



PREPARED FOR THE PLAN COMMISSION

Project Addresses: 2540 East Mifflin Street (District 12 – Ald. Abbas)
Application Type: Zoning Map Amendment
Legistar File ID # [56458](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Rebecca Ryan; International Zen Dojo of Wisconsin; 6714 Colony Drive; Madison, WI 53717

Contact: Rebecca Ryan; 809 Spaight Street; Madison, WI 53703

Requested Actions: The applicant requests approval of a Zoning Map Amendment to rezone the property located at 2540 East Mifflin Street from Traditional Residential – Consistent 4 (TR-C4) District Zoning to Limited Mixed Use (LMX) District Zoning in order to reuse a portion of a place of worship for professional offices and massage therapy.

Proposal Summary: The applicant, International Zen Dojo of Wisconsin, recently purchased the former Wisconsin Rescue Mission church property for its use as a new place of worship. The applicant intends to rent out approximately one-quarter of the 4,896-square-foot space to business and/or office users and a massage therapy tenant. In order to allow these uses on site, the property needs to be rezoned from TR-C4 to LMX as the “*Reuse of Buildings Originally Constructed as Public Schools, Municipal Buildings, or Places of Worship*” allowance in MGO §28.151 only allows the reuse of the *entire* structure for business and professional offices and massage therapy is not an allowed use in the TR-C4 District. No exterior changes to the building are proposed at this time.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)].

Review Required By: Plan Commission (PC) and Common Council (CC).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Zoning Map Amendments are met and forward the rezoning request (28.022 – 00392) to the Common Council with a recommendation to **approve**. 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: The 14,448-square-foot (.33-acre) parcel is located at the northwest corner of the East Mifflin Street and North Street intersection. It is located within Aldermanic District 12 (Ald. Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned TR-C4 (Traditional Residential – Consistent 4) District and contains a former church and accessory parking lot, which was previously owned and operated by the

Wisconsin Rescue Mission and Halfway House Inc. According to the Wisconsin Historical Society, the building was constructed as the East Side English Lutheran Church in 1933.

Surrounding Land Use and Zoning:

- North: Single-family and two-family residences, zoned TR-C4 (Traditional Residential - Consistent 4) District;
- East: Single-family and two-family residences, zoned TR-C4;
- South: Single-family residences, zoned TR-C4, with commercial properties along East Washington Avenue, zoned TSS (Traditional Shopping Street) District beyond; and
- West: Single-family and two-family residences, zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends low residential (LR) uses (0-15 dwelling units/acre) for subject site. The Plan states that a limited amount of nonresidential uses may also be located within residential categories, including places of assembly and worship and small-scale commercial uses. The [Emerson East-Eken Park-Yahara Neighborhood Plan \(2016\)](#) makes no specific land use recommendations for the subject site.

Zoning Summary: The property is currently zoned TR-C4 (Traditional Residential – Consistent 4) District, but is proposed to be rezoned to Limited Mixed Use (LMX) District. The LMX standards are summarized below:

Requirements	Required	Proposed
Front Yard Setback	No minimum	Existing from yard setback (5)
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line.	Same as for non-residential buildings in the adjacent residential district. (TR-C4) One-story: 5’ Two-story or more: 6’	Adequate (5)
Rear Yard Setback	Same as for non-residential buildings in the adjacent residential district. (Equal to building height but at least 30’)	Adequate (5)
Maximum Lot Coverage	Same as for non-residential buildings in the adjacent residential district. (Equal to building height but at least 30’)	Less than 65%
Maximum Building Size	5,000 sq. ft.	Less than 5,000 sq. ft.
Maximum Building Height	2 stories/35’	Existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	5 (6)
Accessible Stalls	Yes	None (7)
Loading	Not required	None
Number Bike Parking Stalls	Places of worship: 1 per 50 seats or 75 lineal feet of seating area or 1 per 350 feet of floor area in main worship space (TBD) Offices: 1 per 2,000 sq. ft. floor area (2 minimum)	None (8)
Landscaping and Screening	Not required	Existing landscaping (9)(10)
Lighting	Not required	Existing lighting

Building Forms	Not required	Existing building
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Other Critical Zoning Items:	Barrier Free (ILHR 69) and Utility Easements
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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, with Madison Metro Transit routes 10, 27, 56, and 57 serving the site.

Project Description

The applicant, Chozen-ji Betsuin/International Zen Dojo of Wisconsin, is requesting approval of a Zoning Map Amendment in order to adapt a portion of a place of worship as business and professional offices and massage therapy. Chozen-ji Betsuin/International Zen Dojo of Wisconsin recently purchased the former East Side English Lutheran Church, which was most recently used as a mission house by the Wisconsin Rescue Mission and Halfway House. The applicant intends on repurposing the building to serve as a place of worship and gathering space for Zen Buddhists. While they plan to use the majority of the building for their own use, they intend to lease a portion of the first floor and lower level to help cover the costs of owning and maintaining the property. According to the letter of intent potential candidates include the [Institute for Zen Leadership \(IZL\)](#) and [Red Beard Bodywork and Structural Integration](#) (defined as a massage therapy use per MGO §28.211).

