

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
of July 23, 2007**

**RE: I.D. # 07042 Conditional Use Application – 403 West Lakeside Street**

1. Requested Action: Approval of a conditional use to allow two (2) residential dwellings units to occupy over 50% of the building floor area on a property zoned C-1.
2. Applicable Regulations: Section 28.09 (2)(d) identifies buildings in which dwelling units occupy over 50% of the total floor area as a conditional use. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Kevin Firchow, AICP, Planner

**GENERAL INFORMATION**

1. Applicants: Donna Page; 60 Lispenard Street #2R; New York, NY 10013  
  
Property Contact: Kristi Ross; Essence Builders; 500 Knightsbridge Rd.; Waunakee, WI 53597
2. Development Schedule: The applicant wishes to proceed as soon as all necessary approvals have been granted. The applicant estimates construction will last approximately six (6) weeks.
3. Location: An approximately 7,600 square foot parcel located on the south side of West Lakeside Street; Aldermanic District 13; Madison Metropolitan School District.
4. Existing Conditions: The property includes a one-story commercial building that was most recently used as a liquor store. An apartment is located at the rear of the structure. The site includes an un-striped concrete apron that was used for off-street parking.
5. The property is zoned C-1 (Limited Commercial District).
6. Proposed Land Use: The applicant wishes to convert the structure into two (2) residential units. One unit would include art restoration as a home occupation. The applicant would be the sole operator. No changes to the building's exterior or the site are proposed. An existing business sign, however, will be removed.
7. Surrounding Land Use and Zoning:  
  
North: (402-404 West Lakeside Street) Office building, zoned PUD-SIP  
  
South: (1019 Gilson Street) Single-family residence, zoned R-4  
  
East: (399 West Lakeside Street) Union Pacific Rail Line, zoned C-1, R-2, R-4

West: (413 West Lakeside Street) Single-family residence, zoned R-4

8. Adopted Land Use Plan: The Comprehensive Plan identifies the subject site as Low-Density Residential (LDR). The South Madison Neighborhood Plan recommends this parcel and several adjacent parcels to be rezoned to R-3 (Single-Family and Two-Family) to better protect the existing development character.
9. Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.
10. 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 of Section 28.12 (11).

#### **ANALYSIS, EVALUATION & CONCLUSION**

The applicant requests conditional use approval to allow two residential units within a commercial/mixed use building. The property is zoned C-1 (Limited Commercial Development). The building was most recently occupied as a liquor store with a rear apartment unit. Under this proposal, the commercial portion of the building would be converted to a residential unit. Residential developments that occupy more than 50% of the total building floor area are an allowable conditional use in this zoning district.

The proposed front residence would be approximately 1,000 square feet. The unit would contain one bedroom and one bathroom. A galley kitchen would lead from the front of the building to the living and dining area found at the rear of the unit. The existing front door would remain and an additional exterior door on the west side of the building is being considered.

The rear apartment is estimated to be just over 900 square feet. It has and will maintain separate exterior access doors. From the plans submitted, it appears that there is one internal door that connects the units. The front of this unit contains kitchen and dining rooms with an office and one bedroom to the rear of the structure.

One of the residences will include studio space for art restoration. The applicant indicates there will be a low frequency of specialized clients that would visit the home occupation. Hours of operation would be limited to 10:00 am to 5:00 pm. Planning Division staff consider this home occupation incidental and subordinate to the proposed residential use. The project, as proposed, meets the home occupation standards found in Section 28.04 (27).

The Planning Division believes that the use, as proposed, would be compatible with nearby properties. Single-family properties are located immediately to the south and west of the

property. A small commercial/office building is across the street on the north side of West Lakeside Street.

Staff also find that the proposed project is consistent with adopted plans. The Comprehensive Plan designates the subject property as Low Density Residential (LDR). This designation allows for two-unit residential dwellings. The South Madison Neighborhood Plan, adopted in 2005, recommends the subject property and surrounding area be "down-zoned" to R-3 (Single Family and Two Family Residence District). Both two-unit residential buildings and home occupations are permitted within the new recommended zoning district. There is no requirement to change zoning at this time.

Zoning staff has determined that the project meets the existing criteria for residential development in C-1 zoning including parking and usable open space requirements.

