AGENDA
City of Monona Plan Commission
Monona Public Library - Municipal Room
1000 Nichols Road, Monona, WI
Monday October 24, 2016
7:00p.m.

1. Call to Order

2. Roll Call

3. Approval of Minutes of October 10, 2016

4. Appearances

5. Unfinished Business

   A. Public Hearing on Request by La Rae Richard, The Cozy Home, for a Zoning Permit and Façade Improvement Grant Application for the Property at 6328 Monona Drive. (Case No. 2-007-2016)

   B. Consideration of Action on Request by La Rae Richard, The Cozy Home, for a Zoning Permit and Façade Improvement Grant Application for the Property at 6328 Monona Drive. (Case No. 2-007-2016)

   C. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.

6. New Business

   A. Public Hearing on Request by Plan Force Group, Representing Owners Border Foods of Wisconsin, LLC, and Marvin Development of South Dakota, LLC for a Zoning Permit for Exterior Alterations to the Taco Bell at 100 E Broadway. (Case No. 2-008-2016)

   B. Prehearing Conference on Request by Plan Force Group, Representing Property Owner Border Foods of Wisconsin, LLC, and Marvin Development of South Dakota, LLC for a Zoning Permit for Exterior Alterations to the Taco Bell at 100 E Broadway. (Case No. 2-008-2016)

7. Reports of Staff and Commission Members

   A. Staff Report Regarding Status of Development Project Proposals.

      i. Upcoming Meetings: November 14, 2016 and December 12, 2016
         - Note: There will be no November 28, 2016 meeting.

   B. Plan Commission Requests for Information Concerning Development Projects.

8. Adjournment

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan

Andrusz at (608)222-2525, FAX: (608)222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of an a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above state meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above state meeting will take no action other than the governmental body specifically referred to above in this notice.

Agenda posted 10/12/16 on the City Hall, Library, and Community Center bulletin boards and on the City of Monona's website, www.mymonona.com.

Minutes
Plan Commission Meeting
October 10, 2016
7:00pm

Acting Chair Alder Brian Holmquist called the meeting of the City of Monona Plan Commission to order at 7:06 pm.

Present: Acting Chair Alder Brian Holmquist Mr. Grif Dorschel, Mr. Robert Stein, Mr. Chris Homburg, Ms. Kathy Thomas, and Mr. Dale Ganser

Excused: Chair Alder Jim Busse and Ms. Susan Fox

Also present: City Planner & Economic Development Director Sonja Reichertz

Approval of Minutes

A motion by Mr. Stein, seconded by Ms. Thomas, to approve the minutes of September 26, 2016 carried with corrections.

Appearances

There were no appearances.

New Business

A. Public Hearing Regarding Proposed Floodplain Map and Ordinance Amendment Resulting from Construction of the Madison Metropolitan Sewerage District Pump Station 18, 1000 E Broadway, as Required by MCO Sec. 13-2-10.

Carla Fischer, AECOM, presented on behalf of MMSD and explained that they completed a hydraulic analysis of fill to determine its effect on the base flood elevation and floodplain. This analysis indicated that the fill did not change the base flood elevation, but FEMA recommended some mapping changes. The floodway on the MMSD property, the two Whitehorse properties on the east side of the tributary, and the WDNR property to the south of the MMSD property have changed as result of the placed fill. Due to the request for removal of lands from the floodplain, and change to the floodway, the City's floodplain zoning district boundaries need to be amended in the City's ordinances. Ms. Fischer clarified that this is simply a mapping change, and that the property owners have been notified, and FEMA approved everything in August.

B. Consideration of Recommendation to City Council Regarding Proposed Floodplain Map and Ordinance Amendment Resulting from Construction of the Madison Metropolitan Sewerage District Pump Station 18, 1000 E Broadway, as Required by MCO Sec. 13-2-10.

A motion was made by Mr. Homburg, seconded by Mr. Ganser to recommend approval of the resolution to City Council as drafted by staff. The motion carried.

C. Public Hearing on Request by La Rae Richard, The Cozy Home, for a Zoning Permit and Façade Improvement Grant Application for the Property at 6328 Monona Drive.

Leah Hernandez, The Cozy Home, spoke on behalf of La Rae Richard. The applicant explained their request for a Façade Improvement Grant for improvements to the building at 6328 Monona Drive. When the improvements are completed, they intend to relocate their business from the Lake Edge

Shopping Center to 6328 Monona Drive. The proposed improvements include new siding, a pitched roof with fake dormers, new doors and new windows. The applicant explained that they do not plan to finish off the second story right now. It is possible that they would finish the second floor for apartments in the future but that is not part of their current request.

D. Prehearing Conference on Request by La Rae Richard, The Cozy Home, for a Zoning Permit and Façade Improvement Grant Application for the Property at 6328 Monona Drive.

Planner Reichertz listed topics for discussion in the staff report and asked the Plan Commission to discuss the potential for a second story, the proposed use and its consistency with standards for parking, landscaping, and lighting, and whether the proposed project costs are eligible. Comments from other city departments were summarized, including that an alarm system and Knox Box are required. The Police Chief suggested adding a security camera system. No sprinkler system is required, but may be necessary if the applicant develops the second story.

The applicant explained that the drawings illustrate the second story area which includes a pitched roof with faux dormers and the building will look the same regardless if the second story is built out internally for occupancy or not. The applicant stated that there are eight parking stalls in the front and a couple in the back of the building.

Mr. Homburg said there is no access to the spots in the back and is concerned about parking if they add residential units. Mr. Homburg stated that The Cozy Home is a good use for the amount of parking on the site because there will only be a few customers in the store at one time. Ms. Hernandez said the second floor may not be feasible and they were aware of the parking situation when they purchased the building.

Mr. Ganser said that he has concerns with the façade grant program in general. He explained that continued façade improvements like this postpone the larger-scale redevelopment of Monona Drive and limits the highest and best use of these properties.

Ms. Thomas said that she is delighted the business will move to Monona because it is a destination oriented business, and it draws people to the city. She stated it is nice to see some improvements on that end of Monona Drive. Mr. Stein said that he thinks it is a good use of the funds.

<u>Unfinished Business</u>

A. Plan Commission Review and Recommendation to City Council on Recodification Summary by General Code Regarding Land Use Legislation Sections of the Monona Municipal Code of Ordinances.

Planner Reichertz explained that the Plan Commission does not have to take immediate action on this issue tonight. The meeting memo is only concerned with grading issues related to the redevelopment of single family homes, and other topics including impervious surface and short-term rentals will be reviewed at the October 24th meeting.

Staff outlined the memo, listing four options for regulating grading. Option 1 ties the finished grade of the house to the street grade. The Plan Commission previously decided this option was not feasible. The Plan Commission requested an ordinance like Option 2. Staff's opinion is that this will not work because there is no direct correlation between size of project and grade, and this option can be an unfair burden for property owners with small homes. Option 3 ties the finished grade of the house to the natural grade of the lot. Option 4 ties the finished grade of the house to the street, elevation of the previous structure, or the average elevation of adjacent homes.

Mr. Homburg stated that Option 1 and 2 do not look good and his favorite is 3. He does not think Plan Commission should be concerned with the first floor. He said it should be measured as the difference between existing grade and finished grade, and if that difference is more than 2 feet then the Plan Commission should review it. Mr. Homburg suggested the ordinance say something like: the difference between the natural and finished grade shall not exceed 2 feet cumulatively, and that the Commission can approve up to 8 feet before going to ZBA. Mr. Homburg said the goal is to prevent towering structures due to elevated property, as well as substantial excavation that effectively allows taller structures. Mr. Stein and Mr. Dorschel agreed.

There was further discussion of when a new development would need to be brought to Plan Commission. Planner Reichertz stated that if the Plan Commission chooses Option 3, in order for it to be upheld legally, the conditions need to be very clear and should articulate what the requirements are for the homeowner. The way that the option is currently listed can be interpreted subjectively. Staff also stated that for Option 3 the City Attorney recommended the word "may" be changed to "shall" in the sentence, "a special exception permit may be granted by the Plan Commission." This way if an applicant meets the criteria listed, they will be granted a permit. Reichertz explained that if the requirements are left ambiguous, it might not meet the due process test. Discussion continued. The Commission felt it was appropriate to allow Plan Commission to interpret the ordinance and review the application in a flexible way.

Mr. Ganser said he believes the whole issue stems from aesthetic concerns and is difficult to regulate that by addressing the property's grade.

After discussion, the following changes were made to Option 3:

1) Eliminate condition (2) reading, "The resulting finished floor elevation does not substantially deviate from the character of surrounding communities."
2) Change condition (1) to: There is no negative impact to adjoining water bodies or adjacent parcels.
3) A special exception may be granted by the Plan Commission up to 8 feet (instead of 4 feet as originally drafted).
4) Eliminate "as measured at the top of the highest foundation wall at the front of the structure"

There was discussion over whether there should be an established point of measurement such as the highest point of the foundation wall at the front of a structure. There was discussion over how height of a structure is measured. This will be reviewed again at the next meeting. Reichertz will look at both options, and will provide more information regarding impervious surfaces and short term rentals for the next meeting.

<u>Reports of Staff and Commission Members</u>

A. Staff Report Regarding Status of Development Project Proposals.

The next meetings are October 24, 2016 and November 14, 2016. Applications include a request for a zoning permit and Façade Improvement Grant Application for the Cozy Home, and an application from Taco Bell for an exception from Pier 37 architectural standards. Ms. Thomas will be absent at the October 24th meeting.

B. Plan Commission Requests for Information Concerning Development Projects.

Mr. Ganser expounded on his comments about the façade grant program and encouraged the City and the CDA to be facilitating more large-scale redevelopment of Monona Drive. Ms. Thomas and Mr. Homburg noted that the façade grant is a good way for the city to support existing property

owners and improve properties in the short-term, with a relatively small investment, until the private market supports the larger-scale redevelopment projects which take a long time. Mr. Ganser asked when the applicant receives the grant, and Planner Reichertz responded that it is a reimbursement after construction is completed according to approved plans.

Adjournment

A motion by Mr. Dorschel, seconded by Ms. Thomas, to adjourn was carried. (8:20 pm)

Respectfully submitted by:
Sonja Reichertz, City Planner

DRAFT

PLAN COMMISSION STAFF REPORT **MEETING DATE: October 24, 2016**
CITY OF MONONA **AGENDA ITEM 5A & 5B**
CASE NO. 2-007-2016

Project:	Public Hearing and Consideration of Action on Request by La Rae Richard, The Cozy Home, for a Zoning Permit and Façade Improvement Grant Application.
Project Address:	6328 Monona Drive
Applicants:	La Rae Richard, The Cozy Home

Proposal Summary:
La Rae Richard owns the property at 6328 Monona Drive, currently occupied by Monona Academy of Dance and Farmers Insurance. Ms. Richard also owns the business, The Cozy Home, which a furniture and home décor consignment store located in the Lake Edge shopping center near Monona Drive and Buckeye Road in Madison. Ms. Richard has submitted plans for a substantial façade improvement project to the property at 6328 Monona Drive, and she intends to move her consignment business into the building. She has requested grant funds for the project through the city's Façade Improvement Grant Program. The proposed exterior improvements include new siding and trim for the west wall, addition of gables, dormers, and metal roof overhang, and asphalt shingles, paint walls, add new windows, new decorative front door, new signage, repair sidewalk and concrete, replace existing chain link with new doors, removal of existing façade and addition of a deck with pergola behind the building.

Applicable Regulations, Policy, or Practice:
The Plan Commission shall determine if the plans are consistent with the Retail Business zoning district, the Façade Improvement Grant Program, the Monona Drive Urban Design Guidelines, Appendix A of the Zoning Code, and all other applicable zoning regulations and sections of the Monona Municipal Code of Ordinances.

Recommendation:
Approval of a zoning permit for building alterations and approval of an application for a façade improvement project under the City of Monona Façade Improvement Grant Program, as proposed, and according to Section 13-1-180 of the Monona Municipal Code of Ordinances is recommended with the following findings of fact and conditions of approval:

Findings of Fact:

1. The property at 6328 Monona Drive is an eligible property to receive funding under the Façade Improvement Grant Program.

2. The Plan Commission determined that the proposed plans and designs conform to the Urban Design Guidelines for Monona Drive and that the proposed improvements are eligible projects as listed in the Façade Improvement Program guide.

3. The Finance and Personnel Committee reviewed the grant request on 10/17/2016 and approved funding in the amount of $10,000.

Conditions of Approval:

1. All required building permits from state and local agencies shall be obtained.

2. The project shall be completed within 12 months of Plan Commission approval.

3. Upon project completion, the applicant shall notify the City Planner to inspect the project for full compliance with the documents and approvals granted, and the City Planner and the applicant will sign a Close-Out Form acknowledging successful completion and that the applicant has complied with all terms of the agreement with the City.

