

## PLANNING DIVISION STAFF REPORT

October 16, 2017

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 335 W. Lakeside Street (District 13, Ald. Eskrich)  
**Application Type:** Conditional Use  
**Legistar File ID #** [48781](#)  
**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:** Ryan Schultz; OpeningDesign; 312 W. Lakeside Street; Madison, WI 53589

**Property Owner:** Thiel Properties; P.O. Box 73; Oregon, WI 53575

**Requested Action:** The applicant requests approval of a conditional use to add a dwelling unit to an existing mixed-use building at 335 W. Lakeside Street.

**Proposal Summary:** The applicant proposes to add a dwelling unit to an existing mixed-use 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 this request is classified as) states, *"In the NMX District, at least seventy-five percent (75%) of the ground floor area shall be non-residential use(s). Less than seventy-five percent (75%) non-residential ground floor area requires conditional use approval."* (The commercial space on the ground floor represents only 61-percent of the floor's footprint).

**Review Required By:** Plan 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 to an existing mixed-use building at 335 W. Lakeside Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 3,600-square-foot (0.08-acre) subject property is located on the east side of Rowell Street, at the intersection with W. Lakeside Street. The site is within Aldermanic District 13 (Ald. Eskrich) as well as the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is zoned NMX (Neighborhood Mixed-Use) District and includes an existing 2,100-square-foot, two-story, mixed-use building with 895 square-feet of commercial space and a dwelling unit on the ground floor, and two more dwelling units on the second. According to City Assessor records, the residence was originally constructed in 1905 and remodeled in 1996. Grass covers the southern portion of the property which is zoned NMX (Neighborhood Mixed-Use) District.

### Surrounding Land Use and Zoning:

- North:** Across W. Lakeside Street are various small retail establishments including a bicycle shop and a pet store as well as the Madison Area Bahá'í Center, all zoned NMX (Neighborhood Mixed-Use) District;
- South:** A single-family residence in the TR-C2 (Traditional Residential – Consistent 2) District;
- East:** The mostly asphalt playground for the Franklin Elementary School, with the school beyond, both zoned TR-C2; and
- West:** Across Rowell Street and the railroad tracks is a single-family residence in the NMX District, with another beyond in the TR-C4 (Traditional Residential – Consistent 4) District.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends NMU (Neighborhood Mixed-Use) for the subject site. The only recommendation regarding the subject site made by the [Bay Creek Neighborhood Plan \(1991\)](#) is the statement, *"If the Lakeside commercial district were to have significant occupancy problems in the future, the Bay Creek Neighborhood Association should consider the option of an adaptive reuse of the commercial structures for multi-family housing combined with ground floor retail or office."*

While the [South Madison Neighborhood Plan \(2005\)](#) does not make specific recommendations regarding the subject site, it does state, *"One of the neighborhoods' land use priorities is to preserve the existing character of [the predominantly single-family and/or single-family to three-unit residential areas]. The South side neighborhoods' preference is to have a mixture of single-family to three-units co-exist within the zoning district at current levels."*

**Zoning Summary:** The property is in the NMX (Neighborhood Mixed-Use) District.

Requirements	Required	Proposed
Front Yard Setback	None	None
Side Yard Setback: Where buildings abut residentially zoned lots at side lot line.	Minimum side yard required in the adjacent residential district: 5'	6' east side
Side Yard Setback: Other cases	None unless needed for access	None west side
Rear Yard Setback	20'	Adequate
Usable Open Space	160 sq. ft. per lodging room or 1-bedroom unit 320 sq. ft. for >1-bedroom units (640 sq. ft.)	Adequate
Maximum Lot Coverage	75%	49%
Maximum Building Height	3 stories/ 40'	2 stories existing building
Number Parking Stalls	No minimum	None
Accessible Stalls	None	None
Loading	None	None
Number Bike Parking Stalls	<b>Clinic, medical, dental or optical: 1 per 5 employees:</b> (2 minimum) <b>Proposed multi-family dwelling:</b> 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (1)	4
Landscaping and Screening	Not required	Existing landscaping (See Comment #4)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items</b>	Barrier Free (ILHR 69); Utility Easements	

*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, 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.

