

EAST WILSON STREET / SCHLEY PASS / DEWEY COURT NEIGHBORHOOD CONSERVATION STUDY



APRIL 20, 2011

Acknowledgements

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Overview and Summary of Recommendations

This report presents the findings and recommendations from the Neighborhood Conservation Study for the East Wilson Street/Schley Pass/Dewey Court area. The Study was authorized by the Madison Common Council on August 4, 2009, following a public meeting and a mail survey of area residents, property owners and businesses, as provided by the Madison Zoning Code [Section 28.104].

Study Area

The Neighborhood Conservation Study Area consists of the 1100, 1200, 1300 and part of the 1000 block of East Wilson Street; all of Schley Pass and Dewey Court; and adjacent segments of Ingersoll, Few, Baldwin and Dickinson Streets. The study area is located between the Williamson Street mixed-use corridor on the south and an industrial employment and former railroad yard area on the north. The two blocks north of East Wilson Street between Ingersoll Street and Baldwin Street are now planned for redevelopment as Madison's new Central Park, which could greatly enhance the study area as a residential location and may also provide limited commercial opportunities related to park activities. [See Map 1]

Existing Land Uses and Zoning

The study area predominantly consists of relatively small single-family houses on small lots; but the area also includes several two or three-unit house conversions, a couple of larger apartment buildings, and a variety of non-residential uses, both in former houses and in older non-residential buildings. [See Map 2]

Zoning districts in the study area include the R3, R4 and R5 residential districts, the C3 commercial district, the M1 manufacturing district, and the Planned Unit Development district. [See Map 3] One of the reasons for considering the creation of a Neighborhood Conservation District is a concern that the current zoning districts do not provide reliable long-term protection for the types and scale of land uses currently existing in the area.

Neighborhood Conservation Study Process

As described in Section 5 of this report, the physical attributes that give the East Wilson Street/ Schley Pass/Dewey Court area its distinctive character were identified and discussed by study area residents and property owners at six public meetings held in the neighborhood between March 10 and July 22, 2010. Using extensive information on study area characteristics and their own familiarity with the study area, participants discussed and identified those essential neighborhood attributes that were most important to them and which they wanted to preserve and enhance over the long term.

Essential Study Area Attributes

While there are a large number of physical attributes shared by many of the properties and houses within the study area, study participants concluded that only a few were essential to maintaining the area's character. Attributes that participants felt should be maintained or enhanced include:

- The compact, pedestrian-friendly character of the area
- The relatively small-scale, low-rise character of existing study area buildings, particularly houses
- The consistent street rhythm created by individual buildings on narrow lots separated by spaces
- The variety of uses in the study area, including both residential and non-residential uses
- The variety in physical characteristics, such as building setbacks, found within the study area
- Commercial-employment uses that are local and relatively small scale
- The canopy street trees

Study participants also identified other important objectives that they felt should be considered in the creation of a Neighborhood Conservation District or in other approaches taken to maintaining and enhancing the study area's essential character:

- Regulations should prevent individual lots from being combined into larger parcels and redeveloped with structures much larger or taller than the current homes and buildings.
- Regulations applied to the study area should not make it more difficult for owners to fix-up their properties, or to expand or replace existing buildings with new structures, as long as the established scale and lot pattern is maintained.
- Regulations applied to the area should not unduly restrict the use of individual parcels compared to what is presently allowed by the current zoning regulations applicable to that parcel.

Although participants recognized and discussed other physical attributes of the study area, such as predominant housing styles, roof design, porches, building materials and colors, and similar physical features, they concluded that these were all less important to maintaining the essential character of the area than lot size, lot width, and building size and height. They also wanted to encourage property rehabilitation and, when warranted, the selective replacement of dilapidated buildings with newer structures, and did not want discourage creativity in the design of new or remodeled structures by being overly-prescriptive.

Finally, study participants recognized that many buildings within the identified Transition Areas did not share the predominant "small-scale house" character of the district. While these properties might continue indefinitely in their current form, participants agreed that if and when they do redevelop, it was reasonable that these properties not be expected to replicate the "small house on small lot" form of surrounding properties (although that option should generally be allowed as well), but that they should be allowed to develop with more-intensive building types designed to provide a compatible transition to the adjacent smaller-scale structures.

Recommendations Summary

As property maintenance and redevelopment occur over time, the core of the study area currently characterized by houses on individual lots should maintain the small scale residential uses on these parcels. Other portions of the study area with different land uses and building forms should be allowed more flexibility, yet redevelopment should be physically compatible with the core of the study area.

Based on the objectives for maintaining and enhancing the essential character of the East Wilson Street/Schley Pass/Dewey court area determined by study participants, the following recommendations are proposed for consideration by the Plan Commission and Common Council (See Section 3 for details):

Recommendation 1: Rezone study area properties to better reflect existing land uses and physical characteristics

Some of the desirable characteristics of the study area can be maintained through application of more appropriate standard zoning districts, especially those in the new Zoning Code. Selected districts from the new Zoning Code are recommended to better match existing land uses and allow for redevelopment consistent with the study area objectives.

Recommendation 2: Create a Neighborhood Conservation District

While changes to the standard zoning districts applied to the study area can accomplish a better fit with the desired land uses and physical characteristics, other important objectives are outside the range of regulatory choices provided by the base zoning districts. For example, standard zoning cannot limit the combination of lots to create larger redevelopment sites, or provide parameters for future developments under Planned Development zoning. Further, standard zoning districts would actually

limit the ability of owners to replicate the existing building size and placement on the smallest lots in the study area.

If, after public comment from study area residents and property owners, the Plan Commission and Common Council determine that an additional regulatory framework is needed to conserve and enhance the essential physical characteristics of the study area over time, it is recommended that a Neighborhood Conservation District zoning overlay be created for most of the study area. [See Map 5]

Recommendation 2.1: Apply six specific Neighborhood Conservation District overlay zoning regulations to conserve existing physical characteristics

If a Neighborhood Conservation District is created, six specific zoning regulations different from those in the underlying standard district are recommended to conserve the study area’s existing physical characteristics, encourage property reinvestment, and ensure that redevelopment is complementary to the core of the district. These include:

- Limitations on lot combinations
- Prohibition on the creation of “through-lots”
- Limitations on building height
- New front setback requirements
- Flexible lot depth requirements for the smallest residential lots
- Flexible usable open space requirements for the smallest residential lots.

Recommendation 2.2: Apply different NCD overlay regulations within four defined Transition Areas

Four designated Transition Areas encompass properties whose existing characteristics are significantly different from the predominant “small house on small lot” building type in the study area [See Map 7]. Three of these Transition Areas are located at the edges of the proposed Conservation District (Areas A, B and D) and consist primarily, though not entirely, of non-residential structures, while the fourth (Area C) includes two older 10-unit, two-story apartment buildings.

Specific supplemental overlay zoning regulations recommended for the Transition Areas seek to create a regulatory framework that can accommodate continued non-residential uses where appropriate and allow more-intensive redevelopment to occur, while ensuring that it is compatible with the smaller-scale residential uses in the core of the NCD.

