conditional Use for more than eight dwellings in a mixed-use building that is in excess of 10,000 square-feet, exception to the side yard transition to residential districts, and a parking reduction in excess of 20 spaces can meet the approval standards.

Consistency with Existing Context. The project site is located within the City's urban service area and is already served by city services. The immediate area surrounding the project site is comprised of a mix of uses with multi-family residential and mixed-use development that is comprised of various commercial uses with residential units above. The properties along the 700 block of E Johnson provide a mix of uses that transition from commercial to primarily residential moving north from the intersection of N Blount Street and E Johnson Street, along the 700 block of E Johnson. Given the variety and mix of uses already present in the area surrounding the project site, anticipated adverse impacts with establishing the proposed mixed-use building will be minimal. As part of the development proposal, the Applicant has incorporated mitigation measures to alleviate adverse impacts including providing a fence and landscaping along the north property line, especially where the project site abuts lower density residential development to the north as well as locating the refuse and loading areas near the commercial properties adjacent to the south have been taken to minimize adverse impacts.

In addition, the commercial space located on the ground floor is located along the E Johnson Street side, including the only entry to the space, limiting the impact of the commercial space on the adjacent residential development (Conditional Use Standards No. 1, 2, 4, 5).

Generally, buildings in the area range in height from one to three stories with primarily flat and gabled roof configurations. Building materials present in the area consist of masonry, stone and siding, both wood and vinyl.

The placement of the proposed building maintains the existing relationships between buildings, including the existing building line along the street (front yard setbacks), site access, building orientation, and general footprint location.

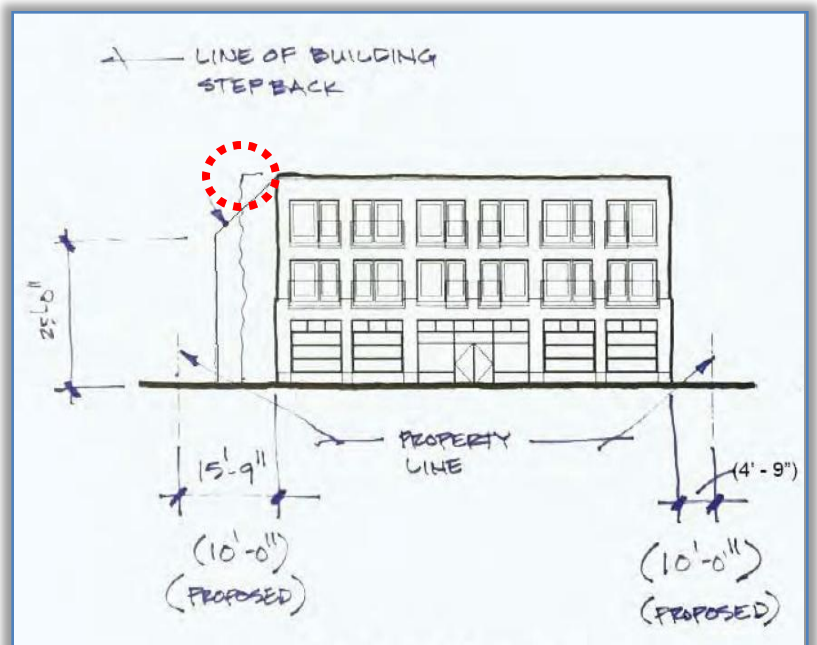
The proposed mixed-use building presents a traditional building form that is comprised of a square building footprint and flat roof. The building is primarily clad in brick on the ground floor with stone detailing and pedestrian scale elements, including awnings and storefront glazing system. The upper stories of the building, while clad in two types of metal panel system, a more modern material, including a horizontal panel system on the front and vertical corrugated system on the sides is a material that is present in the area. The combination of the material palette maintains the design aesthetic that is compatible with the materials and building forms present in the neighborhood. Given the future vision of the 700 block of the E Johnson corridor identified in the neighborhood plan to extend the commercial uses throughout the block, including mixed-use development, staff believes the proposed mixed-use building could found to be consistent with the identified character of the area (Conditional Use Standards No. 4 and 9).