4. Upon receipt of the Close-Out Form, the applicant may submit the Reimbursement Request Form to the City Planner along with necessary documentation such as paid invoices, and if found to be in compliance, the City will issue a reimbursement check to the applicant for the grant amount approved.

5. Any future sign permit applications shall be submitted for review and approval by the Plan Commission.

6. Installation of an alarm system and Knox box is required, as noted by the Fire Chief and Building Inspector.

7. Any work in the City Right-Of-Way (ROW) requires approval of a ROW Permit and submittal of a ROW Permit fee of $50.00.

8. Residential units on the second floor are not approved at this time.

Proposal

La Rae Richard owns the property at 6328 Monona Drive, currently occupied by Monona Academy of Dance and Farmers Insurance. Ms. Richard also owns the business, The Cozy Home, which is a furniture and home décor consignment store located in the Lake Edge shopping center near Monona Drive and Buckeye Road in Madison. Ms. Richard has submitted plans for a substantial façade improvement project to the property at 6328 Monona Drive, and she intends to move her consignment business into the building. She has requested grant funds for the project through the city's Façade Improvement Grant Program. The proposed exterior improvements include new siding and trim for the west wall, addition of gables, dormers, metal roof overhang, asphalt shingles, painting of walls, new windows, new decorative front door, new signage, repair of sidewalk and concrete, replacement of existing chain link with new doors, removal of existing façade and addition of a deck with pergola behind the building. The application also describes a potential second story addition with pitched roof.

Process

1. Public Hearing and Prehearing Conference Held 10/10/2016: There were no public hearing comments. The Plan Commission determined the project was eligible under the façade grant program. The Plan Commission discussed the second floor concept and did not request revisions to plans.

2. Finance and Personnel Committee: Review of grant amount on 10/17/16: The Finance and Personnel Committee approved the grant amount of $10,000 on 10/17/16.

3. Plan Commission Public Hearing and Consideration of Action scheduled for 10/24/16.

Zoning

The property is zoned retail business. The proposed use is consistent with the retail business zoning district, but must be reviewed according to performance standards in the zoning code regarding parking, landscaping, lighting, signage and architectural design. The Plan Commission reviewed these standards at the 10/10/16 public hearing, and determined that the proposed retail use was permissible. The Plan Commission determined that available on site parking was sufficient. The Plan Commission noted that the owner does not have the ability to add more parking stalls behind the building, because an easement with the adjoining property to the south limits access.

Parking

There are 8 surface stalls available at the front of the site. The Plan Commission determined that available on site parking was sufficient for the proposed use. The Plan Commission noted that the owner does not have the ability to add more parking stalls behind the building, because an easement with the adjoining property to the south limits access.

Potential Second Story

The application notes that they are considering a second story addition, but this was not included in the preliminary plans. The Plan Commission discussed the concept, and noted that the building will look the same weather the second story is built-out for occupancy or not (i.e. there will still be a pitched roof). Use of a second story for apartments is not included in this proposal and is not approved. If apartments are added to a second story in the future, the Plan Commission shall

review and approve a zoning permit. According to the Fire Chief, if more than two apartments are proposed for the second level, then a sprinkler system will be required.

Building Design Elements

The Plan Commission shall determine if the proposed improvements are eligible program costs and if they are consistent with the Monona Drive Urban Design Guidelines (MDUDG). The Plan Commission determined the improvements are eligible.

Signage

Signage plans have not been submitted. Any sign permit requests that accompany a zoning permit require approval by the Plan Commission. Therefore any permit requests in the future shall return to Plan Commission for review and approval. The Plan Commission may require submittal of a comprehensive signage plan when more than one sign will be viewed together as part of a group of signs. It appears that there will be signage bands provided for the business Cozy Home as well as a small tenant. I recommend requiring the applicant to submit a comprehensive signage plan that sets consistent standards for the sign type (such as prohibiting box/cabinet signs) and sign size for the building.

Grant Amount

The property is eligible for funding from the grant program if it meets the intent of the program to make substantial aesthetic upgrades to the façade of the building facing Monona Drive. The applicant may receive a 50% match reimbursement not to exceed $10,000. Ms. Richard is requesting a grant of $10,000 (50% of total project costs of $46,600.00 with a max of $10,000). These figures must be supported by contractor estimates. Ms. Richard is the contractor, and has certified the cost estimates in her application letters. The Finance and Personnel Committee approved the grant amount. The grant disbursement comes in the form of reimbursement upon project completion, after inspection to ensure plans were completed according to the approved plans. If all improvements are completed according to the approved plans, the applicant completes the City's Close-Out Form, and the grant award may be submitted as a reimbursement.

Department Head Review

Plans were distributed to City Department heads to solicit their comments, concerns, and requirements. The Building Inspector and Fire Chief met with the applicants to discuss requirements. Addition of an alarm system and Knox box is required. The Police Chief suggested the addition of security cameras due to the use as retail sales, as those types of businesses are targets for theft and robbery. Public Works commented that there are no impacts to public works or utilities, but commented that they will need to contract privately for any solid waste and recycle services and that any work in the street right-of-way will require a ROW Permit.

September 21, 2016

Full plan submittal / application was included in the October 10, 2016 Plan Commission packet. These plans may be accessed via the online packet at www.mymonona.com.

City of Monona
5211 Schluter Road
Monona, WI 53716

RE: 6328-6332 Monona Drive Façade Improvement Grant Application

To Whom This May Concern,

Thank you for giving us the opportunity to apply for matching funds for a façade improvement to the building we own at 6328-6332 Monona Drive. Kristie Shilling of the Monona Business Alliance brought this program to our attention and we are excited to apply.

Our one-story flat roofed building is desperately in need of a facelift. The current tenants are The Monona Academy of Dance and Farmers Insurance Company - Tim Helman Agency. Early next summer (2017) the dance academy will be moving, the building interior will be renovated, and we will move our business (The Cozy Home) into the space.

We are hoping to begin renovations on the façade of our building yet this fall, weather and approvals permitting. In addition to improving the façade we are also studying the feasibility of framing in a second story with a pitched roof. Before exerting too much effort, we had a structural engineer take an informal look and he said adding a second floor to the building was structurally viable.

La Rae Richard, owner, will be acting as the General Contractor for this project. The costs submitted were arrived at through the use of an on-line building estimation program called "homewyse.com" where we used a mid-range pricing for the City of Monona. This, along with over 35 years of personal experience in the building trades, was how we established our pricing. After the estimations were complete, they were reviewed by a commercial contractor and a local former contractor, who had done business in the Madison area for many years, to ensure they were accurate and reasonable. We are comfortable with the numbers.

We understand that the second floor would not be included in the potential funding, however, it is integral to the building design and therefore merits including with this information.

We ask that our business plans be kept as confidential as possible in the near term so as not to affect The Monona Dance Academy's business or our business.

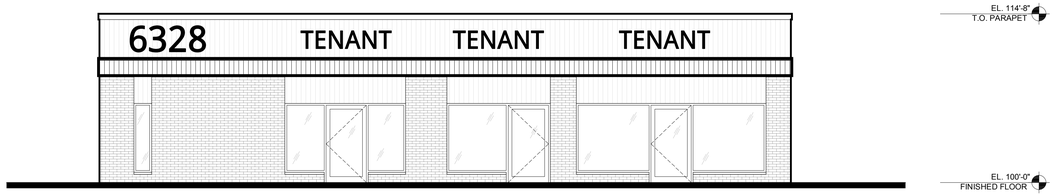
We are enclosing all of the requested and required documents and we look forward to working with you.

Kind Regards,

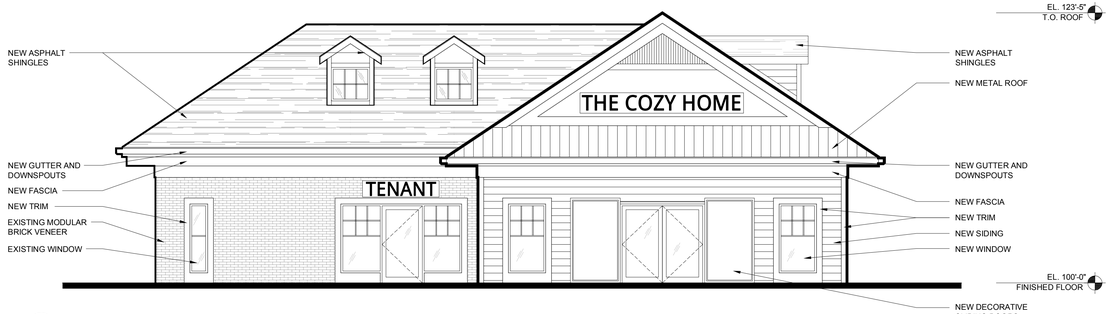
La Rae A. Richard
The Cozy Home
4100 Monona Drive
608-630-8890
info@thecozyhomemadison.com

Leah Hernandez

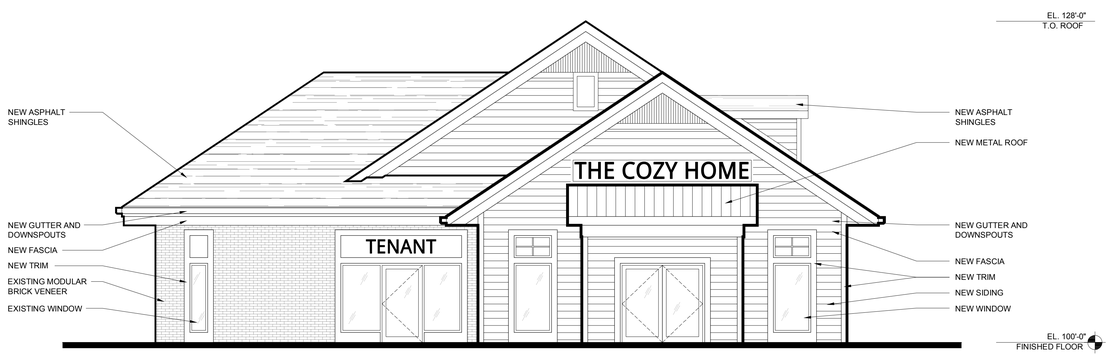
enclosures



WEST EXTERIOR BUILDING ELEVATION - EXISTING
SCALE: 3/16"=1'-0"



WEST EXTERIOR BUILDING ELEVATION - SCHEME 'A'
SCALE: 3/16"=1'-0"



WEST EXTERIOR BUILDING ELEVATION - SCHEME 'B'
SCALE: 3/16"=1'-0"

0 2'-8" 5'-4" 10'-8"
SCALE : 3/16" = 1'-0"

#	DATE	REVISION DESCRIPTION

Christopher Kidd and Associates, LLC
ARCHITECTS ENGINEERS PLANNERS
N48W16550 Lisbon Road Menomonee Falls, Wisconsin 53051-6630
P 262.901.0505 F 262.901.0510 arch@cka-ae.com cka-ae.com

Proposed Retail Renovation for:
The Cozy Home
6328 Monona Drive
Madison, Wisconsin, 53716

These drawings, as instruments of service, remain the property of the Architect or Engineer. Any changes, publication, or use of any kind is prohibited unless expressly authorized by said party.

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Drafted By: LH
Checked By: CDK
Date Drafted: 07/29/2016
Project #: 16086-01

A300

PROPOSED EXTERIOR ELEVATIONS

5211 SCHLUTER ROAD MONONA, WI 53716-2598
CITY HALL (608) 222-2525
FAX (608) 222-9225
http://www.mymonona.com

MEMO

TO: Plan Commission
FROM: Sonja Reichertz, City Planner & Economic Development Director
DATE: October 21, 2016
RE: Grading, Definitions, Impervious Surface, Short-Term Rentals, Historic Conservation

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Process: This memo addresses grading, impervious surface, short-term rentals, and historic conservation as part of the continued recodification process.

Grading

Issue: Concerns over recent development / redevelopment of single-family homes and questions regarding their appropriateness to the neighborhood, specifically significant alterations of natural grade. Reasons for altering natural grade can be diverse; newer construction may include full-height basements, larger garages visible from the street, alteration of yards with construction of retaining walls, construction of sloped driveways, and creation of exposures for basements or garages. The possible negative impacts include large building masses that are out of character with the neighborhood, shadowing of adjacent properties, manipulation of building height allowances, and water runoff concerns. This memo presents ordinance language that limits grade changes, both through fill and excavation, as measured in comparison to the lot's natural grade. In addition, revisions to definitions are proposed that clarify how height is measured in relation to natural and finished grade. The goal of these ordinance revisions is to maintain neighborhood character and mitigate negative impacts of development on surrounding neighbors in single-family neighborhoods.

Left: home is multiple feet above street grade but blends in with character of neighborhood and is not offensive. Middle: Lot has long front yard with gradually increasing natural slope. Right: Excavated natural grade for garage, but first floor elevation is many feet above street. None of these are the problems the Commission is trying to address.

Grading: Tie Finished Grade of Lot to Natural Grade of Lot:

<table>
<tr><th>Summary</th><th>Draft Ordinance Language</th></tr>
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- Finished grade of lot is tied to existing natural grade of lot. There is no relationship to finished floor elevations or foundation walls.

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Grading Requirements. The difference between the natural grade of the property and the finished grade of the property shall not exceed 2 feet at any point on the lot, as shown on a submitted grading plan certified by a professional landscape architect, engineer, or surveyor. A special exception permit may be granted by the Plan Commission for a grade change of up to 8 feet if the applicant demonstrates there is no negative impact to adjoining water bodies or adjacent parcels. These regulations shall not prohibit compliance with floodplain development regulations. Any request above 8 feet shall be reviewed as a variance request by the Zoning Board of Appeals.

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- Allows for an exception at Plan Commission before going to ZBA for variance.

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- Possible concerns with this approach include:
  - Could lead to gradual building up of grade over time. A house could gain 2+ feet over natural grade, which then becomes established grade for the next project on that site.
    - <u>Commission feedback</u>: The requirement is cumulative. If a property uses only 1 foot of grade change for an initial project, they still can change the grade another 1 foot in the future. Once they reach 2 feet over time, the exception or variance for anything over 2 feet must be reviewed accordingly.
  - New / revised definitions have been recommended (below) to ensure consistent interpretation, and to aid in defining how height of structure is measured.
  - Comments from the City Attorney were communicated at the last meeting regarding (1) the specificity of the requirements of an applicant, (2) and use of the word “shall” instead of “may.” The Plan Commission direction was to move forward without revisions to address these issues.

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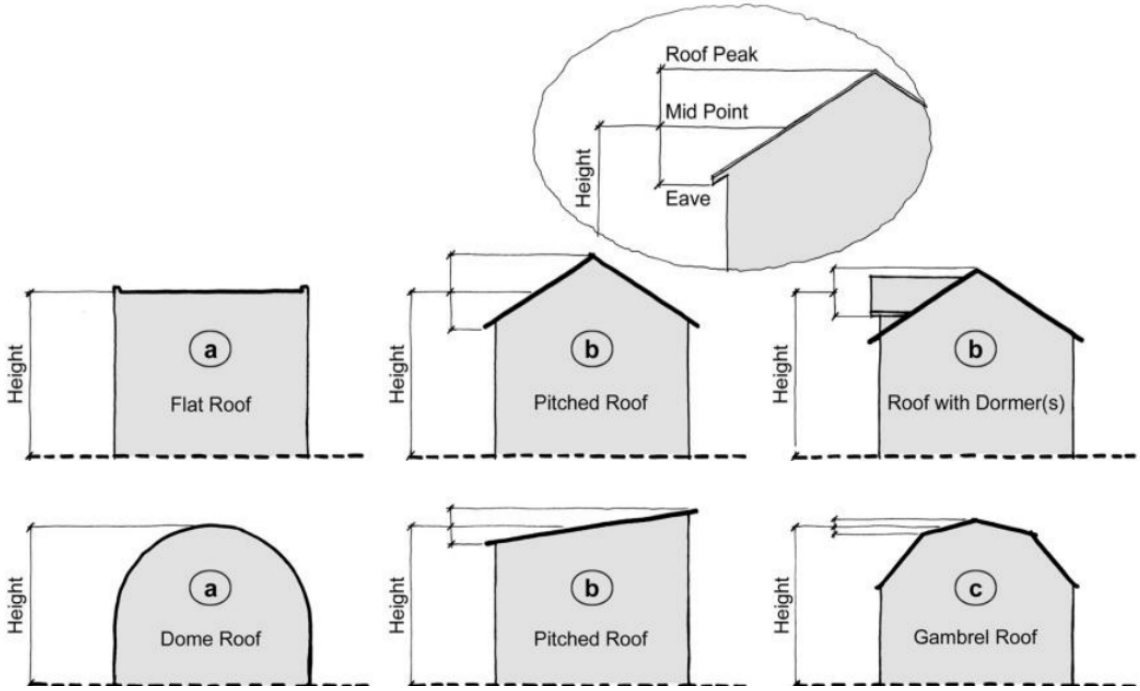
Definitions:

	Current	Proposed
Height	A distance to be measured from the mean ground level immediately adjoining the front of a structure, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.	A distance to be measured from any point of the finished elevation of a structure, to the deck line of a mansard roof, the midpoint of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.
Impervious Surface	Not defined.	Any area covered by building footprints and paved surfaces including principal buildings, accessory buildings, driveways, walkways, patios, parking areas, and any non-permeable concrete or asphalt surfaces. For waterfront properties, the lot area used to calculate impervious surface shall include any land between the meander line and the water's edge.
Lot Coverage	Not defined.	Area of the lot covered by all structures including but not limited to detached garages, carports, gazebos, screen enclosures, patios, decks, storage buildings, sheds & enclosures, pet houses/runs.
Grading Plan	Not defined.	A plan that generally documents the natural grade and finished grade at important reference points such as property boundaries, building edges, building entrances, driveway entrances and top and bottom of retaining walls.
Natural Grade	Not defined.	Refers to the elevation (height) of the ground prior to any land alteration or construction, as measured at any point on the property.
Finished Grade	Not defined.	Refers to the finished elevation (height) of the ground following construction or land altering activities, as measured at any point on the property.
Family	One or more persons related by blood, marriage, or adoption, including foster children, to a member of the family occupying the dwelling unit.	One or more persons related by blood, marriage, domestic partnership, or adoption, including foster children, to a member of the family occupying the dwelling unit.

Height Definition:

It is important that the Commission review how height is measured. Currently, the height measurement starts at the <u>mean ground level adjoining the front of the structure.</u> In previous discussion, the Commission established that an exposed basement on a sloped lot, or excavation for a garage beneath the ground floor of the house on the street level, should not result in a taller-than-permitted building height due to manipulation of the lot. If we only measure from the front of the structure as the code is currently written, it does not account for an exposed level on the rear side of the structure. As a result, a structure could be 3 stories on the street side, and four stories on the rear side.

The proposed definition revises the starting point of the measurement as a distance to be measured from <u>any point of the finished elevation of a structure</u>, to the deck line of a mansard roof, the midpoint of a shed roof, to the highest point of a flat, round or arch-type roof, or to the midpoint of the highest gable on a pitched or hip roof.



Impervious Surface

Issue: Monona currently does not have a limit on impervious surface; it is not regulated in any way, but is measured for the purpose of assessing a fee for the stormwater utility. The request was to research an impervious surface limit and regulations that would be appropriate for Monona. The purpose of regulating impervious surface is often to reduce negative impacts on water quality. There was some question of the effectiveness of this regulation for water quality purposes in Monona, which is summarized below. In Plan Commission discussion, it was apparent that an additional purpose of regulating impervious surface can be for aesthetic reasons. In considering the information below, the Plan Commission should establish the intended purpose of regulating impervious surface.

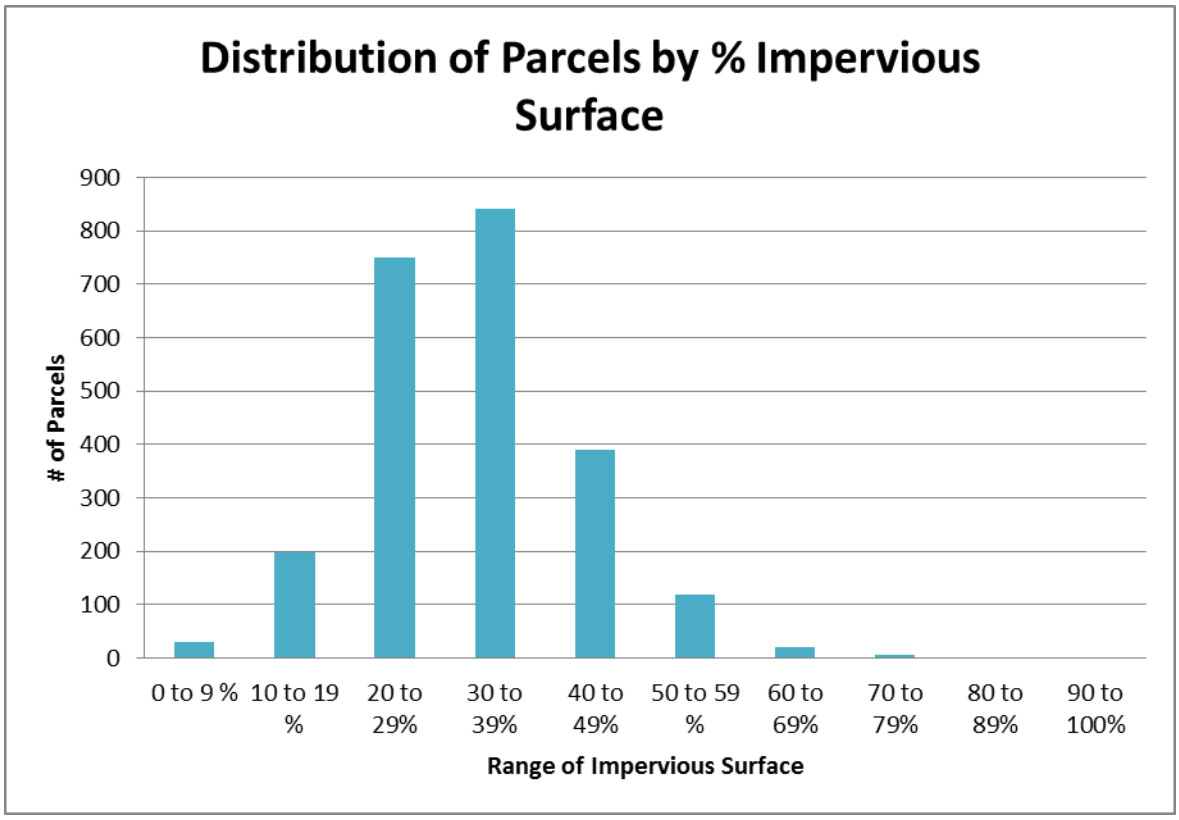
Summary	Draft Ordinance Language
• Allows for exception at Plan Commission before going to ZBA for variance.	**Maximum Impervious Surface.** (a) Lots over 10,000 square feet. 65%. A special exception permit may be granted by the Plan Commission up to 70% impervious surface if the applicant demonstrates that all of the conditions in sub (c) are met. (b) Lots less than 10,000 square feet. 70%. A special exception permit may be granted by the Plan Commission up to 75% impervious surface if the applicant demonstrates that all of the conditions in sub (c) are met. (c) A special exception permit may be granted by the Plan Commission for additional impervious surface as allowed in sub (a) and (b) if all of the following conditions are met: (1) The topographic conditions of the property are unique, not caused by the applicant, and necessitate additional impervious surface. (2) There is no negative impact caused by the additional impervious surface to the adjoining water bodies or adjacent parcels as a result of stormwater runoff. Any request above and beyond the special exceptions allowed in sub (a) and (b) shall be reviewed as a variance request by the Zoning Board of Appeals.
• Provides a sliding scale for substandard lots.	

GIS staff provided impervious surface data for every single-family parcel in Monona. This data set is based on 2015 parcel data from Dane County, updated aerial imagery, and is reviewed on a lot-by-lot basis. This data is used to assess stormwater fees for each lot based on the amount of impervious surface. The impervious surface is calculated based on a current aerial photo from which the structures, driveways, patios, decks, etc. are digitized and traced by GIS staff. The photo is taken when there is minimal tree cover so these paved surfaces are visible. When the impervious surface coverage is unclear based on the aerial photo, GIS staff supplements the information with other map products (Google, etc.), site plans if available, and field visits. This methodology is consistent with digitization practices used throughout the state. Based on this detailed, lot-specific review of every parcel, GIS staff is very comfortable with the accuracy of this data. Below is a summary of the data.

Summary of Impervious Data for Single Family Properties			
Average Parcel Size (SF)	12,244		
Average Impervious Percentage Per SF Parcel	32.73%		
# of Properties Over 65% Impervious	10	% of Total	0.0042
# of Properties of 70% Impervious	5	% of Total	0.0021
Total # of Properties	2358		

# SF Substandard Parcels Under 6,000 sf	64	Avg. Imp.	44.19%
# SF Substandard Parcels Under 10,000 sf	1008	Avg. Imp.	37.59%
# SF Parcels Over 10,000 sf	1351	Avg. Imp.	29.10%

This data shows that implementing an impervious surface maximum will not impact many existing properties (i.e. most parcels would be compliant with the new regulations). Of the 5 parcels with over 70% impervious surface, 4 are substandard lots under 10,000 so they could have been granted a special exception permit up to 75% after Plan Commission review. The table below shows the distribution of single-family parcels in Monona according to a range of impervious surface. Most fall under the 30-39% impervious surface category. Maps associated with this data are also attached.



The following table lists information to guide the Plan Commission in establishing the intended purpose of regulating impervious surface. This table is not intended to be a comprehensive report on the scientific results of regulating impervious surface, but rather to provide some resources for Plan Commission use and discussion.

Purpose of Regulating Impervious Surface	
Pros	Cons
• A 2013 publication from UWSP Center for Land Use Education (CLUE) summarizes impacts of impervious surfaces to waterfront property values, fish, and wildlife.[1] (Web links available via footnotes).	The following reasons were previously discussed for why regulating impervious surface in Monona might not be effective in mitigating negative effects of impervious surface for water quality purposes:
• Studies show that when the watershed reaches a certain percentage of impervious surfaces, there is a measurable decline in many desirable resources including game fish stock, fish diversity, wildlife habitat, land cover to prevent erosion, depth of water clarity, and reduction in waterfront property values as a result of the above impacts. A study of 47 warm water streams in southeast WI found that fish / insect populations decline dramatically when impervious surfaces exceed 8-10% of the watershed. Streams with more than 12% imperviousness have consistently poor fish communities. [2]	• Prevalence of clay soils (low infiltration) • Shallow depth to ground water (not advisable / allowable to infiltrate directly into ground water)
• Administrative Rule NR 115 was revised in 2010 which regulates shoreland zoning for counties. It does not apply to Monona; however, using it as an example, NR 115 requires a max. Impervious limit of 15% for the portion of the lot within 300 feet of the OHWM. A county can approve up to 30% when a mitigation plan is approved. The basis for the NR 115 standards reference many of the same reports cited in this memo.	• Paved surfaces that are not storing cars may be relatively clean. Runoff from patio surfaces is therefore not a major concern. • Difficult to regulate due to many small lots in Monona.
• The purpose statement under NR 115 is to "establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters."	• Disagreement with regulation of impervious surface for aesthetic purposes.
• An unfertilized, developed waterfront lot that has 20% impervious surface carries six times more phosphorus to the lake than an undeveloped lot of the same size.[3]	• Per the current impervious data for Monona, a small number of parcels exceed 65% impervious surface. Therefore, one could argue that a regulation is not needed.
• CLUE Publication: Shoreland Development Density and Impervious Surfaces[4]	

[1] http://www.uwsp.edu/cnr-ap/clue/Documents/Water/ImperviousSurfaces2013.pdf
[2] http://www.ncwrpc.org/county_ftp/NR115/Chapter2.pdf
[3] http://www.uwsp.edu/cnr-ap/clue/Documents/Water/ImperviousSurfaces2013.pdf
[4] http://www.uwsp.edu/cnr-ap/clue/Documents/Water/Imp_Surf_Shoreland_Dev_Density.pdf

Short-Term Rental

Issue: Short-term rentals (STR) by single-family homeowners for vacationers have become more popular due to the success of websites such as VRBO (Vacation Rental By Owner) and AirBnB. It is especially popular in dense urban areas that are tourist destinations and that are very walkable. In smaller communities, it is usually more popular in tourist destination locations such as lakefront communities. Walworth County, for example, with the draw of Lake Geneva, deals with a lot of short-term rentals that generate complaints and regulates them heavily.

Council Direction and Current Ordinance:

This has been referred to Plan Commission by Council for determination of a more clear direction of whether this type of use should be permitted or prohibited. Once the policy direction is determined, the ordinance should be clarified accordingly.

The current interpretation of the Monona zoning code, as previously reviewed by the Plan Commission, is that short-term rental of single-family homes (less than 30 days based on the definition of "transient") is not consistent with the characteristics of the single-family zoning district, and is therefore prohibited. City Attorney Bill Cole referenced a case where Cedarburg, WI relied on a similar interpretation. Cedarburg lost when citations against short-term rentals were challenged. The courts concluded that if the ordinance is ambiguous (which the courts said it was), then the ordinances shall be construed in favor of the free use of private property.[5]

Area Communities:

I contacted planning staff in Fitchburg, DeForest, Watertown, Oconomowoc, Verona and Middleton and asked if this issue has been discussed by their Councils. For the most part, these communities have not addressed this use because there have not been many complaints. The only community of those listed above that has taken some action was Oconomowoc which was dealing with rental of lake homes. To address the issue, Oconomowoc changed the definition of "household living" and added a 30 day reference to the definition. Their definition is copied below. It treats any lease more than 30 days as a dwelling, and anything less is not a dwelling.

- *Household Living: This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis, with a minimum of 30-days.*

[5] Heff Realty and Investments, LLP and Sandra Desjardin vs. City of Cedarburg Board of Appeals. https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=134011

The Case for Prohibiting Short-Term Rentals*	The Case for Permitting Short-Term Rentals
Overcrowding, parking concerns, garbage and refuse disposal concerns, noise, trespassing, and potential to overload waste systems are all concerns that may be associated with short term rentals.	STRs can help young families and couples with housing costs and mortgages. STR would still need to comply with occupancy limits of the zoning code.
STRs can lead to unaffordable housing by displacing permanent residents and strain already squeezed housing markets. Transient renters/vacationers are willing to pay more for a shorter term while they are on vacation or splitting the fee with a larger number of people.	According to AirBnB, the average listing must be rented 157 nights per year to be more profitable than a long-term rental, which may contradict the idea that STRs will make housing unaffordable due the owner being able to get higher rates from short-term rather than long-term renters.
STRs may promote transient use of single-family neighborhoods. In a traditional single-family neighborhood, your neighbors are constant for relatively permanent periods of time. With a short-term rental, you may have new neighbors every week or month, which carries uncertainty as to how the short term occupants will treat the property, how many cars they will park, how trash will be handled, if there will be more noise, or a general public nuisance etc.	STRs can provide transition housing. For example, someone may have recently relocated to Monona or the Madison region for a job and wants to buy a house in Monona. Because Monona's housing market is very tight (there is not a lot of supply), this person may wish to rent for a short period of time while they find a house, or while they wait to close on a home purchase.
Zoning protects a property by limiting what can happen on a neighboring property. A buyer can purchase a single-family home in a SF zoning district with confidence knowing that they will not be living next to a hotel or commercial business.	Monona has recently established a tourism commission to comply with recent changes to the state law regarding room tax. The Commission is charged with monitoring the collection of room tax, receiving room tax revenue from the city, and using it for tourism promotion and tourism development in the city. Allowing STRs may promote tourism in Monona and generate overnight stays associated with tourism attractions.
STRs may be exceeding occupancy limits when multiple guests are sharing the residence for a weekend, week or month, which raises concerns with whether there are appropriate public safety measures such as fire exists, sprinklers, etc.	The availability of a booking a full house in Monona, just minutes to downtown Madison by bike or car, may be very attractive to tourists who would then spend money in Madison or in Monona, especially as the Monona is developing a new Tourism Commission.
STRs may circumvent hotel tax, which hotels, motels, and bed & breakfasts must pay. In addition, they may be avoiding health inspections and license fees.	Potential nuisances associated with STRs (as listed in left column) are possibly enforceable under normal property maintenance ordinances.
STRs can encourage absentee landlords which may cause problems for long-term property maintenance. The Plan Commission and Comp Plan specifically cite the preservation of owner-occupied Single-Family housing as a goal.	When a property owner uses these platforms intermittently for on-the-side rentals, it is often not a problem. If there is a property that rents year-round, with turnover or guests every week, this could increase the potential for generating nuisances described to the left.

*Note: In Monona specifically, no complaints regarding these issues have been received. These are generally cited as issues with STRs in other communities where complaints have been received, or in general literature on the subject.

Options:

1. Prohibit STRs Altogether
   - Of any VRBOs or AirBnBs currently operating in Monona, staff has not received any complaints. Consider the column labeled "the case for prohibiting short-term rentals," to determine if the City should prohibit this use.
   - This is how the ordinance is currently interpreted; however, it is possibly too ambiguous to be held up if challenged.
   - If the City decides to prohibit STRs, adding duration to the definition of single-family dwelling could be a way to make the ordinance clearer (see Oconomowoc).

2. Do Nothing
   - The current ordinance is possibly too ambiguous to be held up if challenged.

3. Adopt an Ordinance that Permits STRs with Regulations
   - Consider an ordinance similar to Madison's. See attached "City of Madison, FAQ: Tourist Rooming House). First, Madison differentiates between long-term rental of a single family home and short-term rental by addition the definition for Tourist Rooming House (TRH). A transient is "a person residing… for less than 30 days in… furnished accommodations made available to the public."
     - Tourist Rooming House: A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients. (Madison Definition)
   - Madison allows TRH with the following limitations:
     - You may operate a short term rental only if it is your primary residence. (Prevents absentee landlords or real-estate investment companies that buy large quantities of property for this purpose).
     - The property can only be offered for rent by the owner or a renter who is explicitly authorized in the lease.
     - If the operator occupies the residence at the time of rental, there is no limit on the number of days the residence may be rented.
     - If the operator does not occupy the residence at the time of rental, the residence may be rented no more than thirty (30) days per licensing year; July 1 to June 30th.
     - In Madison, STRs are subject to state sales tax. Must obtain sellers permit from DOR. Must register with Treasurer's office and pay room tax. State law requires the establishment to have a current license from Public Health Madison and Dane County.
     - TRH regulations to not apply to people occupying for over 30 days.

Current Definitions from MCO Sec. 3-5-1 Hotel-Motel Room Tax:

- Hotel/Motel: A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins

and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitariums or nursing homes or by corporations or associations inures to the benefit of any private shareholder or individual.

- Bed & Breakfast: Any place of temporary lodging that provides four (4) or fewer rooms for rent, which is open for rental more than ten (10) nights in a twelve (12) month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast.
- Transient: Any person residing for a continuous period of less than one (1) month in a hotel, motel, or other furnished accommodations available to the public.

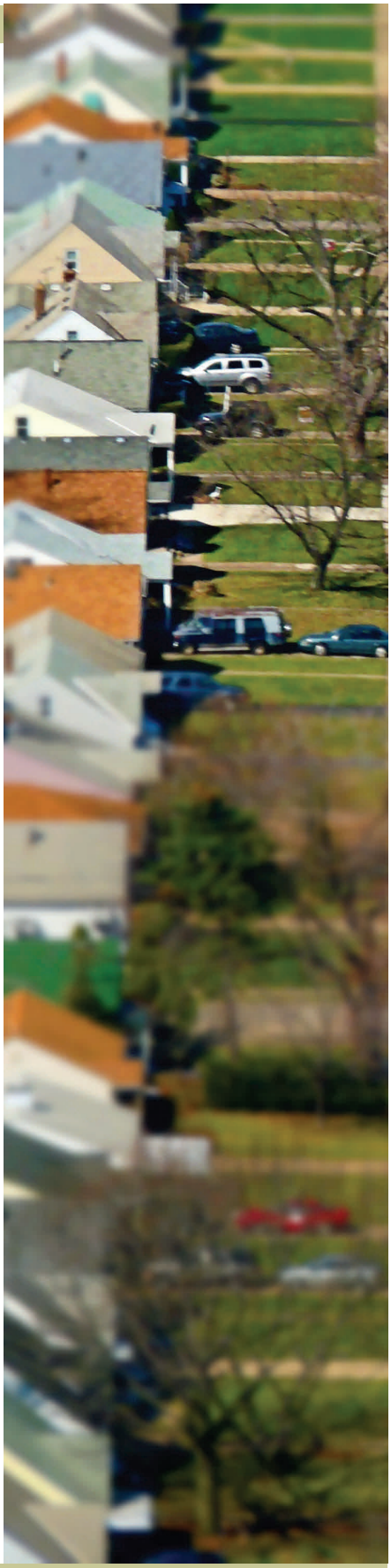
Historic Conservation

Issue: Referred by Landmarks Commission. This is part of the zoning code, so the Plan Commission must review it. The Plan Commission makes a recommendation of a yes or no vote to the Council. The draft ordinance is attached with changes tracked in redline.

- The ordinance currently does not include well-articulated requirements for nominating a landmark. It only states that the Landmarks Commission shall report its recommendations to Council. This is not best practice, because the Commission could nominate any property without notifying the owner. The proposed ordinance revisions clearly lay out the process for nominating a landmark with notifications as required by state law. It also mirrors many other processes used in model ordinances and in surrounding communities' ordinances.
- In addition to the process revisions, the ordinance proposes that the Landmarks Commission, as the body responsible for reviewing and perpetuating historic properties, make determinations on effects of alterations to historic properties, and make recommendations to the Council on whether to pursue acquisition or not. This would replace the current language that gives Plan Commission that authority, after Landmarks Commission review. The proposed change regarding Landmarks, rather than Plan Commission recommendation to Council is consistent with model historic conservation ordinances, and would streamline the review process.