Recommendation 3: Maintain the Existing Characteristics of the public street right-of-way

Within the public right-of-way, maintain the existing street widths, terrace widths, and tree canopy.

Implementation

The requirements and process for creating a Neighborhood Conservation District are identical in Madison’s existing Zoning Code and in the new Zoning Code text adopted on March 29, 2011. However, the standard zoning districts in the new Code are substantially different from the districts in the current Code, and provide a much better “fit” with the physical characteristics of the City’s older neighborhoods. For this reason, it is recommended that the recommendations of this Neighborhood Conservation Study be implemented as part of the approval process for the new Zoning Code.

- Whether or not the Neighborhood Conservation District is created, the proposed new zoning districts recommended in Map 4 should be incorporated into the new zoning district map for the city that will be considered and adopted by the Madison Common Council following adoption of the new Zoning Code.
- If an East Wilson Street/Schley Pass/Dewey Court Neighborhood Conservation District is recommended by the Common Council, the regulations in Recommendation 2 should be drafted in ordinance form and incorporated into the new Zoning Code as part of its adoption.

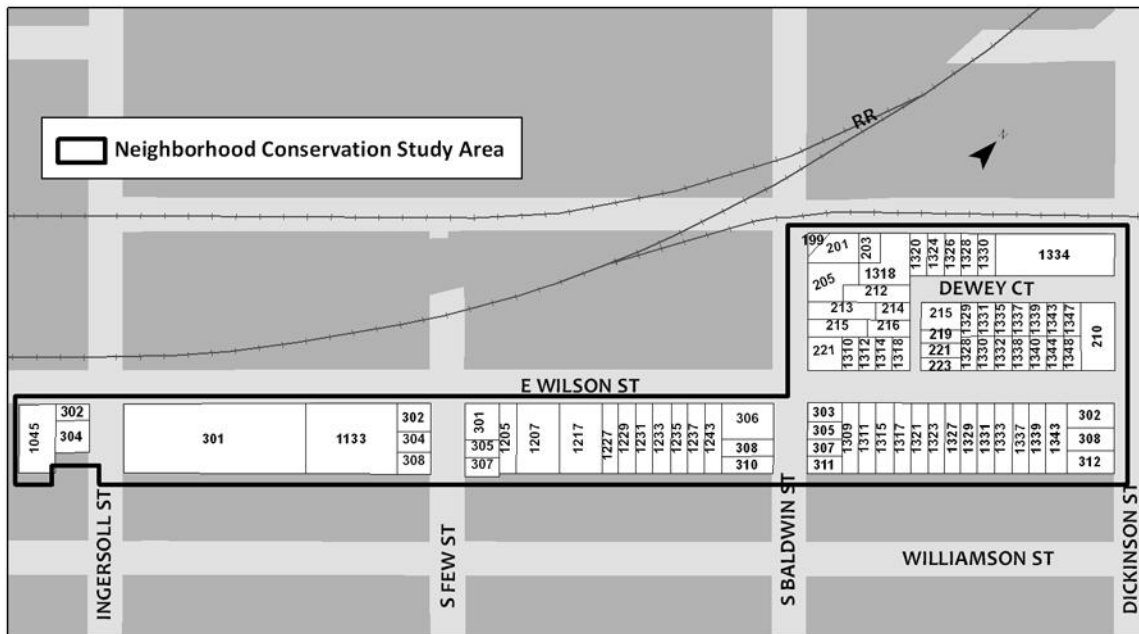
The full report and recommendations of the East Wilson Street/Schley Pass/Dewey Court Neighborhood Conservation Study is presented on the following pages.

EAST WILSON STREET / SCHLEY PASS / DEWEY COURT NEIGHBORHOOD CONSERVATION STUDY

Section 1: Study Area Boundary

The East Wilson Street/Schley Pass/Dewey Court Neighborhood Conservation Study Area includes the 1100, 1200, 1300 and part of the 1000 block of East Wilson Street; all of two short streets, Schley Pass and Dewey Court; and adjacent segments of Ingersoll, Few, Baldwin and Dickinson Streets. [See Map 1]

Map 1: Neighborhood Conservation Study Area

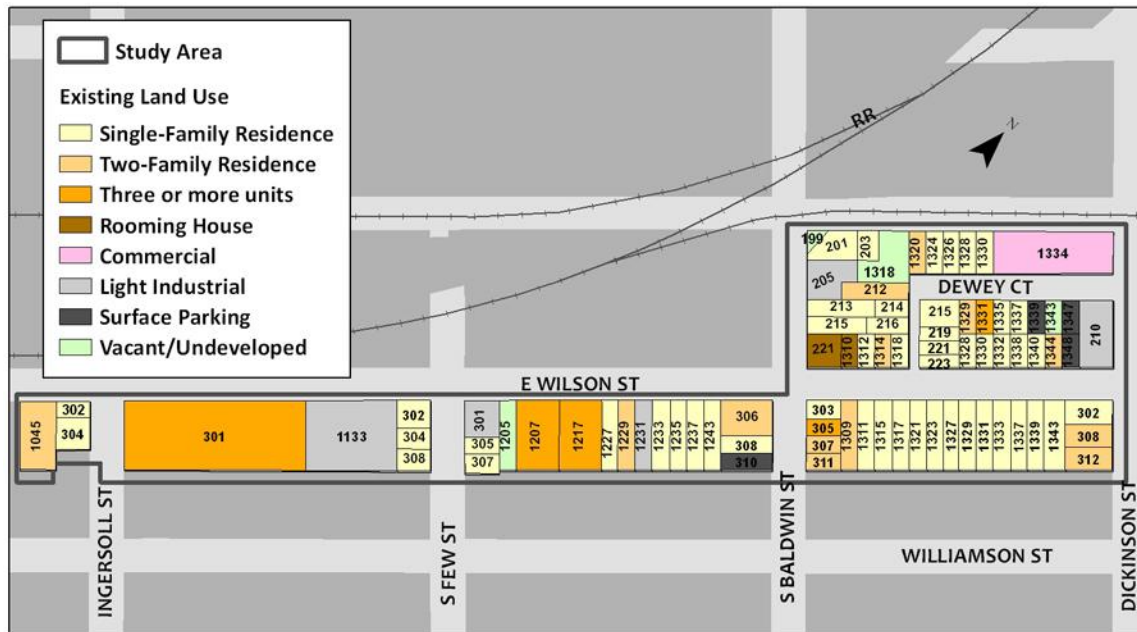


Section 2: Essential Characteristics of the Study Area

Existing Land Use

There are 93 properties within the study area, a majority of which are residential, with relatively small houses on small lots. Overall, there are 48 single-family homes, 13 two-family homes, and two three-family homes. The study area also includes two older ten-unit apartment buildings and one new 78-unit apartment building. In addition, there are five properties with existing light industrial or warehousing uses, one with commercial offices, and a handful of vacant properties or small surface parking lots associated with adjacent uses. [See Map 2]

Map 2: Existing Land Use



Current Zoning

Most of the residential properties in the study area are currently zoned R4 (General Residence District), which allows for single-family homes and multi-family buildings with up to 8 units, provided the lots are of sufficient size. In their current configuration, most of the the existing residential lots are too small to allow more than one dwelling unit, although some are large enough to allow two units.

