

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT**

March 29, 2007

RE: I.D. #06071, Conditional Use Application – 7514 Whitacre Road:

1. Requested Action: Approval of a conditional use that would allow one employee, that is not a member of the immediate family residing at the house, as part of a home occupation for a chiropractic clinic.
2. Applicable Regulations: Section 28.04(27)(b)3 identifies home occupations with employees that are not members of the immediate family residing on the premises as a conditional use. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Drafted By: Brian Grady, Planner.

GENERAL INFORMATION:

1. Applicant & Property Owner: Dr. Paul Bloom, 7514 Whitacre Road, Madison.

Agent: Matthew Dregne, Stafford Rosenbaum, LLP, 222 W. Washington Avenue, Madison.
2. Development Schedule: The applicant is currently operating the use.
3. Location: Approximately .39 acre parcel located at 7514 Whitacre Road; Aldermanic District 9; Madison Metropolitan School District.
4. Existing Conditions: A single-family house with a home occupation; zoned R1 (Single-Family Residence District).
5. Proposed Land Use: A home occupation for a chiropractic clinic with an employee that is not a member of the immediate family residing at the house.
6. Surrounding Land Use and Zoning: This site is surrounded on three sides by single-family dwellings on Whitacre Road and Canvasback Court that are zoned R1 (Single-Family Residence District). The Sauk Creek condominiums are located to the north which are zoned PUD-SIP.
7. Adopted Land Use Plan: The Comprehensive Plan recommends Low Density Residential for this area. Home occupations are consistent with this recommendation.
8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the conditional use standards in Section 28.12(11).

ANALYSIS, EVALUATION & CONCLUSION:

The single-family house is being utilized as a professional home office for a chiropractic clinic. The operation consists of Dr. Bloom and one office assistant and is operated four days per week. The assistant typically works between 7:45 a.m. and 6:00 p.m. and she parks in the garage. Patients are seen about once an hour between 8:30 a.m. and 6:30 p.m. and they generally park on the street.

The Alder became aware of this activity and referred it to Zoning staff. Zoning staff subsequently issued orders to the property owner, which prompted this conditional use application.

The Sauk Creek Neighborhood Association Board of Directors has reviewed this application and voted unanimously to oppose the request. The Board cited concerns over the incompatibility of the use with the single-family nature of the Sauk Creek neighborhood and the automobile traffic generated by the use.

The use of this property as a chiropractic clinic with an office assistant must be reviewed against all of the conditional use standards. Typically with applications of this type concerns are expressed about the ability of the request to comply with conditional use standard #3, although other standards may also be of concern. Standard #3 indicates, "that the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use."

In reviewing the application against this standard it appears that the office assistant's function (answering phone calls, scheduling appointments, processing insurance claims, managing collections and deposits) may not directly increase the intensity of the use, as measured by the number of patients seen. The application also indicates that the assistant's car is parked in the garage so that the increase in activity in the neighborhood from this home occupation seems limited to patients coming and going each hour throughout the day and two parked cars when the visits overlap.

The employee provision is the only matter before the Plan Commission at this time as Zoning staff has determined that all the other provisions in the Zoning Code regarding home occupations are being met. If the Plan Commission denies this conditional use application for the employee, the home occupation is still permitted and can operate under the provisions contained in the Zoning Code regarding home occupations. However, the employee would not be permitted.

RECOMMENDATION:

The Planning Unit recommends that the Plan Commission listen to the testimony at the public hearing and consider all information provided to determine whether all of the conditional use standards can be met.



Department of Public Works
City Engineering Division

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DATE: March 15, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 7514 Whitacre Road Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

- | |
|--------|
| 1. N/A |
|--------|

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments: **NONE**

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**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: March 19, 2007

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 7514 Whitacre Rd

Present Zoning District: R-1

Proposed Use: One employee in home office (Chiropractor office)

Conditional Use: 28.04(27) Home Occupations with an employee is a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

- Note: The home occupation is limited to 25% of the first floor of the home. Meet the 12 home occupation standards in 28.04(27) of the Madison General Ordinances. It appears to meet these standards.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	16,934 sq. ft.
Lot width	65'	87'
Usable open space	1,300 sq. ft.	adequate
Front yard	30'	existing
Side yards	7' each side	existing
Rear yard	40'	existing
Building height	2 stories/35'	2 stories existing

Site Design	Required	Proposed
Number parking stalls	1	2

Other Critical Zoning Items	
Flood plain	No

The proposed home occupation **does** comply with all of the above requirements.

SAUK CREEK NEIGHBORHOOD ASSOCIATION

March 26, 2007

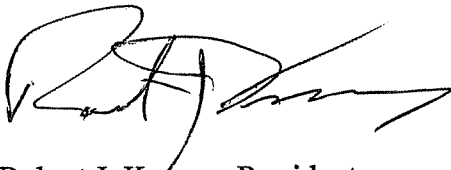
City of Madison Department of Planning and Development:

At its March 19, 2007 meeting, the Sauk Creek Neighborhood Association Board of Directors **voted unanimously to oppose** Dr. Paul Bloom's application for a conditional use permit for a Chiropractic Office in his home at 7514 Whitacre Road. Dr. Bloom's office employs a full time office assistant and has office hours from 8:30 a.m. to 6:30 p.m. four days a week.

The Sauk Creek neighborhood with the exception of five duplex homes is made up of single family residences. The operation of a full time Chiropractic Office in a single family home, with a full time employee and resultant patient auto traffic in and out of the neighborhood is not consistent with the City of Madison zoning for our neighborhood. Families who bought their homes in our neighborhood bought them with the understanding that this would be neighborhood of single family homes within which they could raise their children. Approval of this application would erode the nature and feel of our neighborhood and, ultimately, the economic investment we have made in our homes as well.

For these reasons the Sauk Creek Neighborhood Association Board of Directors urges the City Planning Commission not to approve Dr. Bloom's conditional use permit.

Sincerely,



Robert J. Kramer, President
Sauk Creek Neighborhood Association
7420 Farmington Way
Madison, WI 53717

c.c. Paul Bloom, D.C.

