

PLANNING DIVISION STAFF REPORT

August 24, 2020

PREPARED FOR THE PLAN COMMISSION



Project Address: 909-915 Jenifer Street (District 6 – Ald. Rummel)
Application Type: Zoning Map Amendment & Conditional Use
Legistar File ID #: [61542](#), [60682](#) & [60689](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact, & Property Owner: Abby Davidson; RefineJenifer, LLC; 915 Jenifer Street #3R; Madison, WI 53703

Requested Action: Approval of a Zoning Map Amendment to rezone a portion of the property from Traditional Residential – Varied 1 (TR-V1) to Traditional Residential – Varied 2 (TR-V2), and approval of a conditional use to establish a 25-bed housing cooperative in the TR-V2 Zoning District.

Proposal Summary: The applicant proposes convert two existing residential structures into one 25-bed, housing cooperative, with an underground basement connection between the two buildings. As part of the renovations, the applicant will construct a two story, 1,400 square-foot addition off the rear of the existing 909 Jenifer Street building. Project construction is anticipated to begin spring of 2021, with projected completion in fall of 2021.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Conditional Uses [MGO §28.183(6)]. The Supplemental Regulations [MGO §28.151] states that in the TR-V2 District, housing cooperatives may locate in any single-family dwelling or convert a building with more than one (1) dwelling unit if the occupancy equals the number of legal bedrooms prior to a change in use to a Housing Cooperative. Occupancy greater than the legal number of bedrooms prior to a change in use requires conditional use approval. The Supplemental Regulations also contain further regulations for housing cooperatives. Lastly, this proposal requires a Certificate of Appropriateness [MGO §41.18] as the subject property is located within the Third Lake Ridge Historic District (HIS-TL). Furthermore, MGO §41.23 lists standards for exterior alterations in the Third Lake Ridge Historic District for parcels zoned for residential use.

Review Required By: Landmarks Commission (LC), Plan Commission (PC), and Common Council (CC)

Summary Recommendations: 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 -- 00446 to the Common Council with a recommendation to **approve**. Furthermore, the Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met, and **approve** the conditional use request. These recommendations are subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 8,757-square-foot (approximately 0.20-acre) subject site is located on the south side of Jenifer Street, near the intersection with S Paterson Street. It is located in Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is currently comprised of two residential lots. These lots will dissolve and will be combined into one parcel, through a Certified Survey Map (CSM). The 909 Jenifer Street property is currently a two-story, two-unit residence, with an existing concrete parking area and detached garage in the rear yard. 909 Jenifer Street is currently zoned TR-V1. The 911-915 Jenifer Street property is currently a three-story, four-unit, 10-bedroom building. 911-915 Jenifer Street is already zoned TR-V2.

Surrounding Land Uses and Zoning:

- Northeast: Single-family and two-unit residential buildings, zoned Traditional Residential - Varied 1 (TR-V1);
- Northwest: An 18-unit apartment building, zoned Traditional Residential – Varied 2 (TR-V2);
- Southeast: A four-unit apartment building, zoned TR-V1, and a five-unit apartment building, zoned TR-V2; and
- Southwest: Two- unit residences, zoned TR-V1.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Low Medium Residential (LMR) for the subject site, which is classified as one to three floors and between seven and 30 dwelling units per acre (du/ac). The [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994), makes no specific land use recommendations for the subject site, but does include the following four major housing objectives: 1) Ensuring Affordable, Quality Housing Opportunities to Continue Throughout the Neighborhood; 2) Preserving, Maintaining, and Renovating Existing Residential – Housing Stock; 3) Architectural Design of New or Rehabilitated Residential Units; and 4) Accessibility to Information on Housing Programs, Resources, and Rental Availability.

Zoning Summary: 909 Jenifer Street is currently zoned Traditional Residential – Varied 1 (TR-V1), but as proposed the entire subject site (909-915 Jenifer Street) will be zoned Traditional Residential – Varied 2 (TR-V2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	2,000 sq. ft./du	8,757 sq. ft.
Lot Width	60'	66'
Front Yard Setback	20'	13.7' existing front
Max. Front Yard Setback	30' or up to 20% greater than block average	13.7' existing front
Side Yard Setback	10'	1.6 existing northeast side 8.6 existing southwest side (4)
Rear Yard Setback	Lesser of 25% lot depth or 25'	43'7"
Usable Open Space	500 sq. ft./du	Adequate (6)
Maximum Lot Coverage	70%	Less than 70% (5)
Maximum Building Height	3 stories/40'	3 stories/32'11"

Site Design	Required	Proposed
Number Parking Stalls	Housing cooperative: same as dwelling tupe prior to conversion to co-op: <ul style="list-style-type: none"> • Two-family dwelling – two-unit (1 – location only) • Multi-family dwelling (1 per dwelling - 4) (5 total)	3 (7)
Accessible Stalls	Yes	None (6)
Loading	Not required	None
Number Bike Parking Stalls	Housing Cooperative: 1 per bedroom (25) plus 1 guest space per 4 bedroom units (6) (31 total)	25 basement 9 surface (34 total)

Landscaping and Screening	Yes	Yes (9)
Lighting	Yes	None (10)
Building Forms	Not required	Existing buildings and less than 50% addition

Other Critical Zoning Items	Historic District (HIS-TL); Barrier Free (ILHR 69); Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: The site is served by a full range of urban services, including daily Metro Transit service along Jenifer Street.