The study area also includes individual properties or small clusters of property in the following zoning districts: R5 (General Residence District), which allows for more intense residential development than the R4 District; R3 (Single-and Two-family Residence District); C3 (Highway Commercial District); M1 (Limited Manufacturing District); and PUD (Planned Unit Development District). [See Map 3]

Section 3: Recommendations

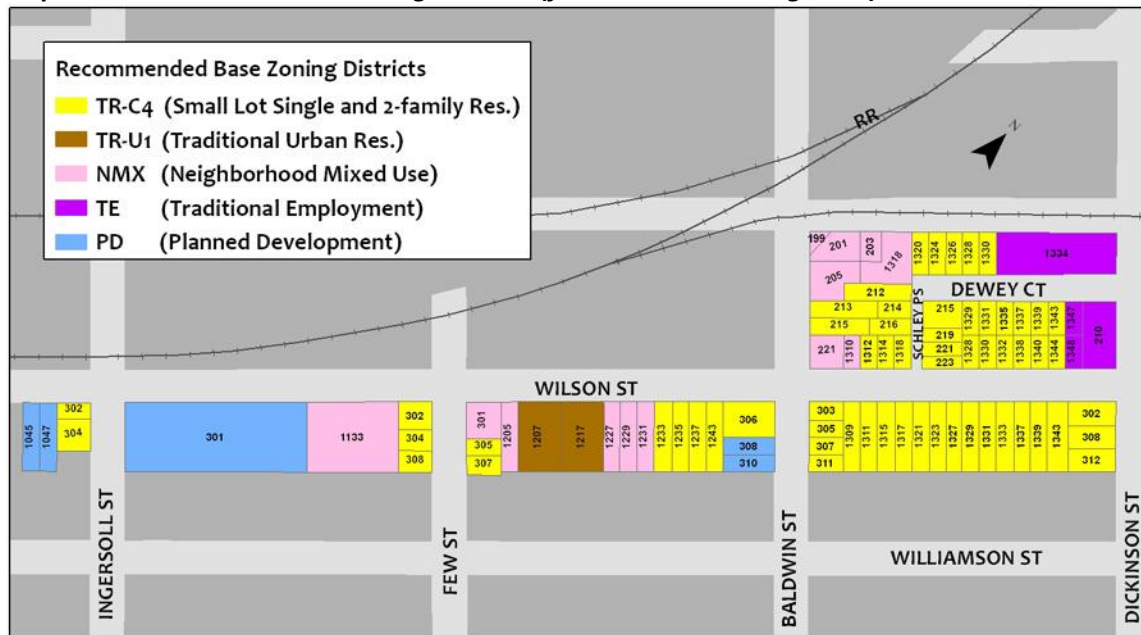
Recommendation 1: Rezone study area properties to standard zoning districts that better reflect the existing land uses and physical characteristics

While the study area is primarily considered a residential area, and is recommended for residential uses in both the adopted 2004 East Rail Corridor Plan and the 2006 Madison Comprehensive Plan, study participants generally liked the current eclectic mix of low-impact non-residential uses, and supported the idea of having a limited amount of similar non-residential activities continue to be part of the mix of uses in the study area. They were generally opposed, however, to the establishment of large retail uses or the replacement of existing residential uses with non-residential uses.

As has been noted in previously adopted plans, the existing R4 General Residence zoning district is not the best fit for the single-family homes on small lots predominant within the study area, and the M1 Limited Manufacturing zoning district found on several properties allows a wide range of potential uses that would not complement the physical characteristics desired to be conserved. Because the current City of Madison Zoning Code will be replaced by a new Zoning Code, consideration was given to identify the most appropriate *new* zoning districts to recommend within the study area. [See Map 4] Application of these new zoning districts will better reflect the physical characteristics of the built environment within the study area recommended for conservation, and also make many current properties more conforming with zoning lot and bulk standards.

The zoning recommendations below are recommended whether or not a Neighborhood Conservation District is created, and are meant to be applied to the study area at the time the new zoning map is adopted. However, other base zoning districts might also be appropriate for specific redevelopment proposals that may be considered at a future time, particularly in the Transition Areas. The provisions of each of the new zoning districts recommended for the study area are summarized on the following pages.

Map 4: Recommended Base Zoning Districts (from the new Zoning Code)



Recommended Base Zoning Districts (from the new Zoning Code)

TR-C4 (Traditional Residential – Consistent 4)

The new TR-C4 district, shown in yellow in the map above, allows for single-family homes on small lots similar in size to many in the study area, and two-family homes on slightly larger lots. It is recommended as the predominant zoning district for the study area, to be applied to properties with existing single, two-family, and three-family homes. This includes many residential properties currently zoned R4, one residential property currently zoned R3, two residential properties just west of Ingersoll Street currently zoned M1, and two properties at the westernmost edge of the study area, currently zoned PUD-SIP.

It is important to note that a rezoning to TR-C4 will result in some legal nonconforming uses, since 3-unit buildings are not allowed in the district, and 2-unit buildings on such small lots would be legally nonconforming as to bulk. However, most of these individual properties would be nonconforming uses regardless of the zoning district assigned, due to inadequate lot size and usable open space.

TR-U1 (Traditional Residential – Urban 1)

The new TR-U1 district, shown in brown, allows for attached homes and multifamily residential buildings, and is recommended for 1207-1217 East Wilson Street. These parcels are currently zoned R5, and are developed with two 10-unit apartment buildings. These properties comprise Transition Area C.

NMX (Neighborhood Mixed Use)

The new NMX district, shown in pink, allows for small mixed-use buildings, as well as single-use commercial or residential buildings. Unless approved as a conditional use, all buildings are limited to three stories in height, buildings with a single user are limited to 5,000 square feet, and buildings with multiple users are limited to 10,000 square feet.

NMX is recommended for the four existing properties along East Wilson Street currently zoned C3, the St. Vincent De Paul property at the corner of Baldwin and East Wilson, and the group of properties at the corner of Baldwin and the Railroad right-of-way.

TE (Traditional Employment)

The new TE district, shown in purple, allows for employment uses, as well as some residential and retail uses if approved as a conditional use. TE is recommended for the site currently occupied by Just Coffee and RP's Pasta, as well as the group of properties surrounding the intersection of Dickinson and Dewey Court, which are currently zoned M1 for manufacturing. The TE district will allow for the existing uses to continue, but would also allow for a variety of redevelopment options. Importantly, if these properties are redeveloped in the future, mixed-use or residential zoning district may also be appropriate.

PD (Planned Development)

The new PD District is a carryover from the PUD (Planned Unit Development) district in the current Zoning Code, and will be applied to properties currently zoned PUD that cannot easily fit into one of the new zoning districts. The PD District, shown in blue, is recommended for the Park Central Apartments property just east of Ingersoll Street, as well as the two properties on the west side of Baldwin Street affiliated with the redevelopment on the northwest corner of Baldwin and Williamson.