## Project Description, Analysis, and Conclusion

The applicant requests conditional use approval to add a dwelling unit to an existing mixed-use 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 this request is classified as) states, “*In the NMX District, at least seventy-five percent (75%) of the ground floor area shall be non-residential use(s). Less than seventy-five percent (75%) non-residential ground floor area requires conditional use approval.*” (The commercial space on the ground floor represents only 61-percent of the floor’s footprint).

The subject site includes an existing 2,100-square-foot, two-story, mixed-use building. On the ground floor is an 895-square-foot commercial space – currently used as an acupuncture center – has three treatment rooms, two storage rooms, and a bathroom. Its main entrance is located at the northwest corner of the building with an additional ingress/egress located near the center of the east elevation. It also has access to a roughly 760-square-foot basement via the enclosed staircase located along the eastern wall. At the back (south) of the ground floor is a 565-square-foot, one-bedroom dwelling unit with a kitchen/living room and bathroom. Its ingress/egress is located along the building’s west elevation and has direct access to the Rowell Street sidewalk.

Upstairs are two dwelling units: the front one is an 895-square-foot, two-bedroom unit with a living room, kitchen, and bath while the rear one is a 523-square-foot, one-bedroom unit with a living room, kitchen and bath. The front unit has two access points: a private stairwell which leads from the northeast corner of the building, and accesses the W. Lakeside Street sidewalk, and a stairwell which leads from the Rowell Street sidewalk and is shared with the rear unit.

This request is actually after-the-fact as the internal remodeling work has already occurred and the third dwelling unit has been added within the building. The only changes proposed at this point in time are the addition of four bicycle parking stalls on the site – two stalls (along with a 6-foot by 4-foot area of pavement) to the east of the W. Lakeside Street façade (between the building and the property line) and the other two to the south of the Rowell Street façade. The associated paving area for the later will be enlarged to include an additional 7.5-foot by 8-foot area of pavement for the trash receptacles (this area is currently gravel).

While it is regrettable that work was completed in advance of required Plan Commission review, the Planning Division believes the conditional use standards can be found met. The Zoning Code states that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met. Staff believes that the proposal is consistent with the [Comprehensive Plan \(2006\)](#) which recommends Neighborhood Mixed-Use (NMU) for the subject site. Staff also believe it is consistent with the [South Madison Neighborhood Plan’s](#) general recommendation of preserving the existing character of the predominantly single-family and/or single-family to three-unit residential areas. Lastly, it is also consistent with the [Bay Creek Neighborhood Plan \(1991\)](#) which foresaw such a situation and recommended, “*If the Lakeside commercial district were to have significant occupancy problems in the future, the Bay Creek Neighborhood Association should consider the option of an adaptive reuse of the commercial structures for multi-family housing combined with ground floor retail or office.*”

Staff does not anticipate that the addition of another dwelling unit in the existing mixed-use, two-unit 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-percent, Staff believes the proposed 61-percent is acceptable given that it 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. Furthermore, the transition from

commercial space to dwelling unit on the ground floor does not have a significant impact on the character of the building due to the fact that only a short portion of the Rowell Street façade (near the W. Lakeside Street corner) is floor-to-ceiling glass while the majority is obscured from view as it is clad with horizontal clapboard with only a few clerestory windows. Staff note that the conditions of approval include the Fire Department's requirement to add a sprinkler system throughout the building.

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

## Recommendation

### **Planning Division Recommendation** (Contact Chris Wells, 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 to an existing mixed-use building at 335 W. Lakeside 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 – Main Office** (Contact Tim Troester, (608) 267-1995)

The agency reviewed this request and has recommended no conditions or approval.

### **City Engineering Division – 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 reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. The first floor apartment shall display and use an address of 1003 Rowell St. It has its own separate entrance and shall not be using the upper floor base apartment address (1001).

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

The agency reviewed this request and has recommended no conditions or approval.

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

4. Screening is required adjacent the Zoning district boundary along the East property line. Screening shall be provided alongside 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.

5. 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)

6. Provide a fire sprinkler system due to the change of use of the garage and the addition of a new residential unit. Refer to the IEBC Chapter 1004 & 1012.

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

7. 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 Central Park -Infrastructure Impact Fee district. Please reference ID# 17153 when contacting Parks about this project.
8. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. 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.
9. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

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

This agency reviewed this request and had no recommended conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval