



PREPARED FOR THE PLAN COMMISSION

Project Address: 1330 Sherman Avenue (District 2 – Ald. Heck)
Application Type: Conditional Use & Lakefront Development
Legistar File ID #: [64900](#)
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: Laura Amundson; City of Madison Engineering Division; 210 Martin Luther King Jr. Boulevard; Madison, WI 53703
Contact: Melissa Destree; Destree Design Architects, Inc; 222 W Washington Avenue; Madison, WI 53703
Property Owner: Eric Knepp; City of Madison Parks; 210 Martin Luther King Jr. Boulevard, Room 104; Madison, WI 53703

Requested Action: The applicant requests approval of a conditional use for lakefront development to construct a new park shelter (accessory building) for Tenney Beach at 1330 Sherman Avenue.

Proposal Summary: The applicant proposes to replace the existing beach shelter with a new 2,239-square-foot beach shelter at Tenney Beach. The new shelter will have 435 square-feet of indoor space with accessible toilet facilities. Included in the site improvements, the applicant proposes to install a clean beach treatment system for the swimming area. As part of the development, the applicant will install an accessible paved walkway from the existing parking lot to the new shelter.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. MGO §28.138(2)(a) states that any accessory buildings on zoning lots abutting Lake Mendota shall require conditional use approval.

Review Required By: Landmarks Commission (LC) & Plan Commission (PC). The Urban Design Commission (UDC) Secretary administratively reviewed this request on behalf of the UDC.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct a 2,239 square-foot park shelter (accessory building) and clean beach swimming area in the Parks and Recreation (PR) Zoning District on a lakefront property at 1330 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 210,375 square-foot (approximately 4.83-acre) subject property is located on the northwest side of Sherman Avenue on the lakeside of Tenney Park. The site is within both Aldermanic District 2 (Ald. Heck) and the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site, Tenney Park Beach, includes a park shelter, parking lot, swimming beach, play area, walking trails, and other outdoor recreation amenities.

Surrounding Land Use and Zoning:

North: Lake Mendota;

East: Tenney Park, zoned Parks and Recreation (PR);

South: Single-family and two-family residences, zoned Traditional Residential – Consistent 2 (TR-C2) and Traditional Residential – Consistent 4 (TR-C4); and

West: Single-family residences, zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Park and Open Space (P) for the subject site. The [Tenney-Lapham Neighborhood Plan \(2008\)](#) recommends Parks and Open Space for the subject site and lists the following goals for parks within the neighborhood: 1) Reassess and revise park master plans in cooperation with the Parks Division and neighborhood residents; 2) Preserve the historic character of the landscape and structures in the neighborhood; 3) Provide for a balance of passive and active recreational activities in all neighborhood parks as approved in the master plan updates; 4) Protect parks and green spaces from encroachment by public infrastructure such a parking lots and paved areas. Add buffers of green space when parcels next to parks are developed or become available for public purchase; 5) Ensure safety in the park; and 6) Incorporate public art into neighborhood parks.

Zoning Summary: The property is zoned Parks and Recreation (PR).

Requirements	Required	Proposed
Lot Area (sq. ft.)	5 acres	5.25 acres
Lot Width	300 ft.	1,075 ft.
Maximum Building Height	2 stories/35’	15 ft.

Site Design	Required	Proposed
Number Parking Stalls	As Determined by Zoning Administrator	29
Accessible Stalls	2	2
Loading	No	No
Number Bike Parking Stalls	As Determined by Zoning Administrator	6
Landscaping	Yes	Yes
Lighting	Yes	Yes

Other Critical Zoning Items	Urban Design (Public Building); Historic District; Floodplain; Adjacent to Park; Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is located within a mapped environmental corridor.

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

Project Description, Analysis, and Conclusion

The applicant is seeking conditional use approval to allow construction of a new 2,239 square-foot park shelter (accessory building) on a lakefront property. The new shelter will have 435 square-feet of enclosed space, which will include accessible toilet facilities, a mechanical room, and an equipment room. In terms of building materials, the structure will be primarily clad in concrete masonry in a slate color, with metal and stone accents. According to the letter of intent, the roof will accommodate future low-profile PV solar panels to provide supplementary

power for the project. As part of this development, the applicant will demolish the existing park shelter and install a Clean Beach Treatment System for the swimming area. More detail on the System is included in the Plan Commission materials. As proposed, one tree will be removed from the property as part of this development.