Note: For more information on zoning materials discussed during the study, please see materials discussed at Meeting 3 and Meeting 5 in the on-line Appendix at this link:

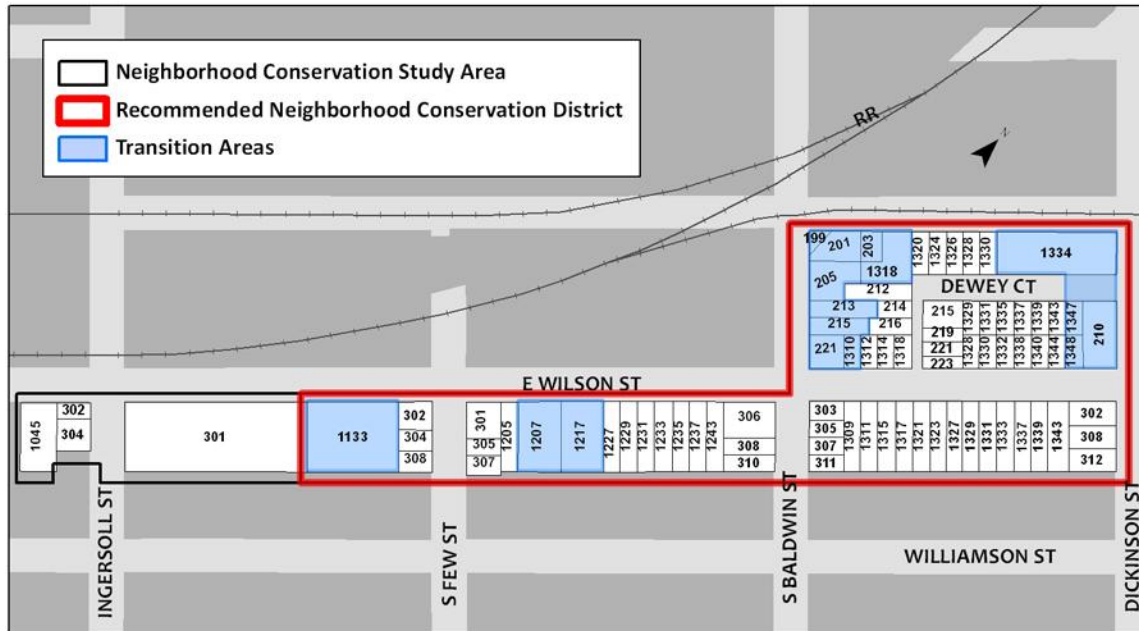
http://www.cityofmadison.com/planning/NCDPDF/DraftNCDReport_appendix.pdf.

For greater detail, the new zoning text (adopted March 29, 2011) is available at the Zoning Code Rewrite website: <http://www.cityofmadison.com/neighborhoods/zoningrewrite/index.cfm>

Recommendation 2: Create a Neighborhood Conservation District

Throughout the study, the creation of a Neighborhood Conservation overlay zoning district has been discussed as a way to recognize and conserve the predominant scale and unique physical characteristics of the area as individual properties are improved or redeveloped over time. If an NCD is ultimately created, it is recommended to apply to a large portion of the study area [See Map 5] and incorporate the special NCD zoning regulations described in this section.

Map 5: Recommended Neighborhood Conservation District



The recommended standard zoning districts will be able to accommodate most of the existing uses in the study area, but standard zoning cannot by itself either reflect all of the unique physical attributes of the area, or guarantee that the existing development pattern will be maintained over time. Properties could be rezoned, for example, sometimes on an *ad hoc* basis, to different zoning districts that allowed uses inconsistent with desired neighborhood characteristics. Creation of a Neighborhood Conservation District would establish that this area should be considered as a whole, and that individual properties cannot be rezoned piecemeal to allow development inconsistent with NCD goals unless the NCD overlay itself is modified or repealed.

Although the entire study area could be included within an NCD, it is recommended that the District not include the new three and four story Park Central Apartments buildings at 301 S Ingersoll St, or the three residential parcels west of Ingersoll Street. The Park Central development differs significantly from the rest of the study area and these properties will not be redeveloped in the foreseeable future, in any case. While the parcels west of Ingersoll Street share the “small house on small lot” character of the study area as a whole, they would become non-contiguous with the rest of the Conservation District through the exclusion of the Park Central buildings.

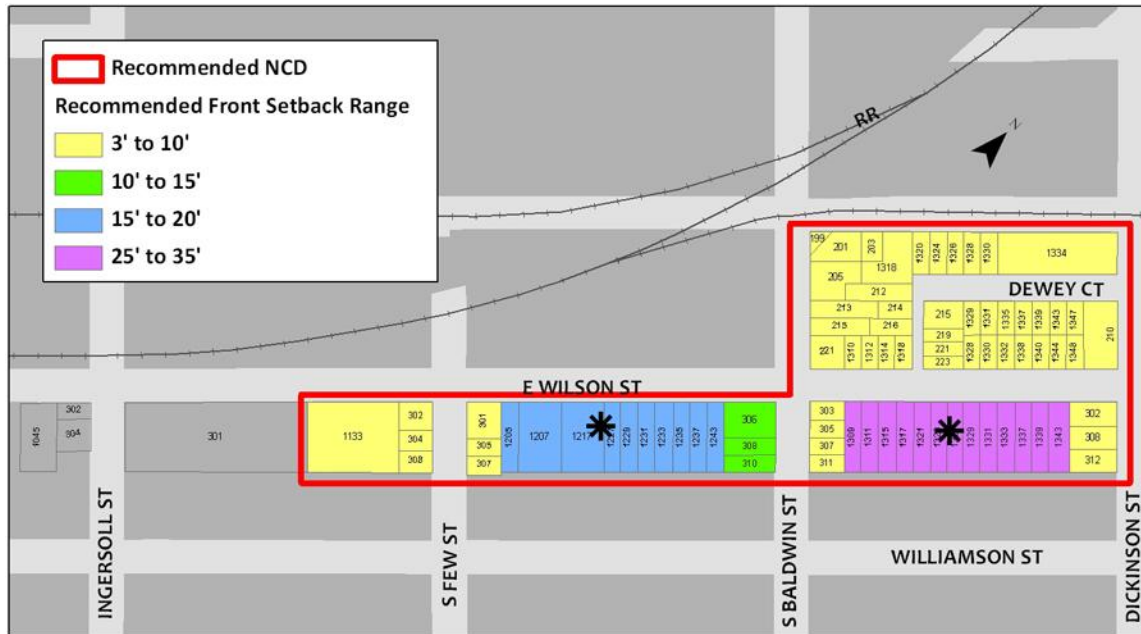
The proposed Neighborhood Conservation District still satisfies the minimum size requirement, and would result in a district with a more consistent character. Outlier properties also exist within the proposed Conservation District, but these are considered more likely to be redeveloped in the foreseeable future. Most of the remaining outlier properties are within the four recommended Transition Areas, where special zoning standards would allow for redevelopment that may differ from, but will still complement, adjacent properties in the core of the district.

Recommendation 2.1: Apply six specific Neighborhood Conservation District overlay zoning regulations to conserve existing physical characteristics

If a Neighborhood Conservation District is created, the following six NCD zoning regulations are recommended to conserve the existing predominant pattern of homes on small lots over time. If these regulations (or variations of them) are adopted for a Neighborhood Conservation District, they would supersede the corresponding standards in the underlying base zoning districts. Special NCD regulations may be more or less permissive than those in the underlying district.

