



PREPARED FOR THE PLAN COMMISSION

Project Address: 1101 Williamson Street/403 S. Ingersoll Street (District 6, Ald. Benford)
Application Type: Conditional Use
Legistar File ID # [65475](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Corey Bushcott; Raelyn Labs; 3435 Richard Street; Madison, WI 53714

Property Owner: John Hain; 1101 Williamson Street; Madison, WI 53714

Requested Action: The applicant requests approval of a conditional use in the Traditional Shopping Street (TSS) District for a building with less than 75% non-residential ground floor area to allow creation of a ground floor apartment at the rear of an existing commercial building at 1101 Williamson Street/403 S Ingersoll Street.

Proposal Summary: The applicant proposes to add a dwelling unit in an existing commercial building.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183], as Supplemental Regulation (f) [MGO §28.151] for the use *Dwelling Units in Mixed-Use Buildings* (which, should this request be approved, the building would classified as) states, “*In the TSS District, at least 75% of the ground floor area shall be non-residential use(s). Less than 75% non-residential ground floor area requires conditional use approval.*” With the proposed dwelling unit added, the commercial space is reduced to roughly 67% of the floor’s footprint.

Review Required By: Plan Commission (The Secretary of the Landmarks Commission reviewed this request administratively on behalf of the Landmarks Commission).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards met and **approve** the request to add a dwelling unit in an existing commercial building at 1101 Williamson Street/403 S Ingersoll Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 3,630-square-foot (0.08-acre) subject property is located to the east of the intersection of Williamson Street and S Ingersoll Street. The site is within Alder District 6 (Ald. Benford) as well as the limits of the Third Lake Local Historic District and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned TSS (Traditional Shopping Street) District and includes an existing 1,730-square-foot, one-story, commercial building. According to City Assessor records, the building was originally constructed in 1925 and added onto in 1982.

Surrounding Land Use and Zoning:

Northeast: A single-family residence, zoned TR-V2 (Traditional Residential – Varied 2); beyond which are commercial building and 2- and 4-unit apartment buildings, all in the TSS (Traditional Shopping Street) District;

Northwest: Across Williamson Street are two 2-unit apartment buildings in the TR-V2 District;

Southeast: A single-family residence, zoned TR-V2; and

Southwest: Across S Ingersoll Street is a two-story, mixed-use building with ground-floor commercial and two units above, zoned PD (Planned Development) District.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends LMR (Low Medium Residential) uses for the subject site. The Plan notes that this category is largely categorized as “Missing Middle” housing development - two-unit buildings, three-unit buildings, rowhouses, small multifamily buildings, etc. The [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) identifies the subject site in the *Williamson Street Residential Area “D.”* While the Plan recommends exploring ways to preserve this primarily residential area while allowing existing neighborhood businesses to continue to operate, it does not provide specific recommendations regarding the reallocation of space within an existing commercial building in order to add a residential unit.

Zoning Summary: The property is in the TSS (Traditional Shopping Street) District.

Requirements	Required	Proposed
Front Yard Setback	0’ or 5’	Existing front setback
Side Yard Setback: Street side yard	0’ or 5’	Existing side setback
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (TR-V2): 5’	Existing side setback
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Existing rear setback
Usable Open Space	40 sq. ft./ d. u.	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	3 stories/ 40’	1 story existing building
Front Yard Setback	0’ or 5’	Existing front setback
Side Yard Setback: Street side yard	0’ or 5’	Existing side setback

Site Design	Required	Proposed
Number Parking Stalls	Not required	None
Accessible Stalls	Not required	None
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (1) Existing coffee shop: 5% of capacity of persons	Existing bike parking in ROW <i>(See Conditions #3)</i>
Landscaping and Screening	Not required	Existing landscaping <i>(See Conditions #4 & #5)</i>
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Historic District (Third Lake Historic District); Utility Easements; Barrier Free (ILHR 69)
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Tables 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, including nearby all-day weekday as well as weekend Metro Transit service located 0.2 miles to the south at the intersection of W. Olin Avenue and Gilson Street.

Related Approval

The Preservation Planner found that the proposed exterior alterations were in compliance with the Third Lake Ridge Historic District standards and administratively approved the proposed exterior alterations on May 28, 2021.

Project Description, Analysis, and Conclusion

The applicant requests conditional use approval to add a dwelling unit to an existing commercial building. This request is subject to the standards for conditional uses [MGO §28.183], as Supplemental Regulation (f) [MGO §28.151] for the use *Dwelling Units in Mixed-Use Buildings* (which, should this request be approved, the building would classified as) states, “*In the TSS District, at least 75% of the ground floor area shall be non-residential use(s). Less than 75% non-residential ground floor area requires conditional use approval.*” With the proposed dwelling unit added, the commercial space is reduced to roughly 67% of the floor’s footprint.

