



Report to the Plan Commission

May 2, 2011

Legistar I.D. #22222
202 North Brearly Street
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for the addition of a third dwelling unit to an existing two-unit building in the R4 (General Residence) District.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and regulations for the approval of conditionals uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds that the conditional use standards can be met and **approve** the request for the conditional use for an additional dwelling unit.

Background Information

Applicant/Project Contact: John Sutton; Sutton Architecture; 104 King St.; Madison, 53703

Property Owner: Al Mross and Cindy Sullivan; 3981 Sauk Ct.; Middleton, 53562

Proposal: The applicant is requesting a conditional use for the conversion of a two-unit building to a three-unit building in the R4 (General Residence) District

Parcel Location: 202 North Brearly is located on the northwest corner of North Brearly Street and East Dayton Street; Aldermanic District 2 (Maniaci); Madison Metropolitan School District

Existing Conditions: The 2,200 square foot parcel includes a two-story two-unit home constructed in 1900. There is no garage, but a narrow gravel driveway on the north side of the property provides some off-street parking.

Surrounding Land Use and Zoning: The property is surrounded on the west, north, and east sides by single-family and two-family homes and small multi-family buildings in the R4 (General Residence) District. Across East Dayton Street to the south are single-family homes in the R3 (Single and Two-family Residence) District. Lapham Elementary School is diagonal to the southeast, in the R4 District.

Adopted Land Use Plans: The Comprehensive Plan (2006) recommends Medium-Density Residential uses (MDR) for this property and the surrounding area. The Tenney-Lapham Neighborhood Plan (2008) recommends Medium-Density Residential 1 (MDR1:16-25 dwelling units per acre) for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services, including many Metro Transit Routes along nearby East Johnson Street and East Washington Avenue.

Zoning Summary: The property is in the R4 (General Residence) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	2,178 sq. ft. <i>(Please see p. 3, Condition No. 2)</i>
Lot width	50'	33' existing
Usable open space	1,500 sq. ft.	180 sq. ft. <i>(Please see p. 3, Condition No. 2)</i>
Front yard	25'	4' existing
Side yards	Left 7', Right 7'	Left 3', Right 6' existing
Rear yard	35'	9' existing
Building height	2 stories / 35'	3 stories

Site Design

No. Parking stalls	5	0 <i>(Please see p. 3, Condition No. 3)</i>
Accessible stalls	N/A	N/A
No. Bike Parking stalls	3	0 <i>(Please see p. 3, Condition No. 4)</i>

Other Critical Zoning Items

Floodplain	No
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Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The applicant proposes interior remodeling and minor exterior changes to an existing building recognized in City zoning records as a two-unit structure. No increase to the bulk of the building is proposed.

The building has been utilized as a three-unit apartment for several years while owned by others. With the proposal, the applicant requests a conditional use in order to formally recognize the building as a three-unit, with no additional bedrooms proposed. As is currently the case, there will be one two-bedroom unit on each of the three levels for a total of six bedrooms. New kitchens and bathrooms will be installed in all three units, and minor changes to bedroom doors and closets are proposed.

Related Approvals

On April 14, 2011, the Zoning Board of Appeals granted variances for usable open space and lot area, as is typical for instances where interior renovations increase the number of units without increasing the number of bedrooms.

Public Input

Alder Maniaci is supportive of the proposal, and staff is unaware of any further public input at this time.

Evaluation and Conclusion

Staff believes that the proposed three-unit building is appropriate on this small lot, but is the maximum supportable within the context of the surrounding lots. If the request before the Plan Commission was to incorporate additional bedrooms within the structure, it is very unlikely that the Zoning Board of Appeals would have granted the requested variances, and Planning Division staff would be less likely to support the proposal. The density of 58 units per acre is over twice that recommended in the Tenney-Lapham Neighborhood Plan, but the actual impacts of that density will go largely unnoticed since the overall number of bedrooms will not change.

While there is inadequate space for off-street automobile parking on this small lot, staff recommends that the revised site plans include bicycle parking stalls to meet zoning requirements for multifamily buildings.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Final plans submitted for staff review and approval shall include bicycle parking stalls to serve the three-unit building.

The following conditions have been submitted by reviewing agencies:

Zoning Administrator (Contact Pat Anderson, 266-5978)

2. On April 14, the Zoning Board of Appeals approved a lot area and usable open space variances at the subject property on the condition that when the front porches are reconstructed, they must be designed as open porches.
3. A five stall parking reduction (administrative approval level) is being approved with this request.
4. Bike parking shall comply with MGO Section 28.11. Provide three bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking devise shall be designed to accommodate U-shaped locking devices.

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

5. The following addresses have been approved for this site:
 - 1st floor apartment: 202 N. Brearly Street
 - 2nd floor apartment: 202 N. Brearly Street Apt. 2
 - 3rd floor apartment: 202 N. Brearly Street Apt. 3
6. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street namesAll other levels (contours, elevations, etc) are not to be included with this file submittal.

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

Parks Division (Contact Kay Rutledge, 266-4714)

7. The property is within the Tenney, Law & James Madison park impact fee district (SI26). The applicant shall pay **\$2,167.83** in park dedication and development fees for the three multi-family units after a credit is given for the existing 2 multi-family units on the property (see below). The applicant must select a method for payment of park fees before signoff.

New Development:	
Fees in lieu of dedication = (3 MF @ \$1,554.00)	= \$ 4,662.00
Park development fees = (3 MF @ \$613.83)	= \$ 1,841.49
Total Fees	= \$ 6,503.49
Credit for Existing:	
Fees in lieu of dedication = (2 MF @ \$1,554.00)	= \$ 3,108.00
Park development fees = (2 MF @ \$613.83)	= \$ 1,227.66
Total Credit	= \$ 4,335.66
Fees Required	= \$ 2,167.83

8. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Water Utility (Contact Dennis Cawley, 261-9243)

9. This property is in a Wellhead Protection District. This use is permitted in this district. Any proposed change in use shall be reviewed by the Water Utility General Manager or his designee.
10. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Fire Department (Contact Bill Sullivan, 266-4420)

11. Proposed changes are considered a change of use from a 1 & 2 Family Dwelling Unit to a 3-Unit Commercial Building Code R-2 Occupancy. Change of Use requires compliance with Comm 62 and IBC Chapter 9. A sprinkler system and fire alarm system are required.
- Note: This condition has been removed by the Fire Department, as the applicant submitted building plans for review prior to relevant changes to the commercial building code.**

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no conditions for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.