Project Description

The applicant, Refine Jenifer, LLC, proposes to combine two properties (909 Jenifer Street and 911-915 Jenifer Street) into one parcel and build an underground connection between the two existing buildings in order to establish a 25-bed housing cooperative. As proposed, the applicant will also construct a two story, 1,400 square-foot addition on the rear of the existing 909 Jenifer Street building, which will include two fully ADA accessible units.

According to the letter of intent, the housing cooperative will include 25 bedrooms, 11 of which will be Single Room Occupancy (SRO), with the remainder located within two, three, four, and five bedroom suites. According to the applicant, the proposed suites will be configured similarly to traditional apartment units, but will have reduced kitchen and living spaces as all the residents will have full access to the large common spaces including a full commercial style kitchen, great room, shop, and artist studio.

In regards to the proposed site plan, the housing cooperative will essentially read as two buildings from Jenifer Street, with a three-foot plinth connector at the ground level at the rear of the buildings. The driveway on the southwest side of the property will remain, with access to an existing three-car garage and outdoor visitor bicycle parking. There will be a large bike storage room in the basement for tenants.

In order for this development to occur, the applicant proposes to rezone the property currently addressed 909 Jenifer Street from Traditional Residential – Varied 1 (TR-V1) to Traditional Residential – Varied 2 (TR-V2). 911-915 Jenifer Street is currently zoned TR-V2.

Previous Approvals

The subject site is located within the Third Lake Ridge Local Historic District (HIS-TL), and therefore required Landmarks Commission approval of the land combination (CSM) per MGO §41.18(4). At their May 4, 2020 meeting, the Landmarks Commission found the standards met and approved the land combination request (CSM) to combine property located at 909 Jenifer Street and 911-915 Jenifer Street into one parcel. Materials related to that approval are available [here](#).

Furthermore, at the their August 17, 2020 meeting, the Landmarks Commission found the standards met and approved a Certificate of Appropriateness (CoA) for the new construction/exterior alterations for the subject site with the following conditions of approval:

1. The Preservation Planner shall approve:
 - a. Door and window specifications;
 - b. ADA ramp and railing design;
 - c. Roof shingle specifications; and
 - d. Above-grade classing or landscaping treatment of the plinth connector.

Project Analysis & Conclusion

This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Conditional Uses [MGO §28.182(6)].

Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) recommends Low-Medium Residential (LMR), which is classified as one to three floors and between seven and 30 dwelling units per acre (du/ac). Furthermore, two primary housing goals in the [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) are 1) Ensuring Affordable, Quality Housing Opportunities to Continue Throughout the Neighborhood; and 2) Preserving, Maintaining, and Renovating Existing Residential – Housing Stock.

In evaluating the rezoning itself, staff believes that the proposed TR-V2 district can be found consistent with the underlying LMR plan recommendation for this application. From a building height standpoint, the maximum allowed height is three stories, which is also consistent with the LMR recommendation. The main difference lies with allowable building forms, as the TR-V2 district allows for consideration of larger buildings. The LMR recommendation includes up to “small apartment buildings,” which is defined in the Zoning Code as up to eight (8) units. The TR-V2 district currently allows for up to eight units, by right, and taller buildings with conditional use approval. In this situation, staff believes that various factors support the rezoning. Staff notes that a portion of the subject site is already zoned TR-V2 and that the City’s practice is to not split zoning within a building. Staff also note that TR-V2 zoning is already located across the street, so there is precedent for including this zoning classification in this area. Lastly, the subject site is within the Third Lake Ridge Historic District. Therefore, new construction requires a Certificate of Appropriateness from the Landmarks Commission to ensure its compatibility with adjacent historic resources.

Furthermore, staff notes that the applicant is adaptively reusing the existing housing stock to provide more affordable and alternative living options on the City’s isthmus. Strategy Two in the Neighborhoods and Housing section of the [Comprehensive Plan \(2018\)](#), calls to “support development of a wider mx of housing types, sizes, and costs throughout the city” and includes housing cooperatives as a way to “enable and encourage a variety of ownership and occupancy structures.” The Planning Division believes that this proposal furthers the [Comprehensive Plan \(2018\)](#) goal to provide more “Missing Middle” housing. The Plan states that, “Inclusion of a broad range of housing types and price levels within neighborhoods also fosters daily interaction among people of diverse ages, races, and incomes, thereby building a sense of community across various social groups.”