According to the Zoning Administrator’s interpretation of MGO §28.151, this is not considered a *Reuse of Buildings Originally Constructed as Public Schools, Municipal Buildings, or Places of Worship* because the majority of the building will continue to operate as a place of worship. Therefore, Zoning is classifying this application as a mixed-use building, whereas some of the proposed uses are not allowed in the current residential zoning district. In order to move forward with their perspective tenants, the property must be rezoned to a mixed-use district. Planning has recommended the Limited Mixed Use (LMX) Zoning District, as it is the least intensive commercial district in the Zoning Code. More information on the zoning change is provided in the analysis section of this report.

The applicant is not proposing any exterior or site changes at this time. However, some regrading is anticipated in the future to prevent water leakage into the basement. There is an existing driveway from North Street to an on-site five-stall vehicle parking lot. Currently, the property located at 112 North Street shares driveway access with the subject property. As a condition of approval, the site plan shall label the access easement (Doc. No. 1743394) on the site plan.

Project Analysis and Conclusion

This proposal is subject to the approval standards for Zoning Map Amendments [MGO §28.182(6)], as the subject property will need to be rezoned from Traditional Residential – Consistent 4 (TR-C4) to Limited Mixed Use (LMX) to allow the requested uses on site.

Standards for Zoning Map Amendments

MGO §28.182(6) states that, “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. “Consistent with” has been defined in State Statutes as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

Conformance with Adopted Plans

The Planning Division believes the proposed use could be found consistent with the [Comprehensive Plan \(2018\)](#) Low Residential (LR) land use recommendation. While the building is not a residential use, the Plan states that a limited amount of nonresidential uses may also be located within residential categories. According to the Plan, "Such uses, which often serve as focal points for the neighborhood activity, are often relatively small, and therefore not always identified on the Generalized Future Land Use (GFLU) Map. Nonresidential uses within residential areas may include: parks and recreational facilities, community gardens, urban agriculture, elementary and middle schools, day care centers, places of assembly and worship (if at a scale compatible with other existing or planned uses), small-scale civic facilities (such as libraries and community centers), and small-scale commercial uses. Small-scale commercial uses within residential categories should be limited to small establishments providing convenience goods or services primarily to neighborhood residents, either as a freestanding business or within a larger, predominantly residential building."

As previously mentioned, the [Emerson East-Eken Park-Yahara Neighborhood Plan \(2016\)](#) makes no specific land use recommendations for the subject site. The Planning Division believes that this proposal furthers the Neighborhood Plan's general land use goals to provide "A mix of uses, services, and amenities that serve residents and attract newcomers to live in the neighborhood".

The proposed LMX District is the least intensive mixed-use district in the Zoning Code. The Statement of Purpose notes, that in part, the District is established to allow for small-scale mixed-use development within or adjacent to otherwise residential areas. While staff does not believe LMX Zoning is appropriate in all LR areas, staff believes that this site can be considered potentially appropriate given its location at intersection of a collector street (North Street) and history as a non-single or two-family residential use (institutional). However, staff notes that there are no conditional uses sought with this application. Approval of this rezoning will allow all of the permitted uses in the District without further Plan Commission review. Other uses, such as taverns and nightclubs, will require separate conditional use considerations. A chart depicting the uses permitted or conditional in both the TR-C4 (current zoning) the LMX (proposed zoning) Districts is included in the Plan Commission materials for reference. If a use is not listed in any of the tables, it is not an allowed use in either district.

Public Input

At the time of report writing, the Planning Division received a letter of support from the Emerson East Neighborhood Association and the Northside Business Association. Those letters are attached.

Conclusion

Given the Plan considerations and neighborhood input, the Planning Division believes that it is possible for the Plan Commission to find that the standards for zoning map amendments are met. Staff acknowledges that the [Comprehensive Plan \(2018\)](#) recommends Low Residential for the subject site, however the proposed mix of uses does not contradict the objectives, goals and policies contained in the comprehensive plan. Therefore, the Planning Division recommends that the Plan Commission find that the approval standards for Zoning Map Amendments are met and forward the rezoning request to the Common Council with a recommendation to **approve**.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for Zoning Map Amendments are met and forward the rezoning request to the Common Council with a recommendation to **approve**. 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

City Engineering – Mapping (Contact Jeffrey Quamme, (608) 266-4097)

1. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
2. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
3. The site plan shall show and label the 9' Wide Driveway Access Easement per Doc. No. 1743394 in favor of the property located at 112 North Street.
4. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

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

5. Submit the final site plan drawn to a scale of 1 inch equals 20 feet or 1 inch equals 16 feet. Show the lot dimensions and existing building setbacks on the site plan.
6. All parking lots and driveways shall have paved or approved surfaces, as required in Section 10.08, MGO.
7. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible parking stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and 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 a detail of the proposed bike rack.