City of Madison

FAQ: Tourist Rooming House



Tourist Rooming House (TRH)

Zoning Ordinance Definition:

Tourist Rooming House. A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.

Supplemental Zoning Regulations:

a) The establishment shall have a current license from Public Health of Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195.

b) The tourist rooming house shall be the owner's primary residence.

c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.

d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.

e) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty days per licensing year; July 1st to June 30th.

f) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.

g) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.

h) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

Zoning/Use Scenarios

- *Can I rent a bedroom in my apartment?*

  Yes, a tenant may rent a room as a TRH if the lease allows the arrangement. If the tenant stays at the unit at the time of rental, there is no limit to the number of rental days allowed per year.

- *Can I rent a room in my home?*

  Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental.

- *Can I rent a room in my condo?*

  Yes. There is no limit to the number of days you may rent a room if you stay at the home at the time of rental (See Public Health comment regarding bathrooms).

- *Can I leave my apartment and rent it?*

  Yes, if the lease allows the arrangement, a maximum of 30 days in a license year (See Public Health comment regarding bathrooms).

- *Can I leave my house or condo while my TRH renter is there?*

  Yes, for a maximum of 30 days in a license year.

- *I own a home that is vacant. Can I rent this home as a TRH?*

  No. If you own a home that you do not live in or is not your residence, no short-term rental is allowed.

- *What if my TRH renter occupies longer than 30 consecutive days?*

  TRH regulations in the zoning code do not apply to people occupying for over 30 days.

- *How many people can I rent the space to?*

  Same as the limitation of occupancy for the dwelling. A family is generally considered a group of related individuals. Roomers are considered unrelated individuals. The regulation of a family plus roomers depends on the zoning of the property. <u>Check with the zoning office to clarify the correct limit.</u> A few scenarios:

  - Typical low-density residential area, primarily single-family owner occupied homes = *family plus one roomer or no more than two unrelated individuals*.
  - A multiple-family zoning district, higher density, apartments or condos = *typical occupancy is limited to a family plus four roomers, or up to five unrelated individuals.*

Public Health Madison and Dane County

Tourist Rooming House License is required.

- May or may not be owner occupied at the time of the rental
- Owner can offer prepackaged, shelf-stable food, or whole fruit to their guests without a food license.
- Guests may not share bathrooms unless the house is rented to a single family.
- For unrelated guests, each bedroom must have its own bathroom or separate designated men's and women's bathrooms must be provided.
- Individual locks on the bedroom doors are required unless you rent the home to a single family.

Building Code

No building code issues beyond what is otherwise required for the residential use.

- *Is there a smoke detector rule?*

  Yes, current rules for smoke detectors apply, no change required to TRH.

- *Is there a carbon monoxide rule?*

  Yes, current rules for CO detectors apply, no change required for TRH.

Room Tax/Sellers Permit

Room Tax Certificate from the City of Madison Treasurer is required. Information can be found at: http://www.cityofmadison.com/clerk/documents/licensing/roomtaxpacket.pdf

Still Have Questions?

Please feel free to call or come by the Department of Planning & Community & Economic Development to speak with one of our Zoning Staff.

Department of Planning & Community & Economic Development
Building Inspection Division
215 Martin Luther King Jr. Blvd., Rm. LL-100
P.O. Box 2984
Madison, WI 53701-2984

Phone: (608) 266-4551
http://www.cityofmadison.com/dpced/bi/

Draft Reviewed by Landmarks Commission 10/12/2016
Edited 10/21/16 by SMR
Reviewed by City Attorney

Sec. 13-1-64 Historic Conservation.

(a) **Purpose and Intent.** The protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value are in the public interest. The purpose of historic conservation is to:

(1) Protect, enhance and perpetuate improvements and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
(2) Safeguard the city's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
(3) Stabilize and improve property values;
(4) Foster civic pride in the beauty and noble accomplishments of the past;
(5) Protect and enhance the city's attractions to residents, tourist and visitors, and serve as a support and stimulus to business and industry;
(6) Strengthen the economy of the city; and
(7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.

(b) **Definitions**

(1) **Landmark.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation, and which has been designated as a landmark pursuant to the provisions of this Chapter.
(2) **Landmark Site.** Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal people, or upon which an historic event has occurred, and which has been designated as a landmark site under this Chapter, or a parcel, or part thereof, on which is situated a landmark.

(c) **Designation.** The Common Council, after considering the recommendation of the Landmarks Commission under sub. (g) below, may designate a landmark according to this section.

(d) **Landmarks and Landmark Sites Designation Criteria.** The Landmarks Commission may designate as a landmark or landmark site any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historical, architectural or cultural significance to the city, such as historic structures or sites which:

(1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
(2) ~~Are identified with historic personages~~ Are associated with the lives of important persons or with important events in national, state or local history; or
(3) ~~Embody distinguishing characteristics or an architectural type specimen~~Embody the distinguishing characteristics of an architectural type inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
(4) Are representative of the notable work of a master builder, designer, or architect; or ~~whose individual genius influenced his or her age; or~~.
(5) ~~Represent a unique natural resource or cultural asset to the community that should be preserved.~~ Exhibit important archaeological or anthropological significance.

~~(e) **Reports and Recommendations.** The Landmarks Commission shall report to the Common Council any new landmarks and landmark sites it designates and shall recommend procedures for acquisition or preservation of such landmarks and sites.~~

(e) **Nomination.** Any person may nominate a site, improvement, or site with improvements for designation as a landmark. The person shall submit the nomination to the City Planning Division, to the attention of the City Planner, on a nomination form approved by the Landmarks Commission. The nomination shall clearly identify the proposed landmark, landmark site, and document why it qualifies under sub. (d). The City Planner may ask the person to submit additional information and documentation as needed to complete or clarify the nomination. When the City Planner determines

that the nomination is complete, the City Planner shall refer the nomination to the Landmarks Commission.

(f) **Landmarks Commission Review and Public Hearing.** Whenever the Landmarks Commission receives a complete, accurate nomination under sub. (e), the Commission shall review the nomination. As part of its review, the Commission shall ~~publish a Class 2 public hearing notice and~~ hold a public hearing on the nomination, preceded by a Class 2 notice and ~~. The Commission shall send~~ notice ~~of the recommendation~~ to each owner of record on each lot on which the proposed landmark is located, and to each owner of record of each lot located within two hundred (200) feet of the lot on which the proposed landmark is located. The Commission may also conduct its own investigation of the facts, as it deems necessary.

(g) **Landmarks Action.** After the Landmarks Commission holds a public hearing and completes its review under sub. (f), the Commission shall report to the Common Council a recommendation supporting or opposing the proposed landmark designation. The Commission shall send notice of the recommendation to each owner of record on each lot on which the proposed landmark is located, and to each owner of record of each lot located within two hundred (200) feet of any lot on which the site or structure is located, at least 10 days before any meeting at which the Common Council may act on the Commission's recommendation.

(h) **Common Council Action.** After considering the Landmark Commission's report recommendation under sub. (g), and based on the standards under sub. (d), the Common Council shall vote to designate or decline to designate the property as a landmark. The City Clerk shall promptly notify the Building Inspector of each landmark designation. The City Clerk shall record the designation with the Dane County Register of Deeds at the City's expense.

(i) **Voluntary Supplemental Restrictions.** The Common Council may at any time supplement the terms of a landmark designation, pursuant to an agreement between the landmark owner and the Landmarks Commission, to enhance the preservation and protection of the landmark.

(j) **Recognition of Landmarks.** Whenever the Common Council designates a landmark under sub. (h), the Landmarks Commission shall affix a plaque identifying the property as a landmark to the landmark or landmark site with the permission of the owner, or in the absence of permission in the public right of way as approved by the Public Works Director. The plaque shall be placed so that it is easily visible to passing pedestrians. In the case of a landmark structure, the plaque shall include the accepted name of the landmark, the date of its construction, and other information that the Landmarks Commission considers appropriate. In the case of a landmark that is not a structure, the plaque shall include the common name of the landmark and other information that the Commission considers appropriate. If the Commission determines that because the landmark is ecologically or culturally sensitive a plaque would be inappropriate, no plaque is required. No person may remove or modify a plaque without approval of the City Planner.

(k) **Amending a Landmark Designation.** Any person may petition the Landmarks Commission to amend a Landmark Designation. The process for amending a landmark shall be the same as for designating a landmark under subsections e-h above.

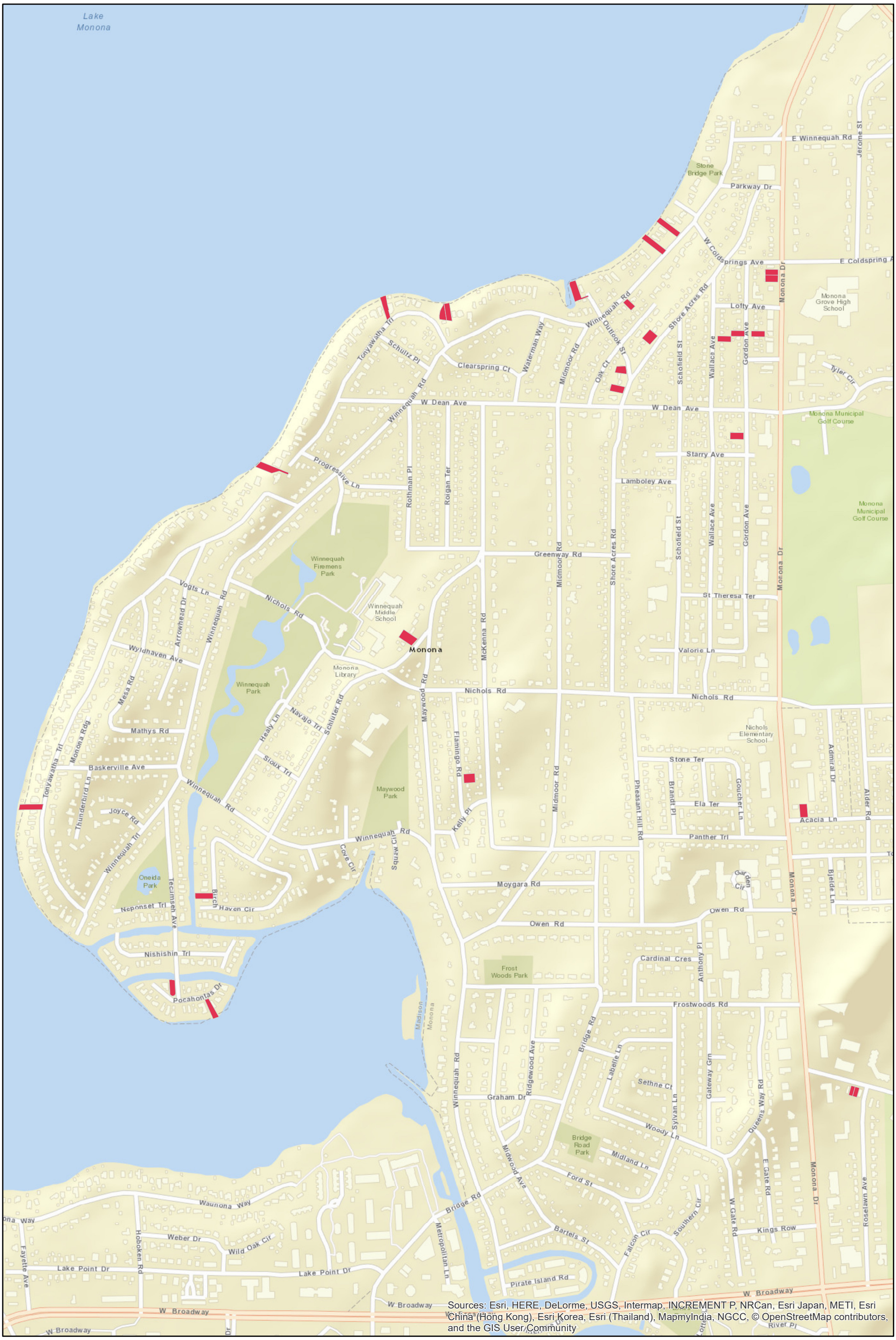
~~(f)~~(l) **Determination of Effect on Proposed Use or Improvement**. If an application for a zoning, building or demolition permit under this Code involves a landmark or landmark site designated as such, the Landmarks Commission shall determine: ~~by the Landmarks Commission, the Plan Commission shall determine:~~

(1) Whether the proposed work would detrimentally change, destroy, or adversely affect any architectural feature of the landmark; and
(2) In the case of a new construction, whether the exterior or such construction would be in harmony with the external appearance of other landmarks on the site or nearby; and
(3) Whether the proposal would significantly alter or destroy the historic characteristics of the landmark or the landmark site.