- A) Lots created by a lot division or lot combination must have a lot width between 30 and 40 feet.
- B) Creation of “through lots” between two streets is prohibited.
- C) Maximum building height for new development is 2 stories or 30 feet, whichever is lower, except as specified in the Transition Areas (see Recommendation 2.2).
- D) Front setback ranges defined by block are established to reflect and conserve the existing development pattern. [See Map 6] Setback ranges also apply to open or closed front porches. Exception: On the 1200 and 1300 block of East Wilson Street, a new structure (front porch included) may always be built to the same front setback line as the existing building, even if it lies outside of the specified range.

Map 6: Recommended Front Setback Ranges



**On the 1200 and 1300 block of East Wilson Street, a new structure (front porch included) may always be built to the same front setback line as the existing building, even if it lies outside of the specified range.*

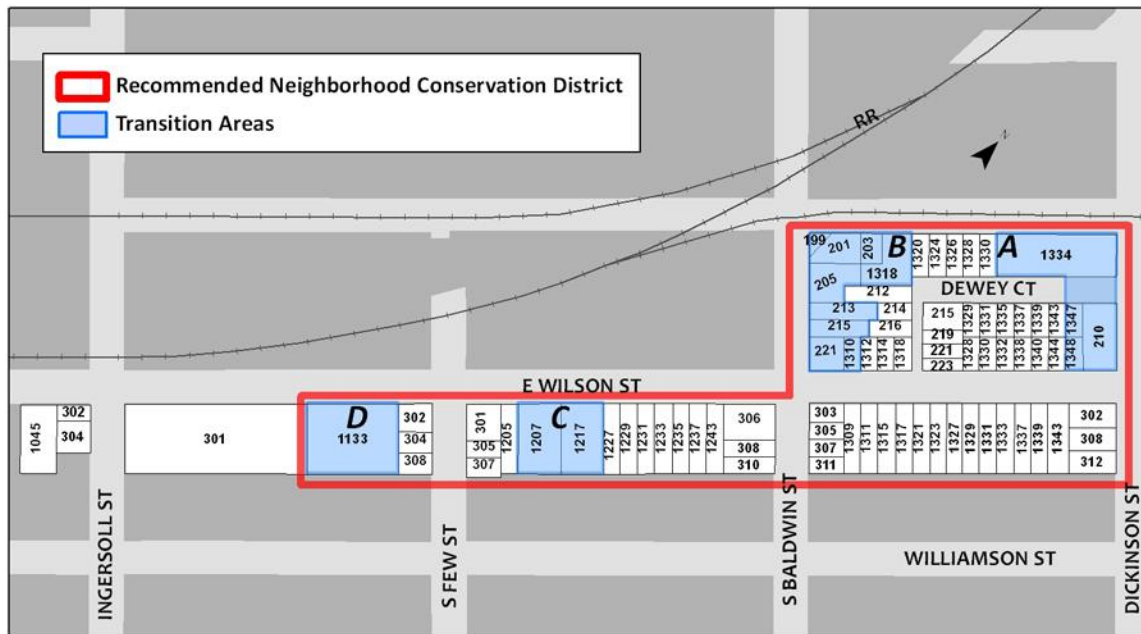
- E) On lots smaller than 5,000 square feet, reduce the minimum required usable open space to 10% of the lot size per residential unit.
- F) On lots less than 100 feet deep, reduce the minimum rear yard requirement to 20% of the lot depth.

Note: The standards in E and F would not apply to the deeper lots along the south side of East Wilson Street, as they have adequate lot size and depth to meet the bulk requirements in the base zoning district.

Recommendation 2.2: Apply different NCD overlay regulations within four defined Transition Areas

It is recommended that four “Transition Areas” be defined within the Neighborhood Conservation District. [See Map 7] Transition areas include properties which may need different requirements or exemptions from particular requirements, due to existing development or other underlying conditions very different from the remainder of the proposed NCD. For each Transition Area, a wider variety of redevelopment options and land uses may be appropriate and feasible; and the NCD regulatory framework includes standards that provide additional flexibility for these areas. However, within each Transition Area it is important to ensure continued compatibility with adjacent properties in the core of the NCD, where established physical characteristics such as lot and building size will be conserved over time.

Map 7: Recommended Transition Areas



Transition Area A

<i>Location (Address):</i>	West side of Dickinson St. between Wilson St. and the railroad tracks (1334 Dewey Ct, 1347 Dewey Ct, 1348 E Wilson St., and 210 S Dickinson St.)
<i>Current Zoning:</i>	M1 Limited Manufacturing District
<i>Existing Land Uses:</i>	One-story Contractor's shop and associated surface parking, two-story building with offices and art studios and associated surface parking

Transition Area A Recommendations:

1. Land Use Recommendation – Employment, Mixed-Use, or Residential

Discussion: Existing uses on these properties are non-residential, and there is support for maintaining a mix of uses in the district. The Comprehensive Plan recommendation is Medium-Density Residential. To allow for these or similar uses to continue, while also allowing for a transition to residential uses, several of the zoning districts in the new Zoning Code could be applied.

2. Zoning Recommendation – TE, NMX, or any residential zoning district

Discussion: TE- Traditional Employment zoning would generally accommodate the current uses on these properties. NMX – Neighborhood Mixed-Use zoning would allow the current uses in the building at 1334 Dewey Court, as well as small-scale retail and residential uses, but would not likely allow for the contractor's shop at 210 Dickinson Street. Residential zoning would allow varying intensity of residential uses, depending on the specific district applied.

It is recommended that TE zoning be applied when the new Zoning Code is adopted, with the understanding that future rezoning to NMX or a residential district would be consistent with the land use recommendation for Transition Area A. More nuanced recommendations regarding the range of desired uses could be included in a neighborhood plan and used in the review of specific future reuse or redevelopment proposals.

3. Special Zoning Standards for Transition Area A:

- a) Buildings within 60 feet of property of Dickinson St. may be up to 3 stories.
- b) Maximum building height within the balance of the Transition Area is 2 stories or 30 feet.
- c) Main entrances to a new building developed on these properties shall be oriented toward Dickinson St.
- d) No maximum lot width requirement (newly created lots may be wider than 40 feet).

Discussion: The East Rail Corridor Plan recommends residential development up to four stories on the east side of Dickinson Street. A three-story maximum height along the west frontage of Dickinson, stepping down to two stories after 60 feet, would provide an appropriate transition to the small-scale homes immediately to the west.