Consistency with Zoning. The development proposal conforms to the majority of the zoning requirements for the NMX zoning district, including height, building form, setbacks, open space, lot coverage. The development proposal does include requested Conditional Uses for a multi-tenant building in excess of 10,000 square-feet and relief from the stepback requirement where the project site is adjacent to a residential zoning district along the north property line.

The proposed building being in excess of 10,000 square feet at roughly 15,000 square feet is required to be approved through Conditional Use. The building, while it is larger than many of the buildings along the same block it maintains the building to lot ratios that are currently present on the block given the lot size as a result of the lot combination.

As proposed, the building does not meet the required stepback along the north property line where it is adjacent to an existing 2.5-story, multi-unit residential building (see image below, which was taken from the Applicant's plan set). In order to meet the required stepback, the existing building would need to be setback 15.9', where ten feet is proposed. The modification to the stepback results in a very small portion of the building being in violation of the stepback (circled at right).

The intent of the stepback is to provide a transition between differing levels of intensity as well as to minimize the appearance and 'feel' of a larger building looming over a smaller building. Given the increased side yard setback (ten feet where six feet is required), the separation between the proposed building and adjacent (more than 15 feet), and the two buildings being similar in height, Planning Division staff believes that while the stepback itself is not being



accommodated in the building design, the intent of the stepback is being met. In addition, the Applicant has proposed a three-foot decorative screen fence along the northern shared property line. As recommended in the Zoning Conditions, the height of the fence will be increased to six feet, which will also provide additional screening and mitigation to noise and light.

With regard to open space, while the development proposal meets the open space requirements, consideration should be given to providing an open space amenity that encourages passive recreation opportunities for the residents rather than a large open yard, including but not limited to a gathering space, community garden, or seating. A condition of approval has been included in the Planning Conditions that reflects this consideration.

A mixed-use building with more than eight dwelling units is identified as a conditional use in the NMX zoning district and is subject to the Supplemental Regulations pursuant to Section 28.151, MGO, which speak to providing at least 75 percent of the ground floor facing the street be comprised of non-residential uses. In this case, the entire ground floor frontage is proposed to have non-residential uses (Conditional Use Standard No. 7).

Parking Reduction. As part of the development proposal the Applicant is requesting a Conditional Use for a parking reduction in excess of 20 spaces. Pursuant to Section 28.141, MGO, a total of 28 vehicle parking spaces are required. Given the location of the project site along a transit corridor, in proximity to the bicycle boulevard, excess bike parking (25 spaces total) provided on site and with the availability of multiple private, public parking facilities within proximity to the project site, and on-street parking, staff believes that adequate facilities are being provided (Conditional Use Standards No. 5 and 10).

Public Comment

At the time of report writing public comments had been received. Of the comments received that were separate from the neighborhood association comments, general support for the project was expressed.

Tenney-Lapham Neighborhood Association

It is important to note that as part of the public process the applicant has worked diligently with the TLNA to maintain communications, including attending several neighborhood meetings and steering committee meetings.

At the time of report writing, public comment from the Tenney-Lapham Neighborhood Association (TLNA) had been received and is attached to this report. The TLNA Council voted to support the subject development proposal recognizing the retention of one of the existing houses (711-713 E Johnson), which will be relocated to Dayton Street, just to the east, and the generally conformity of the proposal to the Tenney-Lapham Neighborhood Plan as reasons for doing so. As part of the neighborhood association's support for the project, the TLNA wanted to acknowledge that while the subject development proposal includes the demolition of existing structures, a rezoning and an exception to the neighborhood plan with regard to density, the TLNA wanted to also recognize that their support for the proposal should not be seen as precedent setting, nor as a signal for larger scale development as being desirable by the TLNA.