~~(g)~~(m) **Action on Permit Application**. The permit application shall be first referred to the Landmarks Commission for consideration. The Landmarks Commission shall make a determination as to the

matters referred to in subsection (l), and shall forward its determination to the ~~issue an advisory report to the Plan Commission as to the matters referred to in subsection (e). The Plan Commission shall make a determination as to those matters, after consideration of the Landmarks Commission report, and forward the application with its determination to the~~ appropriate body for action in accordance with section 13-1-182 (Zoning Permits in Single-Family and Two-Family Residence District), 13-1-183 (Zoning Permits in all other Districts), 15-1-23 (Building Permits), and 15-1-83 (Demolition Permits). Notwithstanding the previous sentence, upon the recommendation of the Landmarks Commission, and after consideration of the purpose and intent of this section, ~~if the Plan Commission deems it appropriate, it~~ the Landmarks Commission shall refer the application with an advisory report to the Common Council for consideration of acquisition or preservation of the landmark or landmark site. The City Planner shall provide notice to the state historic preservation officer of any proposed action which would affect a designated landmark in accordance with section 66.1111, Stats.

Residential Properties at 60% or Greater Impervious Surfacing



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

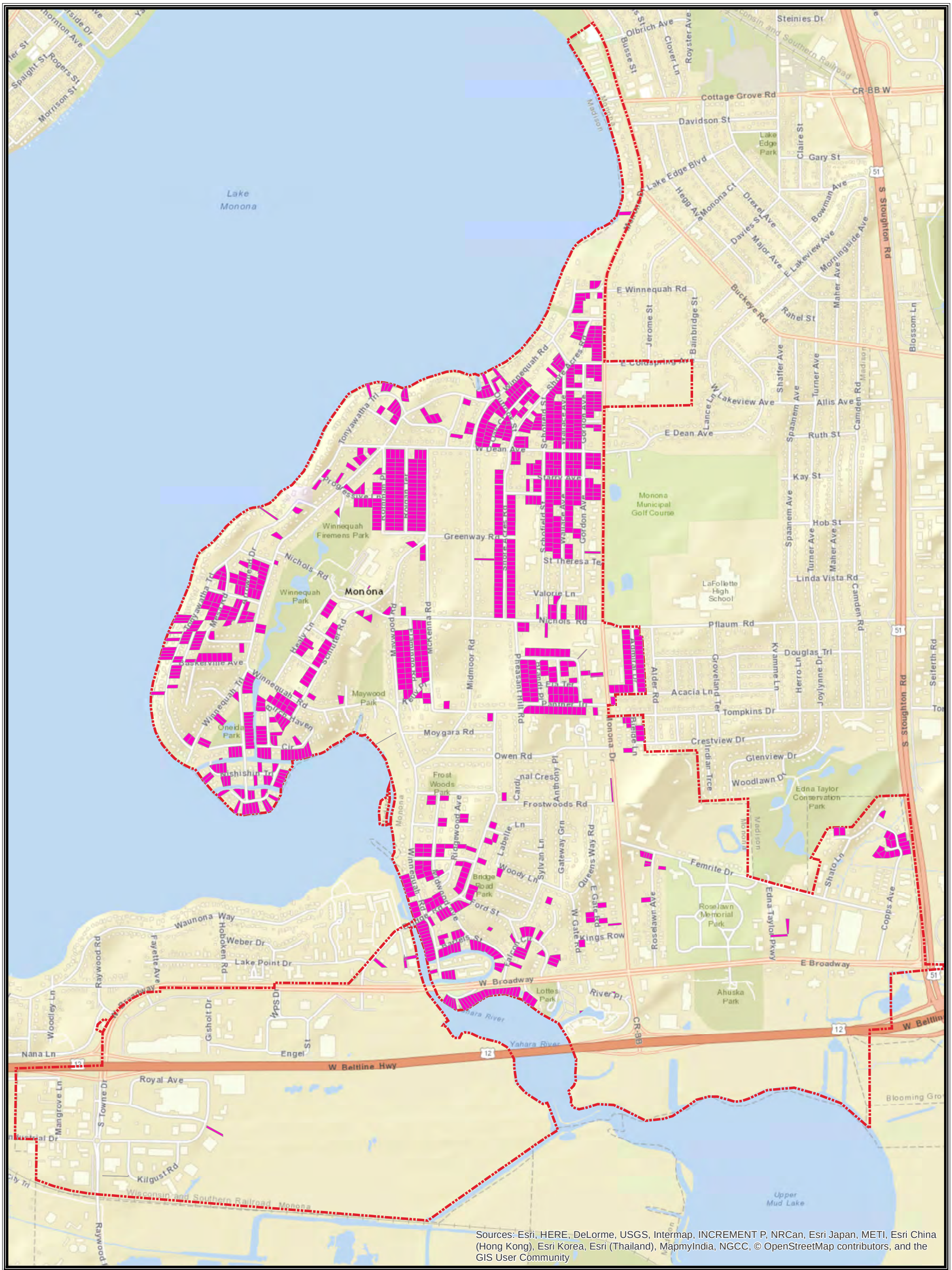
Legend

60 % Or Greater Impervious on Single Family Lots

1,000 Feet

Date: 10/21/2016

Substandard Lots



Legend

Substandard Lots

Monona City Limits

2,000 Feet

Date: 10/19/2016

MONONA

PLAN COMMISSION STAFF REPORT **MEETING DATE: October 24, 2016**
CITY OF MONONA **AGENDA ITEM 6A & 6B**
CASE NO. 2-008-2016

Project:	Public Hearing and Prehearing Conference on Zoning Permit Request for Exterior Alterations to the Taco Bell
Project Address:	100 E Broadway
Applicants:	Border Foods of Wisconsin, LLC, and Marvin Development of South Dakota, Owners; Plan Force Group, Architects.

Proposal Summary:
Plans have been submitted describing the requested exterior alterations for the Taco Bell at 100 E Broadway and are summarized below as follows:

- Installation of a new exterior insulation and finish system (EIFS) in a purple color under an attached slat wall, which extends approximately one foot from the building with smaller LED lights behind it
- Squaring the existing sloped towers
- Exterior paint with a new color palette
- Replacement of existing light fixtures with LED fixtures

Applicable Regulations, Policy, or Practice:
The property is zoned Community Design District. A zoning permit approved by the Plan Commission is required for any new construction, substantial relocation, substantial enlargement of any building, or for any new use or change of use. All zoning permit requests in the Community Design District (CDD) are forwarded to the Plan Commission for review and approval.

The Property is located in the Pier 37 East Broadway Commercial Center, which follows a General Development Plan with specific design guidelines. The proposed exterior alterations have inconsistencies with the guidelines and require Plan Commission approval. No changes are proposed to the parking lot, landscaping, or other site elements.

Recommendation:
No action is recommended at this prehearing conference. The Plan Commission should discuss the following and request additional information as noted.

- Conformity with the Architecture Design Guidelines for East Broadway: The Plan Commission should discuss the roof form for the proposed alteration. The Design Guidelines state that sloping roofs between 6/12 and 9/12 are desired and roof slopes under 6/12 may be permitted when combined with false gable fronts or other articulation to screen or enhance the roof. The proposed alterations show a flat roof over some of the building area. The Design Guidelines also state that earth tone building colors, like grays, blues, burgundies, and greens are preferred. The proposed alterations show purple.

Proposal

Border Foods of Wisconsin, LLC, and Marvin Development of South Dakota, Represented by Plan Force Group, is proposing exterior alterations to the existing Taco Bell at 100 E Broadway in order to provide new visual interest to the store and to update the store to its new prototype design.

Process

1. Public Hearing and Prehearing Conference Scheduled for 10/24/2016: The purpose of a prehearing conference is to familiarize the Plan Commission with the application, to allow the Commission to request revisions or additional information, and ask questions of the applicant. A public hearing notice was mailed to property owners within a 300' radius of the property at 100 E Broadway.

2. Plan Commission Public Hearing and Consideration of Action tentatively scheduled for 11/14/16.

Zoning

The property is zoned Community Design District. A zoning permit approved by the Plan Commission is required for any new construction, substantial relocation, substantial enlargement of any building, or for any new use or change of use. All zoning permit requests in the Community Design District (CDD) are forwarded to the Plan Commission for review and approval.

Lighting

Replacement of existing light fixtures with LED fixtures, but all existing poles will remain.

Building Design Elements

The Plan Commission shall determine if the proposed alterations are consistent with Pier 37's design guidelines, which are attached to this report.

Signage

Signage plans have not been submitted as part of this prehearing conference. Any sign permit requests that accompany a zoning permit require approval by the Plan Commission. Therefore any permit requests in the future shall return to Plan Commission for review and approval.

CITY OF
MONONA
5211 SCHLUTER ROAD ■ MONONA, WI 53716
(608) 222-2525
FAX (608) 222-9225

Design Guidelines for East Broadway

March 22, 1995

To be applied during the site plan review process according to Section 13-1-180 of the Monona Municipal Zoning Code for new construction and substantial renovation of existing buildings and sites.

ARCHITECTURE

A. Buildings to have consistent elevations on all four (4) sides.

B. No exposed rooftop mechanical equipment to be permitted.

C. Roof Form

-Sloping roofs between 6/12 and 9/12 are desired.

-Roof slopes under 6/12 may be permitted when combined with false gable fronts or other articulation to screen or enhance the roof.

D. Roof Material: asphalt shingles desired; standing seam metal may be permitted.

E. Siding Materials: Brick, stone, wood, split-face block, textured masonry or dryvit finish preferred. Metal or vinyl siding may be allowed in combination with brick, stone, split-face block, textured masonry or dryvit. All-metal sided buildings will not be permitted.

F. Colors: earth tones, grays, blues, burgundies, and greens preferred.

SITE DESIGN STANDARDS

A. Outdoor storage, trash and mechanical areas to be screened with an extension of the building's architecture, or an attractive fence or landscaping.

B. Generally 30% of the site shall remain in open green space. A minimum of 15% of the area between the front of the building

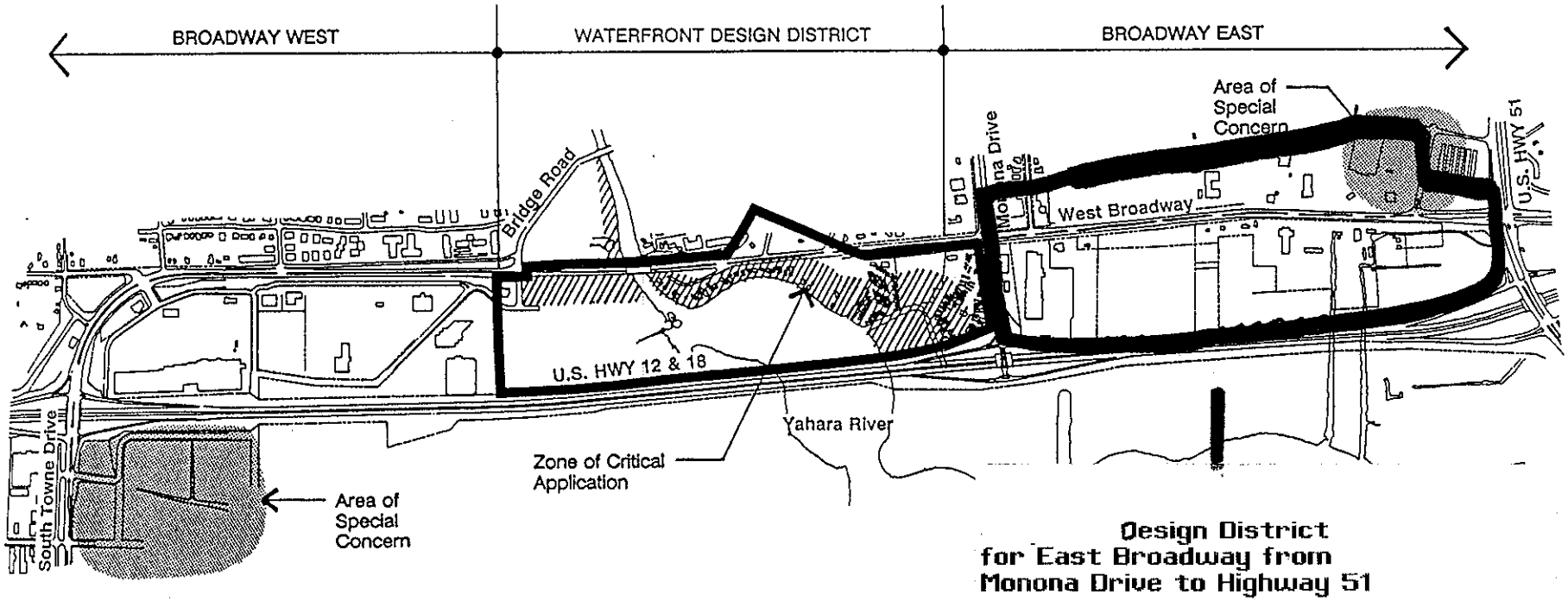
or main building face and the property line should be of a permeable, landscaped surface.

