



## Report to the Plan Commission

February 18, 2009

**Legistar I.D. #13253**  
**1045-47 E. Wilson Street**  
**PUD Rezoning**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a request to rezone 1045 & 1047 E. Wilson Street from M1 (Limited Manufacturing District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow the future creation of two parcels for two existing residences.

**Applicable Regulations & Standards:** Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3409 & 3410, rezoning 1045 & 1047 E. Wilson Street to PUD-GDP-SIP, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

**Applicant & Property Owner:** Paul Jasenski, Common Wealth Development; 1501 Williamson Street; Madison.

**Agent/ Contact:** Jim Glueck, Glueck Architects; 116 N. Few Street; Madison.

**Proposal:** The applicant wishes to use Planned Unit Development zoning to allow the 66-foot wide parcel currently containing the two residences to be subdivided into two 33-foot wide parcels. The applicant wishes to offer the properties for sale in early 2009.

**Parcel Location:** An approximately 8,712 square-foot (0.2-acre) parcel located 100 feet west of N. Ingersoll Street on the southerly side of E. Wilson Street; Aldermanic District 6; Madison Metropolitan School District.

**Existing Conditions:** The site is developed with a single-family residence at 1045 E. Wilson Street and a two-family dwelling at 1047 E. Wilson Street.

#### **Surrounding Land Use and Zoning:**

North: Research Products, zoned M1 (Limited Manufacturing District);

South: One and two-family residences along Williamson Street, zoned C2 (General Commercial District);

East: One and two-family residences, zoned M1; Luke House, zoned C2;

West: Madison Gas & Electric, zoned M1.

**Adopted Land Use Plan:** The Comprehensive Plan identifies this site and most of the 1000-block of E. Wilson and Williamson streets for high-density residential uses. The site is also within the limits of the

East Rail Corridor Plan, which identifies the site as part of a residential conservation district that includes portions of E. Wilson Street, Dewey Court and Schley Pass. The conservation district is intended to preserve the residential use and the essential character and scale of the existing cluster of relatively small-scale houses located along those streets as an important neighborhood asset providing additional character, charm and housing choice to the community. The site is also located within the boundaries of the Design Guidelines & Criteria for Preservation for Williamson Street 600-1100 Blocks (BUILD), which establishes demolition and design standards that govern new developments and rehabilitations along that corridor.

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

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** The site is currently zoned M1 (Limited Manufacturing District) and will be rezoned PUD-GDP-SIP with this request, which will be reviewed in the following sections.

### **Project Analysis & Conclusion**

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The applicant, Common Wealth Development, is requesting approval of a rezoning of a 66-foot wide, 132-foot deep (0.2-acre) parcel located at 1045-1047 E. Wilson Street from M1 Limited Manufacturing zoning to PUD-GDP-SIP to allow the property to be subdivided. The property, which is located approximately 100 feet west of S. Ingersoll Street, is developed with two residential structures. The building addressed as 1045 E. Wilson Street is developed with a two-story single-family residence constructed in 1890 that includes three bedrooms and one bath. The second residence, addressed as 1047 E. Wilson Street, was constructed in 1894 and includes three bedrooms and two baths, and is currently used as a two-family residence. The subject property is located in an area that transitions from industrial uses located to the north and west of these residences to one- and two-family residences generally located to the south along Williamson Street and to the east along S. Ingersoll Street. Luke House is also located adjacent to the southeasterly corner of the property.

Common Wealth proposes to offer each of the residential buildings for sale through an existing affordable housing program they administer, which will require the property to be subdivided. However, the existing M1 zoning, which has existed on this property since at least 1966, does not permit residential uses. A rezoning of the property to a conventional zoning district that permits residential uses was not possible in this case, because both the Zoning Code and Subdivision Regulations require new lots created to be a minimum of 50 feet in width and the 6,000 square feet in area unless otherwise permitted in a planned development.