Transition Area B

<i>Location (Address):</i>	Eastern frontage of Baldwin St. between RR and East Wilson St., and vacant parcel with limited access from Dewey Ct. (199-221 S Baldwin St., 1310 and 1318 Dewey Ct.)
<i>Current Zoning:</i>	M1 Limited Manufacturing District and R4 General Residence District
<i>Existing Land Uses:</i>	Two-story building with furniture manufacturing, 3 single-family homes, vacant parcel, and St. Vincent De Paul rooming house and parking area

Transition Area B Recommendations:

1. Land Use Recommendation – Residential or mixed-use with residential uses on the upper levels

Discussion: *The Comprehensive Plan recommends Low-Density Residential for this property. Since some of the existing uses on these properties are non-residential, and there is support for maintaining a mix of uses in the district, it may be appropriate to allow for these or similar uses to continue, while maintaining predominantly residential uses.*

2. Zoning Recommendation – NMX or any residential district

Discussion: *NMX- Neighborhood Mixed-Use zoning would allow for residential or mixed-use buildings appropriate for redevelopment in this area. Residential zoning would allow varying intensity of residential uses, depending on the specific district applied.*

Following adoption of the new Zoning Code, it is recommended that the TR-C4 - Traditional Residential-Consistent 4 district be applied to the houses at 213 and 215 South Baldwin Street, consistent with the existing use and the core of the NCD. The balance of the property in Transition Area B could then be zoned NMX – Neighborhood Mixed-Use in the near term, which allows flexibility for a variety of uses complementary to the rest of the NCD. More nuanced recommendations regarding the range of desired uses could be included in a neighborhood plan and used in the review of specific future reuse or redevelopment proposals.

3. Special Zoning Standards for Transition Area B:

- a) Buildings within the northern 60 feet of property (adjacent to the railroad) may be up to three stories in height (*discussed at Meeting 5 as a change from the 2 story limit*)
- b) Maximum building height within the balance of Transition Area B is two stories or 30 feet.
- c) Redevelopment must be adequately screened from the houses to the east.
- d) Only residential uses are allowed on upper floors (optional for ground floor)
- e) No maximum lot width requirement (newly created lots may be wider than 40 feet).

Discussion: *Redevelopment with a two to three-story maximum height will complement the existing small-scale housing on and behind this block face. The division into narrow, long lots for single family homes would be allowable, as would a variety of other redevelopment options. Since it is the edge of the NCD, larger redevelopments may be appropriate on this frontage, as long as the maximum height of 2 stories is maintained for all but the northernmost portion of the property. Including the vacant lot at 1318 Dewey Court provides additional possibilities for redevelopments facing Baldwin Street.*

Transition Area C

<i>Location (Address):</i>	South side of E Wilson St. between Few St. and Baldwin St. (1207-1217 E Wilson St.)
<i>Current Zoning:</i>	R5 General Residence District
<i>Existing Land Uses:</i>	Two 2-story apartment buildings, each with 10 residential units, and associated surface parking

Transition Area C Recommendations:

1. Land Use Recommendation – Residential

Discussion: *The Comprehensive Plan recommends Low-Density Residential for this property. Commercially-zoned properties lie on either side of these two lots, yet in order to maintain a residential character on this block, the use of these properties should remain residential.*

2. Zoning Recommendation – TR-U1 or TR-U2

Discussion: *TR-U1 - Traditional Residential Urban 1 or TR-U2 - Traditional Residential Urban 2 would generally support the existing development on these properties, and would allow for appropriate future residential redevelopment.*

3. Special Zoning Standards for Transition Area C:

- a) The East Wilson Street frontage may be developed with one or multiple buildings
- b) If developed as attached housing, the maximum width of each individual housing unit along the East Wilson Street frontage is 30 feet.
- c) Each attached housing unit oriented to East Wilson Street must have a separate front entrance.
- d) Parking shall be located in separate garages, underground, or in surface lots behind the buildings.
- e) Carriage house units above garages may be located in the rear portion of properties within the required rear yard
- f) No maximum lot width requirement (newly created lots may be wider than 40 feet).

Discussion: *From an economic standpoint, the redevelopment of these properties will likely only occur if the resulting development can have a similar number of units as the existing apartment buildings (or fewer units with greater overall worth). The division of these properties into narrow individual lots for detached single family homes, while certainly compatible with the character of the NCD, may not be economically feasible.*

The creation of relatively narrow attached housing units (townhomes) on a single lot would be another way to enhance the existing character of the district through redevelopment of this property. Depending on the depth of the principal buildings and the parking configuration, there may be space on the site for “carriage houses” (rear garages with small residential units above them). This would provide another alternative for maintaining higher density on the property within a two-story development.

Transition Area D

<i>Location (Address):</i>	South side of E Wilson Street between the Park Central Apartment and the houses fronting on Few Street (1133 E Wilson St.)
<i>Current Zoning:</i>	M1 Limited Manufacturing District
<i>Existing Land Uses:</i>	One-story light industrial buildings (currently occupied by RP's Pasta and Just Coffee), and associated surface parking.

Transition Area D Recommendations:

1. Land Use Recommendation – Residential, Employment, or Mixed-Use, with residential uses on upper levels. (Appropriate Zoning: TE, NMX, or any residential district)

Discussion: *The Comprehensive Plan recommends High-Density Residential for this property. The existing light industrial uses are immediately adjacent to residential uses on either side. Given the desire to maintain a diverse mix of uses in the study area, a variety of uses (including a reconfiguration of the existing uses) could be appropriate at this site in the future.*

2. Zoning Recommendation – TE, NMX, or any residential district

Discussion: *TE- Traditional Employment District, would generally support existing uses on this property and should be applied in the near future. With regard to future redevelopment consistent with the land use recommendation, NMX- Neighborhood Mixed-Use District would allow for a mix of commercial and residential uses. Residential zoning would allow varying intensity of residential uses, depending on the specific district applied. More nuanced recommendations regarding the range of desired uses could be included in a neighborhood plan and used in the review of specific future reuse or redevelopment proposals.*

3. Special Zoning Standards for Transition Area D:

- a) Buildings within the western 60 feet of the existing Transition Area property may be up to four stories in height.
- b) The central portion of the property may be up to three stories in height.
- c) Maximum building height on the eastern 60 feet of the property shall not exceed two stories or 30 feet.
- d) No maximum lot width requirement (newly created lots may be wider than 40 feet).

Discussion: *The recommended height limits would allow redevelopment to “stair-step” down from the west, where 4-story buildings already exist, to the single-family homes fronting on Few Street to the east. A wide variety of redevelopment options would be allowable, including one or more larger buildings on large lots, small lots with houses, or attached townhouses as described in “Transition Area C”.*

Recommendation 3: Maintain the Existing Characteristics of the Public Right-of-Way

An important part of the existing physical character of this area is defined not by the development on private property, but by characteristics within the public right-of-way. Specifically, the narrow, tree-lined stretch of East Wilson Street through the study area, and the even-narrower Schley Pass and Dewey Court, were identified during the study as worthy of conservation over time.

While Zoning regulations (including those in a Neighborhood Conservation District overlay) do not address improvements or amenities within the public right-of-way, the Neighborhood Conservation Study makes the following recommendations:

- A) Maintain the existing street widths within the study area as maximums.
- B) Maintain existing terrace widths within the study area as minimums, in order to support the existing large trees along East Wilson Street.
- C) Maintain or replace as necessary the large canopy trees along East Wilson Street and other streets within the study area, as allowed by the width of the terrace.

Section 4: Conventional Zoning Comparison

A required component of a Neighborhood Conservation Study is an assessment of how effective simply rezoning properties within the study area might be as a means to conserve the distinct physical characteristics that it is desired to preserve. If desired conservation measures can be accomplished through conventional zoning, by rezoning properties to more appropriate base zoning districts, it may not be necessary to create a neighborhood conservation overlay district as an additional regulatory layer.