The subject site includes an existing 1,730-square-foot, one-story, commercial building. The lone tenant is Mother Fool’s Coffee which occupies the entire building. The business’ main entrance is located at the western corner of the building while a second ingress/egress door is located along the S Ingersoll Street façade. A small office/storage space, also used by the Coffee Shop, is located at the rear (southeast) of the building. This space has both internal access (from the coffee shop) as well as external access (from S Ingersoll Street via a separate entrance).

The applicant proposes to convert the space currently occupied by the office/storage space and one of the coffee shop’s bathrooms, into a roughly 615-square-foot studio apartment. The external door which served the former office/storage space will be maintained but will now access a small, roughly 160-square-foot foyer/common area, off of which will be an entrance to the studio apartment and an internal entrance, for staff, into the coffee shop. The coffee shop is planning to keep its trash bins in this common area.

As for exterior changes, the two windows located along the building’s southwest façade which will serve the proposed apartment will both be enlarged slightly to meet building code requirements for daylighting. Two windows and an external door will also be added on the northeast wall of the apartment space.

Conformance with Adopted Plans

Regarding adopted plan recommendations, Staff believes that this proposal is generally consistent with the [Comprehensive Plan \(2018\)](#), which recommends LMR (Low Medium Residential) uses for the subject site. The Plan notes that this category is largely categorized as “Missing Middle” housing development - two-unit buildings, three-unit buildings, rowhouses, small multifamily buildings, etc. Staff also believe it to be compatible with the [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994) which identifies the subject site in the *Williamson Street Residential Area “D”*. While the Plan recommends exploring ways to preserve this primarily residential area while allowing existing neighborhood businesses to continue to operate, it does not provide specific recommendations regarding the reallocation of space within an existing commercial building in order to add a residential unit.

Conditional Use Standards

The conditional use approval standards state that 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 the conditional use standards can be found met. As noted above, Staff believes that the proposal is generally consistent with both the [Comprehensive Plan \(2018\)](#) and [Marquette-Schenk-Atwood Neighborhood Plan](#) (1994). Staff does not anticipate that the addition of a dwelling unit in the existing commercial building will result in negative impacts on surrounding properties based on the size of the subject property and its ability to accommodate the additional dwelling unit within the existing footprint. While the minimum percentage of the ground floor area required to be non-residential uses is 75%, Staff believes the proposed 67% is acceptable given that it is still consistent with all adopted plans, the commercial space is still the dominant feature of the building, and still occupies the majority ground floor area. While noting that applications are reviewed against city ordinances that are in place at the time of application submittal, Staff note that recently approved changes to the Zoning Code removed the requirement to have 75% of the ground floor area devoted to a non-residential use. A related change reduced the requirement of non-residential street frontage activities from 75% to 50%. These changes were approved by the Council on June 1, 2021. Lastly, Staff note that the City’s Preservation Planner found that the proposed exterior alterations were in compliance with the Third Lake Ridge Historic District standards and administratively approved the proposed exterior alterations on May 28, 2021.

At the time of report writing, staff was not aware of any concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards met and **approve** the request to add a dwelling unit in an existing commercial building at 1101 Williamson Street/403 S Ingersoll Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

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

1. Identify on the plans the Lot 1, Block 182 - 183 of the recorded Plat of Farwell's Replat of Blocks 165 - 240. Also the lot dimensions of the parcel are all incorrect and shall be corrected to match title.
2. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

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

3. Bicycle parking for the existing coffee shop and proposed dwelling unit shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). A minimum amount of bicycle parking equal to 5% of capacity of persons is required for the coffee shop. One (1) bicycle stall is required for the proposed dwelling unit. The bicycle stalls located in the public right-of-way do not count toward the minimum bicycle parking requirement. The owner may submit a request for a bicycle parking reduction with information to support the request per Section 28.141(5). Information such as the number and location of the bicycle stalls in the right-of-way can be used to support the argument for reducing the required number of spaces on the private property.
4. Screening is required adjacent the Zoning district boundary along the east side and rear 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. For conditional uses, the Plan Commission may modify these requirements. Submit a detail or photo of the existing or proposed screening fence with the final plans.
5. Show the refuse disposal area on the site plan. 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. Submit a detail of the trash enclosure if provided outside the building. Note that City issued trash containers are not required to be screened.
6. 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)

7. Madison Fire Department recommends the installation of a residential fire sprinkler system. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/buildingresidential-fire-sprinklers>
8. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.

Parks Review (Contact Kate Kane, (608) 261-9671)

9. 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# 21012 when contacting Parks about this project.

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

10. 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.
11. 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.
12. On this project, street tree protection zone fencing is required if any construction or storage of materials will be within the terrace area. 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.
13. 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.
14. 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.
15. 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.
16. 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 to be preserved or proposed to be removed and the reason for removal.

The following agencies have reviewed this request and has recommended no conditions or approval:

Engineering Main Office; Traffic Engineering; Water Utility; Metro