9. Screening is required adjacent the Zoning district boundary along the north and west property lines. 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.
10. Verify how refuse will be disposed of on the site. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it 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. Note that City issued trash containers do not require a screening enclosure.
11. 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.
12. 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.

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

13. In coordination with any public works improvements, the applicant shall maintain or replace the concrete terrace at the existing Metro bus stop on the west side of North Street, north of East Mifflin Street (#1598).
14. 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 the design.
15. Metro Transit currently operates daily transit service along North Street through the East Mifflin Street intersection. Bus stop ID #1598 is adjacent the proposed project site along the west side of North Street, with the bus stop zone encompassing the area from the existing bus stop parking restriction sign pole south through to the East Mifflin Street intersection.

STAFF REPORT APPENDIX:
 PERMITTED AND CONDITIONAL USE COMPARISON
 TR-C4 AND LMX DISTRICTS

P = Permitted

C = Conditional (Requires Plan Commission Approval)

Blank = Not Allowed

Type of Use	TR-C4	LMX
Residential – Family Living		
Addition of dwelling unit to single family home	C	
Dwelling units in mixed-use buildings		P/C
Live-work unit		P
Single-family detached dwellings	P	
Three-family dwelling - three-unit	P	
Two-family dwelling - twin	P	
Two-family dwelling - two unit	P	

Type of Use	TR-C4	LMX
Residential – Group Living		
Adult family home	P	
Cohousing community	P/C	
Community living arrangement (up to 8 residents)	P	
Community living arrangement (9-15 residents)	P	
Community living arrangement (>15 residents)	C	
Peer run respite facility	P	

Type of Use	TR-C4	LMX
Civic and Institutional		
Cemetery	C	
Community Event	P/C	P/C
Day care center in school or place of worship	P	
Day care center	C	C
Library, museum	C	C
Parks and playgrounds	P	P
Place of worship	P/C	P/C
Public safety or service facilities	P	P
Reuse of public schools, municipal buildings, or places of worship	P/C	
Recreation, community, and neighborhood centers	C	C
Schools, arts, technical or trade		C
Schools, public and private	C	C
Not-for-profit schools of theater arts for children		

Type of Use	TR-C4	LMX
Retail, Service, Recreation and Other Uses		
Art center		P
Artisan workshop		P

Animal grooming		C
ATM		P
Bank, financial institution		P
Bicycle-sharing facility		P
Business sales and services		C
Bed and breakfast establishments	C	C
Bicycle-sharing facility	P	P
Building or structure with floor area exceeding 10,000 sq. ft. in floor area	C	
Community Garden	P	P
Market Garden	C	C
Farmers markets	C	C
Food and related goods sales		P
Free-standing vending	C	P/C
Furniture and household goods sales		C
General retail		P
Golf course	C	
Health/sports club, fitness center or studio		P
Limited retail use of landmark site or building	C	
Mobile grocery store	P	P
Offices for human service programs	C	
Outdoor recreation	C	C
Parking facility, non-accessory	C	
Photocopying		P
Post office		P
Service business		P
Small appliance repair		P
Sporting goods store, bait shop		P
Storage locker (personal)		P
Recreational, community, and neighborhood centers	C	
Tourist rooming house	P	P

Type of Use	TR-C4	LMX
Offices		
Artist, photographer studio, etc.		P
Insurance office, real estate office, sales office		P
General office, professional office		P

Type of Use	TR-C4	LMX
Medical Facilities		
Clinic – Health		C
Physical, occupational or massage therapy		P
Veterinary clinic, animal hospital		C

Type of Use	TR-C4	LMX
Food and Beverages		
Brewpub		C
Catering		C
Coffee shop, tea house		P
Nightclub		C
Restaurant		C
Restaurant-nightclub		C
Restaurant-tavern		C

Type of Use	TR-C4	LMX
Accessory Uses and Structures		
Accessory building or structure		P/C
Accessory dwelling unit		C
Accessory retail alcohol sales		P
Caretaker's dwelling (nonresidential uses)		C
Composting		P
Convent, monastery or similar residential group		P
Day care center in school or religious institution		C
Day care home, family		P/C
Dependency living arrangements		P
Emergency electric generator		P
Home occupation		P/C
Lease of off-street parking facility accessory to nonresidential use to non-users of principal use		P
Mission house		P
Outdoor cooking operation		P/C
Outdoor eating area associated with food & beverage establishment		C
Portable storage units		P
Real estate sales office		P
Temporary buildings for storage of construction materials and equipment		P
Walk-up service windows		C