In the East Wilson Street / Schley Pass / Dewey Court study area, the physical characteristics most widely supported for long term conservation are the prevalence of small and narrow lots, the existing height range of buildings, and the existing setbacks from the front property line. Looking carefully at the district regulations in both the existing Zoning Code and the new Zoning Code the utility of using conventional zoning districts to conserve each of these characteristics was evaluated:

Lot Size and Width

Notably, most residential lots in the study area were platted in the late 1800's, and are smaller and/or narrower than could be created today in any current residential zoning district. A few of the lots are even smaller than the smallest minimum lot size allowed in the new Zoning Code, although the new Zoning Code has districts that more closely "fit" the development pattern in the study area than the current code. It is always legal to build a single-family home on an *existing* residential lot, regardless of size, so even these very small lots could be redeveloped with homes in the future, so long as all other bulk regulations can be met.

Regardless, City of Madison conventional zoning regulations for residential districts establish *minimum* lot widths and sizes, but they do not establish *maximums*. Thus, under conventional zoning, existing lots in the study area could be combined and redeveloped, upsetting the prevailing pattern of small, narrow lots. A Neighborhood Conservation District Overlay could be useful in order to preclude lot combinations.

Building Height

In conventional low-density residential zoning districts (the existing R1, R2, R3, and R4 districts, as well as corresponding districts in the new Zoning Code) height limitations are defined as a maximum of two stories or 35 feet, whichever is less. In commercial and industrial zoning districts, which are applicable to

some properties in the study area, height is limited indirectly through the use of a maximum Floor Area Ratio (FAR). Rather than setting a height limit or a limit of a certain number of stories, a ratio of building floor area to the overall lot area is specified as a maximum. In Planned Unit Development (PUD) zoning districts, maximum height is uniquely established for each development. The possibility that property in the study area might be rezoned to the PUD zoning district to accommodate the development of significantly taller buildings was specifically mentioned as a concern during the study.

Participants in the Neighborhood Conservation Study noted an interest in establishing absolute height limitations, regardless of base zoning district, to ensure compatibility with the single and two story buildings currently in the district. Several participants felt that the 35 feet was too high for new development, suggesting a reduced height closer to that of existing structures. Thus, staff has proposed that a Neighborhood Conservation District establish a 30 foot height limit for a majority of the properties in the district, but provide relaxed height limitations in specific transition areas, where taller buildings might be appropriate and would have minimal impacts on the core of the district.

Front Setbacks

Many houses and other buildings in the study area, and especially those on shallow lots, sit within 2 to 5 feet of the public right of way, creating a unique physical “enclosure” for residents and others passing through. Since construction of these homes predated the existing Zoning Code (by several decades), these setbacks are legal but nonconforming under the Zoning Code. These setbacks would not be allowable for new development or redevelopment in conventional low-density residential zoning districts as they exist today or in the new Zoning Code. Under conventional zoning, the absolute minimum setback allowable for new residential development is 10 feet, and this is only when the existing buildings on either side of the subject property have already established a 10-foot or lesser setback. Otherwise, a minimum of 25 feet would be required under current R4 zoning, and a minimum of 15 to 20 feet would be required in the new zoning districts most likely to be applied in this area.

A recent exception in the current Zoning Code allows for the encroachment of open front porches to within 7 feet of the right-of-way (for instance, if an existing home has a 13-foot front setback, and the owner wished to build a new open front porch as an addition, the front of the porch could be built within 7 feet of the front property line). Participants in the neighborhood conservation study generally felt that the setback ranges proposed for the overlay district should apply to open front porches as well, rather than setting a minimum setback which could then be crossed with the later addition of a front porch.

Other Bulk Regulations

Other bulk regulations in the current and the new Zoning Codes also would preclude new development or redevelopment from replicating the existing development pattern in the study area. In both codes, required side yards, rear yards, and usable open space would reduce the amount of buildable area on the small lots to an extent that, in many cases, zoning variances would be required in order for new homes similar in size to the relatively small existing homes to be built in the future.

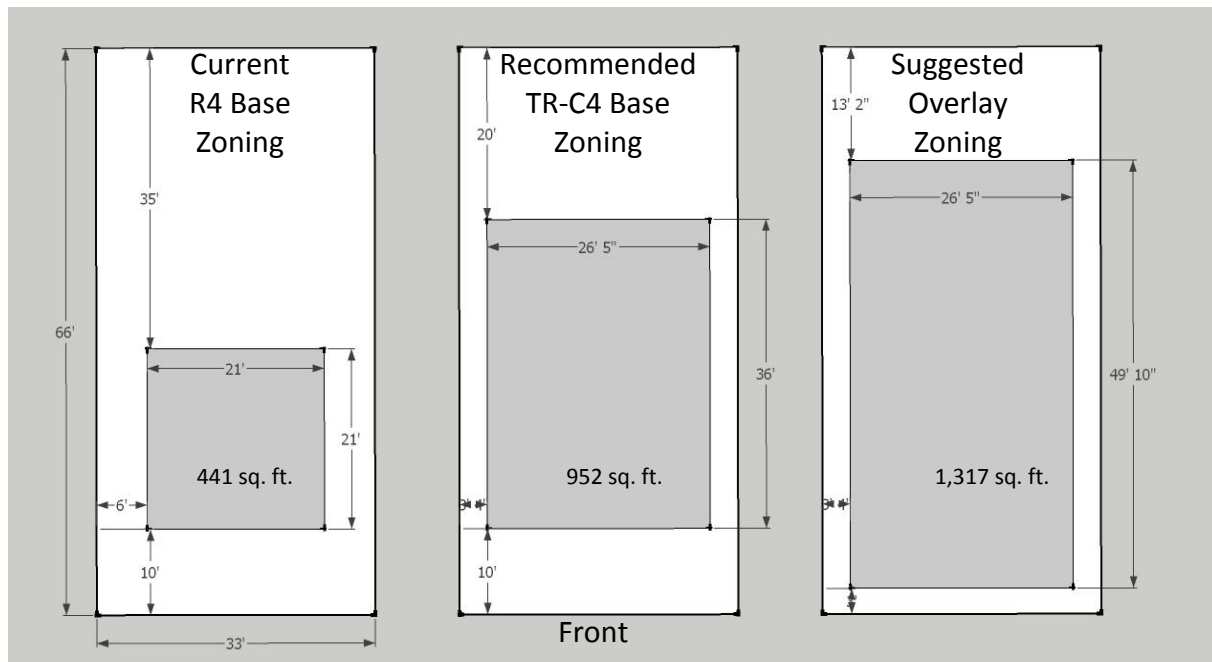
In addition to wanting to ensure compatibility in scale between new and existing development, many participants had a strong interest in making it easier to make small changes and improvements to their homes. This is complicated in the study area because many existing properties have nonconforming setbacks on one or more sides of the building, as well as insufficient lot area and usable open space to meet current zoning regulations. Thus, even small changes to existing homes may currently require a zoning variance.