Following approval of the proposed rezoning, the subject site will be divided by Certified Survey Map into two 33-foot wide, 132-foot deep parcels. The two-family residence at 1047 E. Wilson Street will be setback approximately 1.5 feet from the proposed common lot line, with approximately 14 feet between the proposed line and the single-family residence at 1045 E. Wilson Street. The required yards in the zoning text will maintain the front and side yards of the existing residences for any future additions and will establish a minimum 25-foot front yard and 3-foot minimum side yard for any new buildings constructed in the PUD. In addition, a 10-foot shared driveway easement will be established parallel to the proposed common lot line to allow for the extension of a future shared driveway between the residences. The 10-foot easement will also provide the necessary separation between the structures required by the Building Code. No physical changes to the buildings are proposed at the present time.

In the opinion of staff, the proposed rezoning of the subject site to PUD-GDP-SIP represents an uncommon use of Planned Unit Development zoning. As the Plan Commission is aware, PUD zoning is most often used to facilitate the implementation of unique development projects exhibiting superior urban design that could not otherwise be developed in conventional zoning. Attempts to use PUD zoning to supersede conventional zoning requirements have been discouraged in the past.

Staff, however, feels that the use of PUD zoning is appropriate in this case and that the proposed rezoning merits approval because it will facilitate the division of the subject site into two parcels for sale under a well-established affordable housing program. The lots resulting from the subsequent CSM will also be of a similar character to other parcels in the surrounding area. Finally, the proposed rezoning and CSM will implement the recommendations of the East Rail Corridor Plan, which calls for the preservation of the residential use and the essential character and scale of these houses and others located nearby as important neighborhood assets providing additional character, charm and housing choice to the community. The East Rail Corridor Plan recommends that these residential conservation areas be downzoned to residential zoning districts as part of the strategy to ensure their preservation. While the proposed PUD zoning is not a zoning change to a residential district per se, it will achieve the goal of the plan in staff's opinion.

Lastly, staff notes that provisions will be proposed in the forthcoming Zoning Code re-write that will hopefully alleviate the need to use PUD zoning to facilitate subdivision of parcels like the subject parcel into smaller lots similar to those originally established in this area of the City over the last 150 years.

Note: Urban Design Commission staff reviewed the proposed planned unit development and determined that review by the full Commission was unnecessary at this time, as the current project does not propose any modifications to the design of the two residential buildings. Any future changes to these buildings may be subject to the prior review and approval of the Urban Design Commission.

## **Recommendations and Proposed Conditions of Approval**

**Major/Non-Standard Conditions are shaded**

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3409-3410, rezoning 1045-47 E. Wilson Street from M1 (Limited Manufacturing District) to PUD-GDP-SIP (Planned Unit Development, General Development Plan/Specific Implementation Plan), with a recommendation of **approval** subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the PUD-GDP-SIP be revised per Planning Division approval prior to recording show the setbacks of the existing buildings from the proposed common lot line.
2. That a Certified Survey Map of the subject property be approved by the City and recorded in conjunction with the final approval and recording of the PUD-GDP-SIP.
3. That the applicant work with the Planning Division and Zoning Administrator to further refine and revise the zoning text for this PUD prior to its final approval and recording.

The following conditions have been submitted by reviewing agencies:

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

4. Each dwelling shall have a separate sanitary sewer lateral or otherwise have a recorded lateral ownership agreement in place for future cost sharing of the maintenance and replacement costs of the lateral and emergency response for sewer backup.
5. Prior to approval, show location of existing sewer laterals serving each property.
6. Upon approval of the rezone request, the applicant shall submit a two-lot Certified Survey Map in accordance with Madison General Ordinances. All final parcel data (parcel identification numbers and addresses) will be provided and approved at that time.

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

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

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

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

**Parks Division** (Contact Tom Maglio, 266-4711)

Note: The rezoning and subsequent land division will not create an additional impact on the park system and no park fees will be required.

**Fire Department** (Contact Bill Sullivan, 261-9658)

This agency did not submit comments for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

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

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.