As part of the TLNA letter of support, the neighborhood identified several considerations for the commission in their review of the proposal. Those pertaining to this project have been acknowledged by the Applicant and included in the development plans or as conditions of approval, including:

- Reserving a place for artwork on the upper floors on the side of the building facing E Johnson Street, which is reflected on the building elevation; and
- Providing at least two bike stalls for each unit.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for:

- Zoning Map Amendments are met, the Plan Commission should **forward** Zoning Map Amendment 28.022 - 00247, rezoning 707-713 E Johnson St. from TR-V2 to NMX, to the Common Council with a recommendation to approve;
- Demolition Permit are met the Plan Commission should **approve** the request to demolish the existing residential building located at 707-709 E Johnson St. and relocate the existing residential building located at 711-713 E Johnson St. to E Dayton St. subject to Common Council approval of the Zoning Map Amendment; and
- Conditional Use are met, the Plan Commission should **approve** the request to construct a three-story mixed-use building comprised of 21 dwelling units and roughly 3,000 square-feet of ground floor commercial space with no on-site parking at 707-713 E. Johnson St., subject to Common Council approval of the Zoning Map Amendment.

This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. The Applicant shall revise the plan set to clearly dimension the building height and setbacks.
2. At the time of Site Plan Review, the Applicant shall provide an open space diagram to confirm the open space areas meet the minimum dimensions pursuant to Section 28.140, MGO.
3. The Applicant shall continue to work with Planning Division Staff to refine the backyard open space to provide passive recreation opportunities. Consideration should be given to including an outdoor seating area, gardens or patio/grill area.

City Engineering Division (Contact Brenda Stanley, (608) 261-9137)

1. Applicant shall provide information on drainage of the site. No new discharge of run-off shall be allowed into the middle of the block as this area does not have a discharge. All run-off water shall be directed to the public right-of-way.
2. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (Section 35.02(14), MGO).

3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City 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 sign-off (Section 16.23(9)(d)(4), MGO).
4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).
5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
6. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement (POLICY).
7. The Applicant shall submit, prior to plan sign-off, but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttoester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

8. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
 - a) SLAMM DAT files
 - b) RECARGA files
 - c) TR-55/HYDROCAD/Etc

- d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
9. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND Sections 10.29 and 37.05(7)(b), MGO for developments over 10,000 square feet of impervious area).
10. The Applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (Section 37.05(7), MGO). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
11. The Applicant shall demonstrate compliance with Section 37.07 and 37.08, MGO, regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
12. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
13. The lots within this site plan are inter-dependent upon one another for stormwater run-off 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 site plan and recorded at the Dane Co Register of Deeds (POLICY).
14. Prior to approval, this project shall comply with Chapter 37, MGO regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
15. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving run-off up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
16. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right-of-way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development (POLICY).
17. 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).

18. All work in the public right-of-way shall be performed by a City licensed contractor (Sections 16.23(9)(c)(5) and 23.01, MGO).
19. All damage to the pavement on E Johnson Street, N Blount Street & E Dayton Street, 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).
20. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum (Section 16.23(9)(c), MGO).
21. The Applicant shall Construct Sidewalk to a plan as required by City Engineer.
22. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The Applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer (Section 16.23(9)(d)(6), MGO).

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

1. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the public right-of-way on E Johnson Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final sign-off.
2. The Applicant shall either dedicate right-of-way or provide an onsite permanent easement to allow for the installation of a six (6)-foot terrace, as measured from the back of curb to front of sidewalk, and a seven (7)-foot sidewalk. While these dimensions will likely be echoed throughout the 700 block of E Johnson Street, they do not reflect a typical standard for sidewalk and terrace widths in other locations along the same street or similarly characterized areas.
3. 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; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. 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.

5. 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.
6. All parking facility design shall conform to the standards, as set in Section 10.08(6), MGO.
7. The Applicant shall adhere to all vision triangle requirements as set in Section 27.05, MGO (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If the Applicant believes public safety can be maintained they shall apply for a waiver of Section 27.05(2)(bb), "*Vision Clearance Triangles at Intersections Corners,*" MGO. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