The districts likely to be applied in this area when the new Zoning Code is adopted should *partially* alleviate this issue. Specifically, the TR-C4 (Traditional Residential - Consistent 4) District for single and two-family homes on small lots allows for side yards to be reduced to 10 percent of the lot width, when

a lot is narrower than 40 feet. On a majority of lots in the study area, this would allow for three foot side yards. However, even in the TR-C4 district, the new Zoning Code would still require a 20 foot rear yard and 500 square feet of usable open space per dwelling unit; and many of the properties in the study area would not meet these standards. A Neighborhood Conservation District Overlay can establish reduced yard and open space requirements, which would provide relief from base zoning district requirements so that structures similar to those that exist today could be built in the future.

For example, if a 33 foot by 66 foot lot on Dewey Court were to be redeveloped with a new house under current R4 District zoning, the required yards and usable open space would result in a buildable area of 441 square feet for the footprint of a new home. In the new zoning district likely to be applied to this area (TR-C4), the buildable area would be increased to 952 square feet, but very little space would be available for a detached garage or shed due to usable open space requirements. The recommended overlay requirements for the proposed Neighborhood Conservation District would provide more flexibility as shown in Figure 1.

Figure 1: Comparison of the buildable area (grey boxes) for a two-story home on a typical 33' by 66' lot in study area under different zoning requirements.



The buildable area shown above is for the house as a principal structure. While a property owner could build a house covering the entire buildable area, it is important to consider placement of accessory structures, decks, porches, etc. so as to best place the house within the buildable area while still meeting usable open space requirements and building codes. For example, if a property owner wished to include a driveway and garage (possibly a detached garage shared with the adjacent property), the house would need to be shifted forward and to one side within the buildable area to allow room.

Section 5: Description of Study Process

The East Wilson Street / Schley Pass / Dewey Court Neighborhood Conservation Study included a series of six public meetings held from March through June, 2010 at the Luke House and the Wil-Mar Neighborhood Center. Although the meetings were well noticed, attendance was relatively modest and ranged from four to nine individuals. A majority of the participants were study area resident/landowners.

Meeting 1: March 10, 2010

At the initial meeting, Planning Division staff provided an overview of the neighborhood conservation study process, and participants were asked to respond to three questions to guide the study:

1. *Please list or describe the specific physical attributes of the study area that you think define its distinctive character.*
2. *Please list or describe the types of changes that you hope will not occur within the study area over time.*
3. *Please list or describe any constraints or restrictions that you would not want to see placed on properties within the study area.*

Participants then shared and explained their responses to the group, and staff listed the responses for each question on a flip chart. Attendees were then given three “dot stickers” for each question, and “voted” to signify their three most important answers for each question.

Shared opinions ranged widely (see complete list of answers in the Appendix), but consistent themes were the appreciation for small lots and houses in the district, the eclectic styles and mix of uses, and characteristics of the public right-of-way including narrow streets, street trees, and an atmosphere conducive to biking and walking. There was a prevailing desire to avoid large redevelopment projects, tall buildings, and surface parking lots. While some participants appreciated the prevalence of gabled roofs, front porches, and other architectural features in the study area, on balance, they did not support limiting design options for improvements, additions, or redevelopment.

Meeting 2: April 12, 2010

At this meeting, staff shared extensive information compiled on the existing physical attributes of the study area, including lot and building characteristics, and characteristics of the public right-of-way. Because the small, narrow lots and shallow building setbacks of many properties in the study area are distinct from other parts of the Isthmus and the City as a whole, issues related to lot size, lot width, building height, and building setbacks, which help to define the “rhythm” of the street, were discussed in depth.

Data on design characteristics such as porch type, roof shape and material, building material and color, living area, and other attributes for the residential structures in the area were also presented. Most attendees confirmed that while interesting, these features were not entirely consistent throughout the district, and were a relatively low priority to conserve over time. Toward the end of this meeting, the group began to identify potential “outlier” parcels that differed significantly in scale or character from most properties in the study area.

Meeting 3: April 28, 2010

The initial focus of this meeting was to review the existing zoning regulations within the study area, and provide a brief overview of the regulations in the new Zoning Code for districts likely to be applied within the study area when the new code is adopted. It was important that participants had a working understanding of the base zoning districts so that the utility of conventional zoning could be compared with potential NCD overlay zoning district regulations as a means to conserve desired physical attributes within the study area.

The core of the study area, and a majority of the residential properties, is zoned R4 (General Residence District), which allows for the development of residential buildings with 1-8 units, as well as some civic and institutional uses. While the discussion focused primarily on the regulations in the R4 District, the study area also includes scattered properties currently zoned M1 (Limited Manufacturing), C2 (General Commercial), PUD-SIP (Planned Unit Development – Specific Implementation Plan), and R5 (General Residence allowing for greater intensity than the R4 District)

Staff provided for reference a map of the study area showing existing nonconforming uses and structures under current zoning. Since the City is in the midst of a significant rewrite of the Zoning Code which will change the district names and requirements, staff also presented for comparative purposes the draft regulations in a selection of new residential districts most likely to be applied in this area.

Meeting 4: May 26, 2010

At meeting 4, staff presented for discussion a draft set of possible general regulations for a neighborhood conservation district overlay, created based on the input generated by participants thus far. If adopted, the NCD overlay regulations would be in addition to those in the underlying base zoning districts and would supersede them if they differed. The regulations discussed focused largely on lot size and building bulk, rather than architectural characteristics. On the whole, participants supported the draft regulations, with the following changes suggested:

-Reduce the proposed maximum building height from two stories or 35 feet to two stories and a maximum height closer to the height of existing homes.

-Review proposed front yard setbacks for each block to ensure that the specified ranges will maintain the prevailing existing setbacks, while also allowing for the variety that exists today

-Clarify whether front porches can encroach into the front yard setback.

Staff then introduced four potential “Transition Areas” comprised of properties that differed significantly in scale and character from the majority of property in the study area. If an NCD were created, the Transition Areas would still be in the district, but would have a different regulatory framework allowing for more flexibility in redevelopment while still ensuring compatibility with the predominant physical characteristics of adjacent properties and the district as a whole.

Meeting 5: June 9, 2010

This meeting began with more detailed discussion of the four potential “Transition Areas”. Redevelopment in the long term is generally considered desirable within most of the Transition Areas, yet due to the existing lot configuration and/or uses on these properties, application of either conventional zoning or the proposed NCD overlay regulations applicable to most of the district would very likely preclude economically feasible redevelopment. In order to encourage redevelopment while ensuring compatibility with the rest of the district, each Transition Area would have a unique set of regulations, providing more permissive height and/or lot configuration limitations than would apply generally to the balance of the NCD.

Meeting 6: July 22, 2010

At this meeting, staff presented a draft Neighborhood Conservation Study report and recommendations for the creation of an East Wilson Street / Schley Pass / Dewey Court NCD. Participants also learned that St. Vincent De Paul may seek to slightly expand their two-story rooming house northward in the near future, and were concerned that the proposed lot width requirements might preclude this. Taking this and other factors into consideration, the area recommended as “Transition Area B” was subsequently enlarged to include all properties on the east side of Baldwin Street between the railroad tracks and East Wilson Street.