This proposal is subject to the approval standards for Conditional Uses [MGO §28.183] and Lakefront Development [MGO §28.138]. Furthermore, Tenney Park is a Designated Madison Landmark Site and therefore required a Certificate of Appropriateness (CoA) for new construction from the City's Landmarks Commission [MGO §41.18]. MGO §28.138(2)(a) states that any accessory buildings on zoning lots abutting Lake Mendota shall require conditional use approval. While the applicant will raze the existing shelter as part of this development, the demolition is not subject to the City's Demolition Standards [MGO §28.185(7)] as the shelter is classified as an accessory structure according to the Zoning Administrator. Lastly, according to MGO §33.24(4)(d), the Urban Design Commission (UDC) shall approve plans for all buildings proposed to be built or expanded in the City by the City of Madison. As this structure is keeping with a previously approved prototype approved by the UDC, the UDC Secretary administratively reviewed this request on behalf of the Commission and did not recommend any conditions of approval.

At their April 5, 2021 meeting, the Landmarks Commission granted a Certificate of Appropriateness to demolish the existing beach shelter and construct a new beach shelter with the following conditions:

- 1) Use site plan option #2 (which was submitted for Plan Commission review); and
- 2) Gather community feedback on the color for the Hardieboard smooth siding on the canopy.

Since that meeting, the applicant received neighborhood feedback regarding the canopy siding color and landed on a green color, which is included in the Plan Commission materials. Information on the Landmarks Commission approval process is available [here](#).

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, and finding that all of the conditional use standards of MGO §28.183(6) are met. The Planning Division believes that this proposal is consistent with the land use recommendation for Parks and Open Space in both the [Comprehensive Plan \(2018\)](#) and the [Tenney-Lapham Neighborhood Plan \(2008\)](#), as the shelter is an addition to an existing City Park. Additionally, staff believes that this proposal furthers the specific Parks and Open Space goals included in the Neighborhood Plan. Staff notes that no Master Plan currently exists for Tenney Park.

Lastly, the Planning Division believes that the Conditional Use Approval Standards can be found met. Conditional Use Standard #13 relates exclusively to lakefront development and states that "when applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development." Considering the fact that the proposed structure is classified as an accessory building, and not a principal building, this consideration does not apply. Staff does not believe that reconstructing a new park shelter will impede normal and orderly development, nor impair the uses, values, and enjoyment of other property in the neighborhood.

Lakefront Development Standards

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes. This section includes additional regulations including limitations on the clearing of shoreline vegetation, requirements for public sewer, environmental protections, and additional lot coverage standards. This section also includes the methodology to establish the building setback from the lake. Given that

the proposed structure is an accessory building, there is no required lakefront setback. The Planning Division believes that the lakefront development standards can be found met.

Public Input

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

Conclusion

The Planning Division believes that both the Conditional Use and Lakefront Development Standards can be found met with this request. Staff is supportive of the improvements to the Beach Park, especially in regards to the Clean Beach Treatment System.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, sprusak@cityofmadison.com)

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

The Planning Division recommends that the Plan Commission find that the standards for conditional uses and lakefront development are met and **approve** the conditional use request to construct a 2,239 square-foot park shelter (accessory building) and clean beach swimming area in the Parks and Recreation (PR) Zoning District on a lakefront property at 1330 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to 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 signoff. (MGO 16.23(9)(d)(4))
2. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
4. Revise the site plan 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 will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning (Contact Jacob Moskowitz, (608) 266-4560)

7. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. Obtain necessary erosion control permits.

Fire Department (Contact Bill Sullivan, (608) 886-4691)

8. Provide fire access lanes in accordance with Madison General Ordinances Chap 34 & the International Fire Code.

Forestry (Contact Brad Hofmann, (608) 267-4908)

9. 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. Add as a note on the plan set.
10. Excavation 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> Add as a note on the plan set.
11. Protection 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. Add as a note on the plan set.
12. Pruning 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. Add as a note on the plan set.

13. Soil 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. Add as a note on the plan set.
14. 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. Add as a note on the plan set.
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.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

16. Madison Water Utility records indicate an existing 1.5" copper service to this property. The utility plan indicates connecting to an existing 2" copper service. Verification is needed to ensure that a 1.5" copper service will be sufficient to serve the future building.
17. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.