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

1. Provide a calculation and plan detail for useable open space with the final submittal. Identify each qualifying at-grade usable open space area on the final plans. Usable open space located at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%). Usable open space shall be outside of a required front or corner side yard, as extended to the rear lot line. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement may be included as usable open space.
2. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Additional vehicle parking reductions may be required.
3. Staff is anticipating that future Conditional Uses will be sought as tenants are identified for spaces in the building. These Conditional Uses will require additional approvals from the Plan Commission.
4. Section 28.185(7)(a)(5), MGO, requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
5. Pursuant to Section 28.185(10), MGO, every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)(5), MGO. The Applicant shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
6. Pursuant to Section 28.185(9)(a), MGO, a demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
7. Bicycle parking for the mixed-use project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11), MGO. The Applicant shall revise the plans to show that the short-term bicycle parking stalls are located within one hundred (100) feet of a principal entrance. Required short-term bicycle parking shall be located in a convenient and visible area on a paved or impervious surface within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide details of the proposed bike racks, including surface ground mounted bike racks, bike racks located in the basement, and any wall mounted or structured bike racks.
8. Bicycle stalls proposed within dwelling units do not meet minimum Zoning Code requirements of Section 28.141(11), MGO, and do not count toward minimum Zoning Code requirements. Bicycle parking located

within dwelling units may not be used as a substitution for required automobile parking stalls.

9. Screening is required adjacent the Zoning district boundary along the northeast property line. Screening shall be provided along side and rear property boundaries between commercial/mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans. For conditional uses, the Plan Commission may modify these requirements.
10. Submit a detail of the trash enclosure. The trash enclosure 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.
11. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d), MGO. For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.
12. Exterior lighting must comply with Section 10.085, MGO, outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
13. Per Section 28.186(4)(b), MGO, 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.
14. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

1. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at jbuechner@cityofmadison.com or (608)516-9195.
2. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
3. Provide fire apparatus access as required by IFC 503 2015 edition, MGO 34.503, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-foot wide, if any part of the building is over 30 feet in height. It is the project designer's responsibility to coordinate fire access with Zoning, Traffic, Forestry, and neighborhood requirements to achieve an acceptable design meeting everyone's needs.

Parks Division (Contact Janet Schmidt, (608) 261-9688)

1. 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(6) 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# 17116 when contacting Parks about this project.
2. City Forestry will permit the removal of one 2" diameter Japanese Tree Lilac on the terrace. The tree removal of small low growing trees along this project on E Johnson Street will be permitted if the overhead wires are removed and the terrace width is increased to at least 6' as measured from the back of curb to front of sidewalk. If the overhead wires are buried underground and the terrace width is increased, then large growing trees will be able to be planted in the future. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
3. Additional street trees are needed for this project. All street tree planting locations and trees species within the right-of-way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

1. As identified in the 'Official Notice - Order to Abandon Well', delivered/dated June 15, 2016, the private well that previously served 707 E. Johnson St. must be abandoned according to the requirements of WI Admin. Cod, Chapter NR812 and Section 13.21, MGO.

The City of Madison may reimburse a property owner 50% of the cost, up to \$1000, to abandon a private well. Information regarding this program is enclosed. In order to qualify for this reimbursement, the work must be completed by a licensed well driller or pump installer by September 15, 2016. If it is not completed by the date specified, your ability to seek reimbursement from the City may be jeopardized. Please contact the Water Utility immediately if you are unable to meet this time frame.

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

1. In coordination with public works improvements, the Applicant shall maintain and expand - as necessary – the concrete terrace adjacent the existing and proposed Metro bus stop zones on the south side of E Johnson Street, east of Blount Street (#1397).
2. The Applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
3. Metro Transit operates daily service along E Johnson Street through the Blount Street intersection. Bus stop ID #1397 is adjacent the proposed project site along the south side of E Johnson Street, with the bus stop zone encompassing the area from the existing bus stop sign pole west back towards the intersection.
4. The Applicant might consider additional transit amenities on the property adjacent this bus stop zone, such as a trash receptacles or a seating amenity, in finalizing their landscape plan.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

1. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for the two proposed lots that are adjacent to each other in this development shall be drafted, executed and recorded prior to building permit issuance.
 2. Applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the development as proposed between the two proposed lots that will be adjacent to each other and proposed for redevelopment. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance.
 3. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
-
4. The address of the new proposed building is 709 E Johnson St. 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.
 5. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.