Furthermore, the Planning Division believes that this proposal furthers the housing goals in the [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994). The applicant proposes to rehabilitate the existing structures and this housing cooperative will have income restricted units.

Therefore, staff believes that the proposal generally conforms to the adopted plan recommendations for the subject site.

Standards for Zoning Map Amendments

This proposal is subject to the standards for Zoning Map Amendments, as a portion of subject property is proposed to be rezoned from Traditional Residential – Varied 1 (TR-V1) to Traditional Residential – Varied 2 (TR-V2). 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.”

The Planning Division does not believe that this proposal contradicts the objectives, goals, and policies contained in the comprehensive plan. While the applicant will be adding additional units and bedrooms to the subject site, the property will still be within a “Traditional Varied” residential zoning district. Therefore, staff believes that the standards for Zoning Map Amendments can be found met.

Conditional Use Standards

The applicant is requesting approval of a conditional use to establish a housing cooperative in the Traditional Residential – Varied 2 (TR-V2) Zoning District. The Supplemental Regulations [MGO §28.151] states that in the TR-V2 District, housing cooperatives may locate in any single-family dwelling or convert a building with more than one (1) dwelling unit if the occupancy equals the number of legal bedrooms prior to a change in use to a Housing Cooperative. Occupancy greater than the legal number of bedrooms prior to a change in use requires conditional use approval. As previously mentioned, this request will add 13 additional bedrooms to the subject property.

In regards to the Conditional Use Approval Standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

The Planning Division believes that this proposal conforms to the adopted plan recommendations for the subject site.

Staff also believes that all of the Conditional Use Approval Standards can be found met. Staff does not believe that establishing a 25-bedroom housing cooperative will diminish the uses, values, and enjoyment of other property in the neighborhood, nor will it impede the normal and orderly development of the surrounding properties. While there will be an increase in the number of tenants on the property (12 bedrooms to 25 bedrooms), staff notes that the exterior changes to the buildings are minimal. While the applicant proposes a 1,400 square-foot addition of the rear of the 909 Jenifer building, staff does not believe that this will have a significant impact on the neighborhood aesthetic character. Furthermore, the City’s Landmarks Commission approved a Certificate of Appropriateness (CoA), which ensures that the development conforms to the Third Lake Ridge Historic District (HIS-TL) standards.

Supplemental Regulations

The Supplemental Regulations [MGO §28.151] contain additional requirements for housing cooperatives. The following requirements are applicable to this conditional use request:

1. When two-family, three-family, and multi-family buildings are converted into Housing Cooperatives, the entire building must remain a Housing Cooperative while any portion of it is so occupied.
The applicant provided information on their ownership structure in the letter of intent. Staff believes that this requirement is met.
2. The bulk requirements for multi-family uses in the district apply
In keeping with the Zoning Administrator's findings, this requirement is met.

Public Input

At the time of report writing, the Planning Division did not receive any public comments on this request.

The Planning Division believes that this proposal can be found to meet the approval standards for zoning map amendments and conditional uses.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 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 28.022 -- 00446 to the Common Council with a recommendation to **approve**. Secondly, the Planning Division recommends that the Plan Commission find that the standards for conditional uses are met, and **approve** the conditional use request to establish a 25-bed housing cooperative in the Traditional Residential – Varied 2 (TR-V2) Zoning District. These recommendations are subject to input at the public hearing and the conditions from reviewing agencies in this report.

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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The pending Certified Survey Map (CSM) 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.

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

2. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

3. The numbering on the plan set does not conform to current addressing standards. Submit a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page 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 final verification submittal stage of this LNDUSE 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)

4. Show the proposed southwest side yard setback distance measured to the proposed building addition. The side yard setback for the proposed addition is a minimum of 10 feet.
5. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 70%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
6. Identify the qualifying usable open space area on the site plan. A minimum of 500 sq. ft. of useable open space is required. Usable open space shall be at ground level 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.
7. A vehicle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.
8. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible 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 stall.
9. Submit a landscape plan and landscape worksheet showing compliance with MGO Section 28.142 *Landscaping and Screening Requirements*. The landscape plan may be combined with the proposed site plan.
10. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
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.

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

12. The solar panel array shall comply with IFC 1204. Required clearances from the peak and the eaves may impact the final solar panel layout.

13. A fire sprinkler system shall be provided throughout the building in accordance with NFPA 13R.

Parks Review (Contact Ann Freiwald, (608) 243-2848)

14. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 20027 when contacting Parks about this project.

Forestry Review (Contact Brad Hofmann, (608) 266-4816)

15. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

16. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued.

17. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm>

18. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required.

19. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees

and roots within five (5) feet of the tree or within the protection zone is prohibited.

20. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone.
21. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning.