



Report to the Plan Commission

May 21, 2012

Legistar I.D. #26396

925-933 West Johnson Street

Demolition and Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a vacant rooming house and a vacant two-unit residential building and a conditional use for the construction of a 32-stall surface parking lot in the R5 (General Residence) District.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and standards for the approval of conditional uses. Section 28.12(12) provides the guidelines and standards for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission determine whether or not the demolition standards can be met. If the Commission concludes that the standards are met, and that the proposed parking lot is a satisfactory and necessary interim use in this particular case, prior to redevelopment at an unknown future date, the Plan Commission should **approve** the proposal subject to conditions recommended by staff.

Background Information

Applicant/Project Contact: Gary Brown; University of Wisconsin-Madison; 610 Walnut St.; Madison, WI, 53726

Property Owner: Board of Regents of the UW System; 1220 Linden Dr.; Madison, WI, 53706

Proposal: The applicant proposes demolition of a vacant rooming house and a vacant two-unit residential building and requests a conditional use for the construction of a 32-stall surface parking lot in the R5 (General Residence) District.

Parcel Location: The two small parcels together comprise 6,650 square feet, and are located on the south side of West Johnson Street between North Brooks Street and North Park Street; Aldermanic District 8 (Resnick); Madison Metropolitan School District.

Existing Conditions: 925 West Johnson Street is a 3,200 square foot parcel with a vacant two-unit residential building originally constructed in 1909. 931 West Johnson Street is a 3,560 square foot parcel with a vacant 2 ½ story rooming house, also constructed in 1909. There are 19 rooms with a central kitchen on the first floor and a bathroom and fireplace on each level. Neither property has at-grade usable open space, as there is an existing 12-stall surface parking lot spanning the two rear yards.

Surrounding Land Use and Zoning:

North: Across West Johnson Street to the north, Grainger Hall, which houses the UW-Madison School of Business, in the PUD-SIP (Planned Unit Development – Specific Implementation Plan) District.

East: Immediately to the east, dormitory buildings in the R5 (General Residence) District.

South: Small surface parking lot (twelve stalls) in the rear yards of the subject properties, accessed from Clymer Place, in the R5 District. Across Clymer Place on the southern half of this block, additional multi-family residential buildings in the R5 District.

West: Rear yards of a four-unit apartment building and a single-family home in the R6 (General Residence) District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Campus uses for this area. More specifically, the Regent Street South Campus Neighborhood Plan (2008) recommends Academic and Research buildings up to 12 stories in height for this block. Finally, the UW Campus Master Plan (2005), which is not adopted by the City, recommends new academic buildings on this block.

Environmental Corridor Status: These properties are not located within a mapped environmental corridor.

Public Utilities and Services: The area is served by a wide range of urban services, including several nearby Metro Transit Routes.

Zoning Summary: The property is in the R5 District

Site Design

No. Parking stalls	As shown	32
Accessible stalls	2	TBD
Number bike parking stalls	none	None shown
Landscaping	Yes	Yes (See Condition No. 21, p. 7)
Lighting	Yes	Yes (See Condition No. 20, p. 7)

Other Critical Zoning Items

Urban Design District	No
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	Yes
Adjacent to park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The UW-Madison proposes the demolition of two adjacent buildings, a two-unit residential structure and a 19-room rooming house, for the construction of a 32-stall surface parking lot ("Lot 61"). The construction of the new parking lot would first involve the removal of 12 existing parking stalls in a small parking lot in the rear yards of the existing buildings (the current "Lot 61"), which is accessed from Clymer Place. The net gain would be 20 new parking stalls, arranged as a through-lot from Johnson Street to Clymer Place.

The landscape plan for the lot includes an approximately ten-foot wide strip on both the northern and southern ends of the lot. Along West Johnson Street, two trees and several shrubs are proposed within this area to provide a buffer between the street and the parking area. Along Clymer Place on the southern end, the area between the parking lot and the street would be utilized for bioretention, with low, water-tolerant plantings. Both sides of the lot would be buffered from adjacent properties with shrubs and bio-swales planted in strips approximately eight feet wide.

The applicant notes that in the long term, this entire residential block will be redeveloped with academic and research buildings. However, this could occur more than a decade from now, and the specific University uses for the block are as of yet undetermined. The proposed surface parking lot is viewed by the applicant as a "temporary" use until the University can acquire three additional private properties on the north half of the block, eight additional private properties on the south half of the block, and move forward with planning, fundraising, and design for redevelopment. In the meantime, the parking stalls proposed would be assigned and used by faculty and staff members working in this part of the campus that purchase parking permits.

Related Recommendations – The Landmarks Commission on February 13, 2012 reviewed the buildings proposed for demolition. They did not make a recommendation to the Plan Commission, but minutes reflect the following comments: it would be *"unfortunate to lose such a beautiful building for a surface parking lot"*, and some concern *"that early rooming houses are being lost and they are important to Madison's development"*.

On May 14, 2012, the applicant presented the proposal to the Joint Southeast Campus Area Committee, which voted 10-1 (1 abstention) to recommend that the Plan Commission approve the proposal. District 8 Alder Scott Resnick, who was excused prior to the vote for this item, also voiced his support for the proposal.

The vote followed a discussion by committee members about the University's practice of purchasing private property with residential structures in the area, utilizing them for years, and then vacating and demolishing the buildings when they become too expensive to maintain in a livable condition. In response to a question from another committee member, University representatives on the committee noted that within the east campus area, surface parking makes more fiscal sense than continuing to invest in and lease residential structures such as the two proposed for demolition. They stressed that this is especially true since surface parking lots are becoming rare as they are replaced with new buildings elsewhere, noting that revenues from surface lots support transit and building programs.

After the vote to recommend approval of this project, the committee also voted unanimously to recommend that the Plan Commission examine the sufficiency of the demolition section of the zoning ordinance to prevent property owners from abandoning care of buildings as a precursor to demolition.

Public Input – Staff is unaware of further public input on the proposal at this time.

Evaluation

Demolition and Proposed Future Use- The two-unit building and rooming house have been owned by the University since 1999 and 2000, and were rented out for residential use for roughly a decade until the University vacated them in 2009 and 2007, respectively. As noted in the letter of intent, the 100+ year old buildings are in poor condition, but were successfully leased for residential use by the University for seven to ten years, and only recently have been deemed in too poor condition to continue leasing.

The buildings currently have a strong presence on the street, and their removal would result in a significant void on a prominent urban residential block on a major arterial through the UW-Madison Campus. The Plan Commission should carefully consider the precedent that this may set for not only the UW-Madison Campus area, but for other urban blocks in the central area.

The condition of the buildings is largely due to deferred maintenance over decades of use, although they were purchased and maintained to a livable standard by the applicant until just a few years ago. There is no evidence within City Building Inspection records that they pose a public safety hazard, but staff agrees that they would require a significant investment in order to be leased for use again.

While staff recognizes that it is the applicant's intent to redevelop this area for academic buildings at some point in the future, there is no established timeline for redevelopment, nor is there a particular future use identified for the site. The University would need to acquire three additional properties on the northern portion of this block and eight on the southern portion in order to move forward with planning and design for a significant redevelopment. As evidenced by their testimony at recent Plan Commission meetings pertaining to nearby private properties, it can be very difficult for the University to provide a guaranteed timeline for property acquisition.

These buildings could certainly be good candidates for demolition in conjunction with an imminent redevelopment proposal consistent with adopted plans, which recommend academic and research buildings. However, a surface parking lot is not consistent with these recommendations. If the proposed future use was consistent with adopted plans, staff could support their demolition, but demolition of buildings on an otherwise intact urban residential block for replacement with a surface parking lot is much more difficult to support. The Plan Commission will need to determine if the use of the property for surface parking for the foreseeable future is an acceptable alternative use.

As explained by the applicant at the May 14 meeting of the Joint Southeast Campus Area Committee, a significant amount of surface parking in this area has been replaced with campus buildings over the

years. It is important to the University to be able to provide additional surface parking options, even temporarily, as opportunities like this arise within the established campus growth boundary identified in the UW Campus Master Plan.

While the Plan Commission could consider approving this request for a short time period with the understanding that it would be reviewed again in the future, the applicant has indicated that the future redevelopment is unlikely to happen for at least another ten years. Further, the R5 Zoning District does not recognize a “*temporary* parking lot” as an allowable conditional use. Thus, staff does not recommend this approach.

In summary, while recognizing the applicant’s perspective on the need for surface parking and the “temporary” nature of this proposed lot, it is difficult to support demolition of the buildings at this time for replacement with surface parking.

Conditional Use - The proposed 32-stall surface parking lot would serve faculty and staff in nearby campus facilities. Only minor changes to the proposed lot were recommended as part of the technical review by staff from other city agencies. Notably, Zoning Condition No. 19 requires that the lot itself be pushed further back from West Johnson Street in order to meet the twenty foot front yard requirement for the R5 District. This will likely result in the replacement of two stalls with more significant landscaping between the lot and West Johnson Street. Staff believes that the proposed landscaping, especially when deepened by approximately ten additional feet, would adequately buffer the parking lot from West Johnson Street. Given the surrounding uses (academic buildings, small student dormitories, and residential structures utilized as student rentals), staff believes that the conditional use standards can be met with the proposal.

Conclusion

The applicant is requesting to demolish two residential buildings for a net gain of 18-20 surface parking stalls on an otherwise intact urban residential block, with no clear timeline for redevelopment consistent with adopted plans. There are understandable economic arguments in support of the request, but after careful review, Planning Division staff cannot make a clear determination that the demolition standards can be met with this proposal. However, if demolition is approved, staff does believe that the conditional use standards can be met with the proposed parking lot.

Since the redevelopment of this block is unprogrammed by the University and is unlikely to occur in the near future, staff does not recommend approval of this proposal as a “temporary” parking lot to be returned for future consideration following a three year period. This type of condition would not be particularly meaningful in this case. Rather, the Plan Commission should recognize the proposed surface parking lot as the use that would occupy this portion of the otherwise intact residential block for the foreseeable future.

Staff recommends that the Plan Commission determine whether or not the demolition standards can be met. If the Commission concludes that the standards are met, and that the proposed parking lot is a satisfactory and necessary interim use in this particular case, prior to redevelopment at an unknown future date, the Plan Commission should **approve** the proposal subject to conditions recommended by staff.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

1. The owner/applicant desires to raze the existing dwelling units on the two pre-existing parcels of record (0709-232-1506-0 & 0709-232-1505-2) and construct a temporary surface parking lot. Although the application included reference to only these two parcels, the proposed temporary surface lot will also occupy all of existing adjacent parcel 0709-232-1511-9 and a portion of the existing Susan B. Davis Hall located on 0709-232-1504-4. All four properties are owned by UW Regents, therefore City Engineering recommends the owner coordinate with the City Assessor's office staff (MRichards@cityofmadison.com) the potential combine of these multiple parcels into one simply for improved and more efficient administrative recordkeeping.
2. Implementation of this site plan shall require a Developer Agreement for the installation of the public storm sewer in Clymer Place.
3. The Applicant shall abandon the driveway on W. Johnson Street and replace with curb and gutter. The terraces shall be restored with concrete, an asphalt setting layer, and brick pavers to match the existing terrace treatment on W. Johnson Street.
4. The proposed construction will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project (MGO 16.23(9)(c)).
5. The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester (MGO 16.23(9)(d)(6)).
6. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
7. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
8. All damage to the pavement on W. Johnson Street and Clymer Place, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
9. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal

Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.

10. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to control 40% TSS (20 micron particle) off of new paved surfaces.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

11. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

12. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans).

13. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc...
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).

14. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each

lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY).

This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

Zoning Administrator (Contact Pat Anderson, 266-5978)

15. Parking requirements for persons with disabilities must comply with MGO Sec. 28.11(3)6(m), which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide the minimum required accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the buildings.
16. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
17. MGO Sec. 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
18. No front yard parking is permitted. Provide revised site plan that shows only landscaping within the 20 foot setback from West Johnson Street.
19. Lighting is required and shall be in accordance with MGO Sec. 10.085. Provide a plan showing at least 0.5 foot candle on any surface on any lot, and an average of 0.75 footcandles. The max. light trespass shall be 0.5 fc at 10 ft. from the adjacent lot line (see City of Madison lighting ordinance).
20. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Sec. 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
21. No portion of the site may change without Plan Commission approval, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan commission and the standards in 29.12(11)(g).

Fire Department (Contact Bill Sullivan, 266-4420)

22. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities at (608) 246-4587.

Water Utility (Contact Dennis Cawley, 261-9243)

23. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
24. This property is not in a Wellhead Protection District.
25. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Traffic Engineering (Contact Bryan Walker, 267-8754)

This agency submitted a report with no conditions of approval for this proposal.