C. Landscaped areas should be provided and spaced in parking lots to break up the massiveness of the pavement.

D. Walkways should be provided from the building entrance directly to the sidewalk along Broadway.

E. Exterior site lighting should match or compliment the shepard's crook style fixture along Broadway. 0295-14.3

Current Design District for West Broadway from Monona Drive to Bridge Road



Design District for East Broadway from Monona Drive to Highway 51

BROADWAY CORRIDOR DESIGN DISTRICTS

JUNE 12, 1997

PIER 37
EAST BROADWAY COMMERCIAL CENTER
MONONA, WISCONSIN

GENERAL DEVELOPMENT PLAN

BUILDING & SITE PLANS CONDITIONALLY
APPROVED
ZONING DEPARTMENT
SEE ZONING PERMIT
Paul Kahlmeier 6/19/97

RECEIVED
JUN 12 1997
CITY OF MONONA

DEVELOPED BY:

LIVESEY COMPANY
MADISON, WISCONSIN

C. Design Standards

Architectural Design

The architectural design is still under study. The design will follow the "Design Guidelines for East Broadway," a copy of which is attached to this application package.

The buildings will have a unified architectural concept and will be built of similar or compatible materials.

Signage Design

The signage design is still under study. The signage design will comply with Article L of the City of Monona Zoning Ordinance.

Landscaping

The landscaping plan is still under study and preparation.

The landscaping points will be accumulated by tree and shrubbery planting and landscaping in the open green areas, which consists of 24.4 percent of the site including the storm water retention area. Particular emphasis will be placed on intensively landscaping the areas visible from the South Beltline, frontage along Monona Drive and East Broadway, pedestrian circulation areas, and the border between Pier 37 and Ahuska Park.

The green space percentage will be increased wherever possible and further negotiation with the City for additional landscape compensation in lieu of the required 30% open green space will be done prior to the PIP submittal. This compensation could include larger trees, increased buffering, and enhanced entrance features.

D. Statement on Intensity and Character of Land Use

The proposed Pier 37 East Broadway Commercial Center is a medium-intensity commercial use of the site. All of the buildings are single-story. The total building area of 128,405 square feet yields a F.A.R. (Floor Area Ratio) of .186

Other impervious surfaces, including parking driveways and sidewalks, total 391,724 square feet or 56.9 percent of the site.

The development will have a total 168,117 square feet (24.4 percent of the site) of landscaped green space, of which 18,378 square feet (2.7 percent of the site) will be a retention area.

Building Area;	128,405 square feet	18.6 percent
Other Impervious Surfaces (e.g., parking, driveways, sidewalks)	392,650 square feet	57.0 percent
Landscaped Green Area (e.g., landscaped buffers, retention basin)	167,484 square feet	24.4 percent
Totals	688,539 square feet	100.0 percent

Border Foods of Wisconsin, LLC

5425 Boone Ave. North
New Hope, MN 55428
Direct Telephone: 763-489-2970
Direct Fax: 763-489-2971

September 21, 2016

Planning Commission
City of Monona, WI
5211 Schluter Road
Monona, WI 53716

RE: Taco Bell
100 E. Broadway
Monona, WI

Dear Planning Commission Members:

In December, 2016 Border Foods of Wisconsin, LLC ("Border") purchased the Taco Bell business in Madison from Taco Bell Corporation. In the months that have followed, Border has initiated remodels at Washington and Commerce St. in Madison. Border would like to make some updated improvements at the Monona Taco Bell. Border acknowledges the East Broadway Design Guidelines which govern the exterior elevations. We are proposing some modifications to the elevations which provide some new visual interest but conform to the overall intent of sloping roofs, screened mechanical equipment, and earth tone colors.

Our proposal includes squaring the towers, new EFIS, and paint with a new color palette. A band of purple EFIS is proposed under an attached slat wall. The slat wall extends approximately one foot from the building has small LED lights behind it which provide backlighting.

Our proposal does not include any changes to site configuration, site flow, or curb cuts. We would like to replace the current light fixtures with LED fixtures, but all existing poles would remain.

Our current and proposed business: Taco Bell restaurant
Hours of operations: 6:30 AM to 2:00 AM Sun-Thurs: 6:30 AM to 3:00 AM Fri-Sa
Employees: 23
Number of parking stalls: 29 plus 2 handicap for a total of 31
No modifications or additions to the property
Deliveries occur twice per week. Trucks enter into our parking lot, make delivery and back up to exit. No loading or unloading occurs on the private roadway.

With respect, we ask that our proposal be allowed to proceed.

Sincerely,

Barbara Schneider
VP Development

Marvin Development of South Dakota, LLC

5425 Boone Ave. North
New Hope, MN 55428
Direct Telephone: 763-489-2970
Direct Fax: 763-489-2971

September 21, 2016

Planning Commission
City of Monona, WI
5211 Schluter Road
Monona, WI 53716

RE: Taco Bell
100 E. Broadway
Monona, WI

Dear Planning Commission Members:

Marvin Development of South Dakota, LLC, as fee owner, approves of the requested design improvements for the Taco Bell and requests that the project be permitted to move forward.

Sincerely,

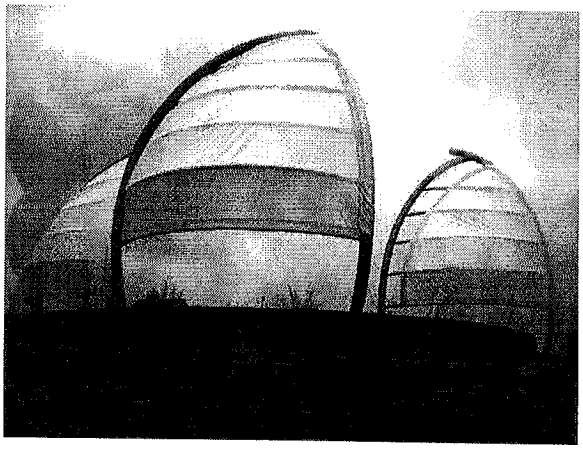
Barry Zelickson
Sr. Vice President

ZONING PERMIT & PLAN COMMISSION REVIEW APPLICATION FORM

It is the responsibility of the applicant to contact the City Planner at (608)222-2525 or sreichertz@ci.monona.wi.us prior to application submittal to discuss the process. Please note that your application will not be put on the agenda until all materials are received at the City Planning office.

APPLICANT

Name	Barbara Schneider
Company	Border Foods of Wisconsin, LLC
Mailing Address	5425 Boone Avenue North New Hope, MN 55428
Telephone	763-489-2970
Email	bschneider@borderfoods.com



APPLICANT WILL BE REPRESENTED BY

The owner's representative (if any) will receive all official correspondence.

Name	Barbara Schneider
Company	Border Foods of Wisconsin, LLC
Mailing Address	5425 Boone Avenue North New Hope, MN 55428
Telephone	763-489-2970
Email	bschneider@borderfoods.com

PROPERTY INFORMATION

Property Address	100 E. Broadway Monona, WI
Owner Name	Marvin Development of South Dakota, LLC
Owners Address	5425 Boone Ave. North New Hope, MN 55428
Current Zoning	CDD
Existing Property Use	Taco Bell Restaurant

ZONING PERMIT APPLICATION PROCEDURES

Applications must include:

1. A letter or memo stating your request and reasons why the request should be reviewed and considered for approval. Include a description of items including: the current and proposed business, hours of operation, number of employees, number of anticipated visitors per day, number of parking stalls, how and where deliveries are made, the modifications or additions to be made to the property, etc.
2. Name, address, and phone number of the Owner, Developer, Firm and Individual at that firm who prepared the plans. Owner authorization must be provided for tenants or lessees.
3. Project plans labeled with scale, north arrow, adjacent street names, and dates on which plans were prepared or revised. Text must be readable (min. size 10 font). It is recommended plans be prepared by a professional engineer, architect, etc.

Submittal Process:

1. All materials must be received at the City Planning office before the item is scheduled for a meeting. The petitioner will be asked to submit **10 copies** of **all plans** with any changes suggested by department heads on 11" x 17" size paper or larger **two weeks prior** to the meeting (date of meeting requested: _____).
2. The applicant is also asked to submit electronic (PDF) copies of plans.
3. The applicable permit fee of $_____ is due at the time of plan submittal.

Below Space for Office Use:

Date Approved _____ Permit Number _____

Approved By _____ Conditions of Approval (see attached)

CITY OF MONONA: CHECKLIST OF SUBMITTALS FOR PLAN COMMISSION REVIEW

Additional information may be required.

Site Plan: (include 10 copies at a scale of 1"=20' or 1"=40', with all text being readable)

- ■ Indicate property boundaries, existing/new structures, parking, building location with front yard, side yard & rear yard setbacks.
- ■ Location of neighboring buildings.
- ■ Total area of the site, square footage of buildings, square footage or % of paved surface, square footage or % of green space.
- ■ Location of existing & proposed driveways, curb-cuts, sidewalks, loading & delivery areas, fire hydrants, etc.
- ■ Locations of existing and proposed sanity sewer, storm sewer, water mains, proposed or existing easements.
- ■ Parking lot layout indicating size and quantity of spaces, dimensions of drive aisles, handicapped stall locations.
- ■ Location, type, height and materials of existing and proposed fences or walls.
- ■ Location of dumpsters, any outdoor storage areas and a list of items to be stored in that area.

Existing to remain

Stormwater Management Plan: (include 10 copies on at a scale of 1"=20' or 1"=40', with all text being readable)

- ☐ Existing and proposed grades, contours of the site.
- ☐ Direction of water runoff, drainage and the location of stormwater holding areas.
- ☐ Site drainage plans and any catch basin locations.
- ☐ Erosion control plans and schedules.
- ☐ A signed maintenance agreement may be required before final permits are issued.

Building Plans: (include 10 copies at a scale of 1/8"= 1', with all text being readable)

- ■ Building floor plan with dimensions.
- ■ Detailed building elevations of all sides of the proposed building(s).
- ■ Elevations must indicate the type & location of the exterior materials to be used & the proposed color scheme.
- ■ Locate exterior lighting, locations for wall signage, awnings, or other exterior features.
- ■ Indicate location of all HVAC units or other mechanicals and your proposal for screening.
- ■ Present actual samples of materials and colors proposed for all exterior materials to the Plan Commission.

Existing to remain

Landscaping Plan: (include 10 copies at a scale of 1"=20' or 1"=40', with all text being readable)

- ☐ Indicate size, quantity, type and common name of all existing and proposed trees, shrubbery, perennials, and other landscaping.
- ☐ Indicate the use of large scale planters, solutions for foundation plantings, and landscaping for parking islands.
- ☐ Describe the screening proposed for outdoor storage areas, parking, etc.
- ☐ Include the vision triangle area on plans to show the required lines of sight where driveways meet streets.
- ☐ Location of berms, fences with details and materials used, and any non-plant features proposed.
- ☐ Indicate exterior seating areas, bicycle racks, etc. along with manufacturer photos, materials and colors used.

Existing to remain

Lighting Plan: (include 10 copies at a scale of 1"=20' or 1"=40', with all text being readable)

- ☐ Show exterior lighting solutions including locations and the levels of illumination/foot candles to be supplied.
- ☐ Include copies of manufacturers' brochures, specs, sizes and colors to show the type of fixtures or poles proposed.
- ☐ Show that lighting is designed so level of direction and illumination will not affect existing residential areas, traffic, etc.

To be determined

Signage Plan & Completed Permit Form: (include 10 copies with all text being readable)

- ☐ Indicate location of proposed and existing site and landscape signage on an overall site plan (at 1" = 20' scale) including drive locations.
- ☐ Show proposed size & height of signs and signage elements, specific typestyle and all graphic elements to be used.
- ☐ Illustrate materials and colors used to fabricate signs.
- ☐ Shopping centers/buildings with leased space shall develop a comprehensive signage plan.