The applicant does not propose to alter the exterior of the building or the landscaping on the site. The applicant will be required to remove any existing commercial signage.

Planning staff note that the survey submitted with this request shows a small portion of the subject building is located outside of the property boundaries. The building is within a five-foot strip, noted as being part of the adjacent rail right-of-way. City Real Estate Staff has reviewed the survey and legal description and requests proof of title be provided showing the aforementioned five-foot strip having been conveyed to the property owner. This may be provided by having the owner's title company search the records to find the instrument that conveyed the five-foot strip from a railroad company to a predecessor in title. A copy of the instrument should be provided for City review. Alternatively, the owner can provide staff a copy of the owner's title insurance policy that shows inclusion of the strip in the legal description and makes no exception or exclusion of coverage with respect to the strip. Clarification on the title issues will be required as a condition of approval.

In conclusion, The Planning Division does not object to the conversion of the structure to allow for two residential units with studio space to support art restoration as a home occupation. Planning staff believe the standards for conditional uses can be met. The proposed development is consistent with adopted plans and as proposed, would not present conflicts with the surrounding neighborhood.

### **RECOMMENDATION**

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant's request to allow two residential dwelling units within an existing building on a C-1 zoned property, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.

2. That all existing business signage for the previous use(s) be removed.
3. That any new signs for the home occupation meet the standards in 28.04 (27) 11.
4. That any sales of products are limited to those made/restored on the premises and those that are accessory to the service being provided.
5. That the home occupation shall not maintain any public business hours after 9:00 pm.
6. That the property owner provides City Real Estate staff proof of ownership of the five-foot strip in which a portion of the subject building is located.
7. Payment of parkland dedication fees as required by the Parks Division.



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dailey, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Supervisor**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davls, R.L.S.

DATE: July 10, 2007  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 403 West Lakeside Street 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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## Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2986

Madison, Wisconsin 53701-2986

PH 608 266 4761

TTY 866-704-2315

FAX 608 267 1158

July 12, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **403 West Lake Street – Conditional Use – Residential Use on First Floor in C1 with 3 parking spaces**

The City Traffic 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. None

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

3. None

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Kristi Ross

Fax: 608-850-4047

Email: [Kristi@essencebuilders.com](mailto:Kristi@essencebuilders.com)

DCD: DJM: dm

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** June 29, 2007

**To:** Plan Commission  
**From:** Kathy Voeck, Assistant Zoning Administrator  
**Subject:** 403 W Lakeside St.  
**Present Zoning District:** C-1

**Proposed Use:** Convert a 1<sup>st</sup> floor commercial space into a residential dwelling unit. There is an existing dwelling unit in the rear half of the building.

**Conditional Use:** 28.09(2)(d)3 Buildings where dwelling units occupy more than 50% of total floor area are 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

- The home occupation shall not exceed 25% of the dwelling unit. The final plan shall show a partial partition wall that creates a distinction from the home occupation area and the entry hall.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	2,300 sq. ft. 2 units (6,000 s.f. min)	7,600 sq. ft.
Lot width	50'	72'
Usable open space	320 sq. ft.	adequate
Front yard	0'	0' (existing encroachment)
Side yards	5' min, total 12'	.8' min. (existing), 39.8' total
Rear yard	20'	22'
Floor area ratio	n/a	n/a
Building height	3 stories/40'	1 story

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	3	provided

<b>Other Critical Zoning Items</b>	None
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With the above conditions, the proposed project **does** comply with all of the above requirements.



# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: July 11, 2007  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **403 W. Lakeside St.**

The City of Madison Fire Department (MFD) 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. None.

### **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

2. This resident shall meet all Building Code requirements for an "R"-type occupancy.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan



**Firchow, Kevin**

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**Subject:** FW: 403 Lakeside

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**From:** Kerr, Julia  
**Sent:** Thursday, June 28, 2007 10:17 PM  
**To:** Murphy, Brad  
**Cc:** Judi Page  
**Subject:** 403 Lakeside

Brad:

I support the conditional use application for 403 Lakeside Avenue. I have spoken with the applicant and understand her plans and sent a postcard to the nearest neighbors. Several people called and emailed to voice their support for Ms. Page's proposed project.

Let me know if you need more information. Take care.

Julia Kerr, Alder  
Madison Common Council  
District 13

7/2/2007

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