Applicant Signature _____ **Date** 9.23.2016

1 **SITE PLAN**
1" = 16'-0"

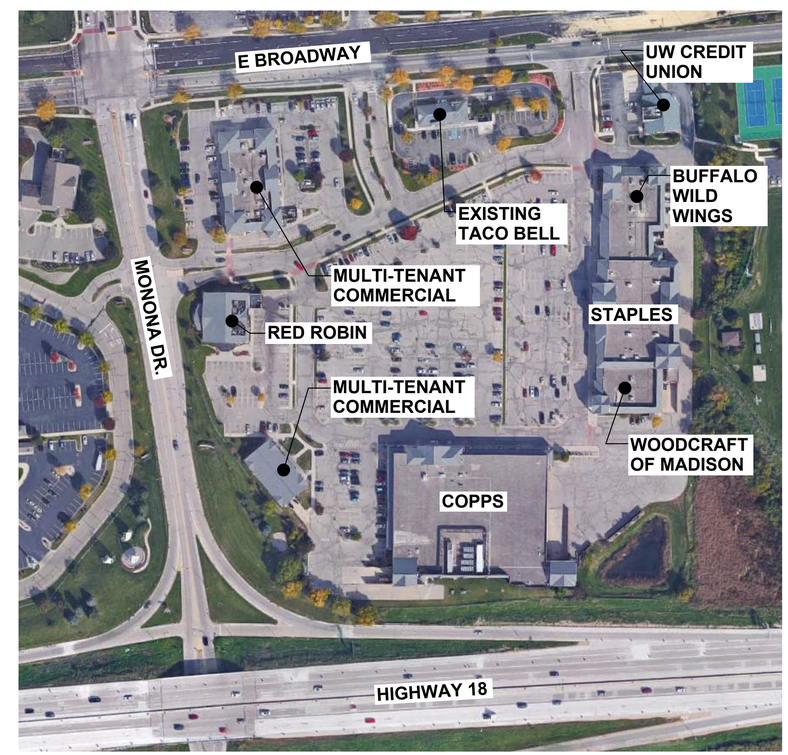
NORTH

SITE/BUILDING DATA

SITE AREA:	0.949 ACRES	41,865 S.F.
BUILDING AREA:		2,950 S.F.

PARKING SPACES PROVIDED: 31 TOTAL SPACES OF WHICH 2 ARE ACCESSIBLE.

PAVED SURFACE AREA:	26,000 S.F. ±
PERCENTAGE OF SITE:	62.12% ±
GREEN SPACE AREA:	12,916 S.F. ±
PERCENTAGE OF SITE:	30.87% ±
BUILDING AREA	2,950 S.F. ±
PERCENTAGE OF SITE:	7.02% ±



2 **SITE / OVERALL DEVELOPMENT AERIAL VIEW**
NOT TO SCALE

NORTH

RYAN A. SCHROEDER
ARCHITECT
4931 West 35th Street
Suite 200
St. Louis Park, Minnesota
952.541.9969

TACO BELL
100 E. BROADWAY
MONONA, WI

I hereby certify the this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Wisconsin

SIGNATURE:

REGISTRATION:

PRINT HISTORY	DATE
PRELIM DESIGN REVIEW	07.15.2016
PRELIM DESIGN REVIEW	08.03.2016
PRELIM DESIGN REVIEW	10.03.2016

SITE PLAN AND PROJECT VIEWS

PROJECT: 2016.06.15
DRAWN: DM
CHECKED: RS

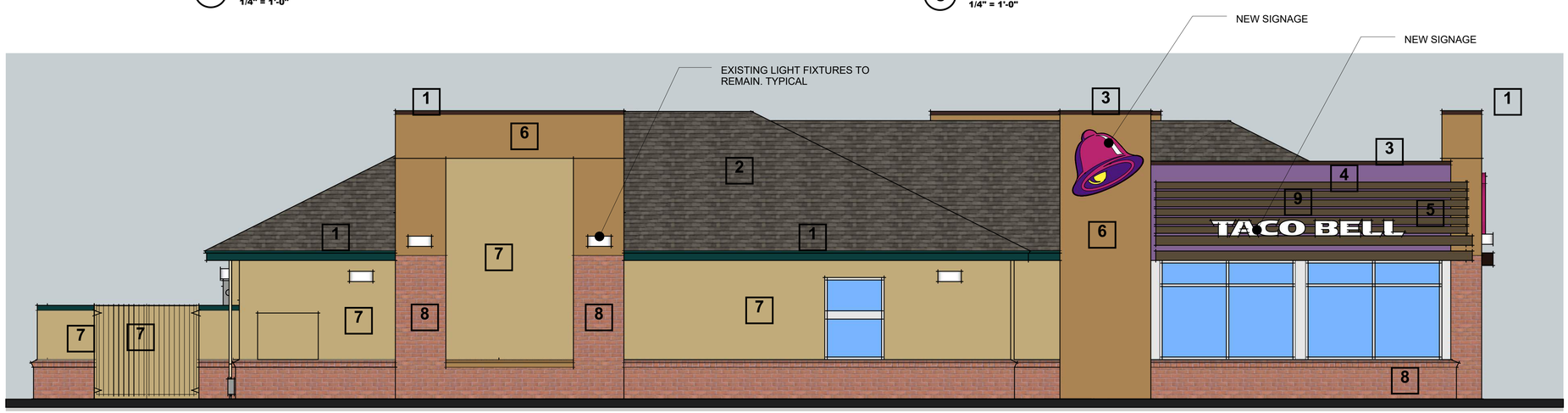
1

TACO BELL
MONONA REMODEL

1 SOUTH ELEVATION: ENTRY
1/4" = 1'-0"

2 EAST ELEVATION
1/4" = 1'-0"

3 WEST ELEVATION
1/4" = 1'-0"



4 NORTH ELEVATION: DRIVE THRU
1/4" = 1'-0"

1		EXISTING METAL FLASHING AND GUTTER TO REMAIN
2		EXISTING SHINGLE ROOF TO REMAIN
3		PREFINISHED METAL FLASHING "DARK BRONZE"
4		NEW EIFS ACCENT BAND "CLEMATIS"
5		NEW PREFINISHED LED BACKLITE METAL SLATS "DARK BRONZE"
6		NEW AND EXISTING EIFS AND PAINT "ROCKWOOD CLAY"
7		EXISTING EIFS "CAMELBACK"
8		EXISTING BRICK TO REMAIN

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EXTERIOR ELEVATIONS

PROJECT: 2016.06.15
DRAWN: DM
CHECKED: RS

2

TACO BELL
MONONA REMODEL

1 **PROJECT VIEW**
NO SCALE

2 **PROJECT VIEW**
NO SCALE

3 **PROJECT VIEW**
NO SCALE

4 **PROJECT VIEW**
NO SCALE

RYAN A. SCHROEDER
ARCHITECT

4931 West 35th Street
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PROJECT VIEWS

PROJECT: 2016.06.15
DRAWN: DM
CHECKED: RS

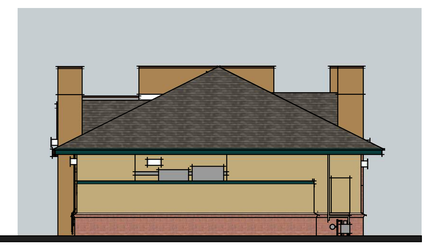
3

TACO BELL
MONONA REMODEL

1 **SOUTH ELEVATION: EXISTING ENTRY**
1/8" = 1'-0"

5 **PROPOSED SOUTH ELEVATION: ENTRY**
1/8" = 1'-0"

2 **EAST ELEVATION - EXISTING**
1/8" = 1'-0"



6 **PROPOSED EAST ELEVATION**
1/8" = 1'-0"

3 **NORTH ELEVATION: DRIVE THRU - EXISTING**
1/8" = 1'-0"

7 **PROPOSED NORTH ELEVATION: DRIVE THRU**
1/8" = 1'-0"

4 **WEST ELEVATION: FRONT ENTRY - EXISTING**
1/8" = 1'-0"

8 **PROPOSED WEST ELEVATION: FRONT ENTRY**
1/8" = 1'-0"

RYAN A. SCHROEDER
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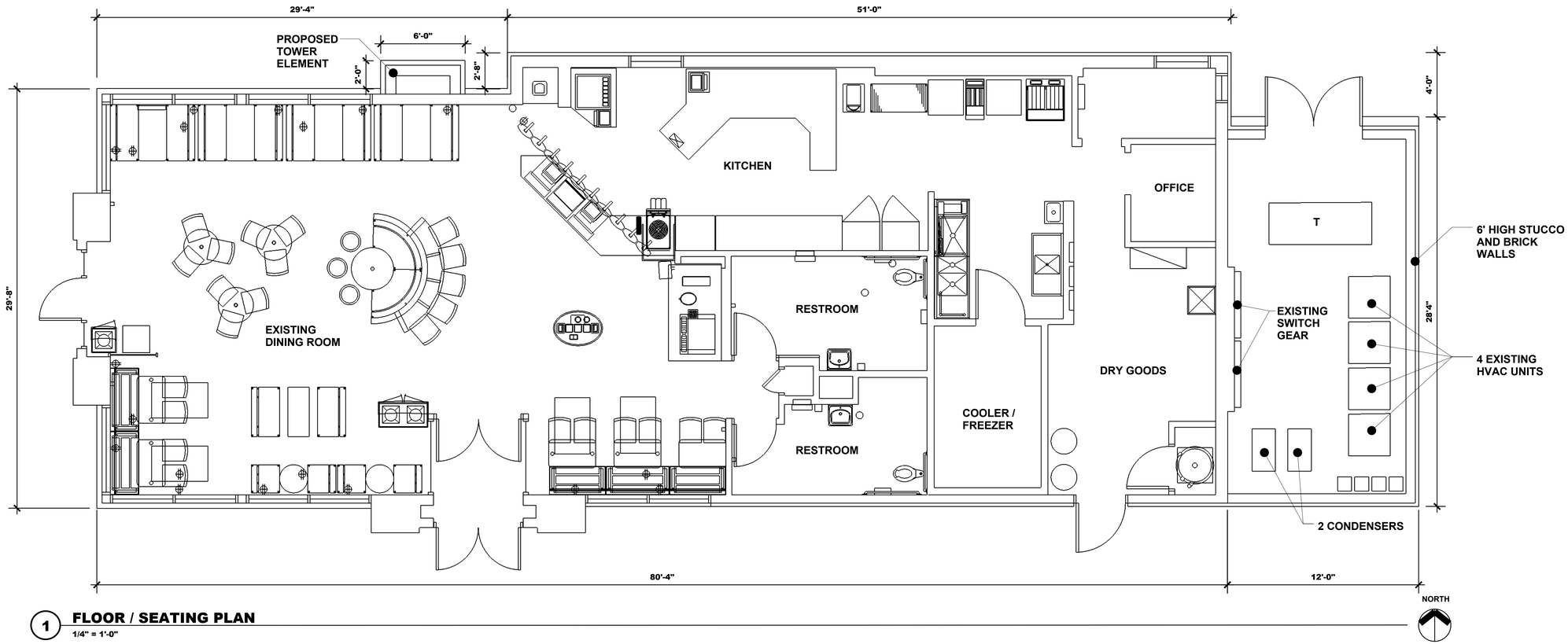
EXISTING AND NEW EXTERIOR ELEVATIONS

PROJECT: 2016.06.15
DRAWN: DM
CHECKED: RS

4

TACO BELL
MONONA REMODEL



1 **FLOOR / SEATING PLAN**

1/4" = 1'-0"

RYAN A. SCHROEDER
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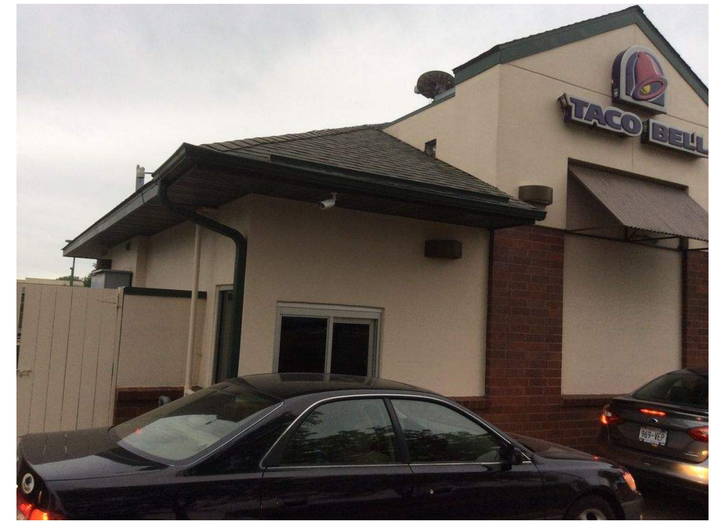
PROJECT: 2016.06.15
DRAWN: DM
CHECKED: RS

5

TACO BELL
MONONA REMODEL

1 TACO BELL VIEW LOOKING NORTH

2 TACO BELL VIEW LOOKING SOUTHEAST



3 TACO BELL VIEW LOOKING SOUTHWEST

4 TACO BELL VIEW LOOKING NORTHWEST

5 TACO BELL VIEW LOOKING SOUTHEAST

6 TACO BELL VIEW LOOKING WEST

RYAN A. SCHROEDER
ARCHITECT

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Suite 200
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EXTERIOR VIEWS EXISTING

PROJECT: 2016.06.15
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CHECKED: RS

TACO BELL
MONONA REMODEL