



**Project Address:** 101-103 Dempsey Road  
**Application Type:** Conditional Use  
**Legistar File ID #** 30130  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Owner:** Dan Maki; 103 Dempsey Rd.; Madison, WI, 53714

**Contact:** Kelly Thompson; Kontext Architects, LLC; 404 Hillcrest Dr.; Sun Prairie, WI 53590

**Requested Action:** The applicant requests approval of a conditional use for a building addition within 200 feet of a public park.

**Proposal Summary:** The applicant proposes a 1,710 square foot addition of office space on the east side of an existing mixed-use building.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested building addition at 101-103 Dempsey Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The subject property is located on the east side of Dempsey Road between Milwaukee Street and Hynek Road in the Commercial Corridor-Transitional (CC-T) District; Aldermanic District 15 (Ahrens); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is just over 12,450 square feet, and includes a 3,100 square foot mixed-use building constructed in 1975. The ground floor is used as an office, and the second floor has a two-bedroom apartment.

### Surrounding Land Use and Zoning:

North: Bike and pedestrian overpass in the Stoughton Road public right-of-way, within the TR-C2 (Traditional Residential – Urban 2) District

South: American Legion Building in the CC-T District

East: Across Stoughton Road and Robertson Road over 250 feet away, an assisted living facility in the SR-V2 (Suburban Residential – Varied 2) District

West: Across Dempsey Road, single-family homes in the TR-C2 District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Low Density Residential uses for this property.

**Zoning Summary:** 101-103 Dempsey Road is in the CC-T (Commercial Corridor - Transitional) District.

Dimensional Requirements	Required	Proposed
Front Yard Setback	0	47.75' existing
Side Yard Setback	None unless needed for access	8'
Rear Yard	Lesser of 20% lot depth or 20 feet	20'
Maximum Lot Coverage	85%	Less than 85%
Maximum Height	5 stories / 68'	1 story addition to 2 story building

Site Design	Required	Proposed
Number parking stalls	0	8
Accessible stalls	1	1 existing
Loading	0	0
Bike parking	1 per 2,000 sq. ft. floor area	0
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building forms	Yes	Meets building forms

Other Critical Zoning Items: Barrier free (ILHR 69)

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services, including Metro Transit route 39.

## Project Description

The applicant, who owns, lives, and works at the subject site, proposes a 1,710 square foot addition on the east side (rear) of the mixed-use building, consistent with the requirements in the CC-T District. The addition is split evenly between a basement level and a ground level, and will be an expansion of the office space. It includes a space for archives in the expanded basement, space for an expanded studio on the ground level, and a rooftop deck over the new space, which would be used in conjunction with the second floor residential unit. Concurrent to the building addition, another second floor balcony space is proposed on the east side of the building. Seven existing surface automobile parking stalls, a two-car attached garage, and three bicycle-parking stalls will remain on the property.

## Analysis and Conclusion

While the Comprehensive Plan recommends low-density residential uses for this area, this property and the property immediately to the south have maintained commercial (in this case, mixed-use) zoning, consistent with their zoning and land use prior to the recent changes to the zoning code. Thus, the proposed addition of office space to this building is appropriate.

In fact, the proposed addition would be a permitted use in the CC-T District, except for the fact that the subject property is within 200 feet of Eastmorland Park. In this case, the addition is being proposed on the east side of

the building, opposite the park. Further, the small portion of Eastmorland Park nearest the property is 190 feet to the west, across Dempsey Road and behind a single-family residential property. The addition itself is not displacing any surface parking on the property, and is maintaining adequate usable open space for the residential unit, both at-grade, and on the new above-grade balconies. Staff cannot conceive of any possible negative impacts the proposed addition could have on Eastmorland Park or neighboring properties.

### Conclusion

Staff believes that the conditional use standards are met, and recommends that the Plan Commission **approve** the request, subject to input at the public hearing and comments from reviewing agencies.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested building addition at 101-103 Dempsey Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. 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 Miscellaneous 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 names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [zenchenko@cityofmadison.com](mailto:zenchenko@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))

2. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans)

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

3. Bike parking shall comply with MGO Table 28I-3 (General Regulations). Provide a minimum of two (2) bike parking stalls. Bicycle parking design and location shall comply with MGO Sec. 28.141(11). Provide details on final plans. A bike-parking stall is two feet by six feet with a five-foot access area.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 (Sign Codes) prior to sign installations.
5. Pursuant to MGO Sec. 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than the thousand (10,000) square feet in size must be prepared by a registered landscape architect.
6. Provide details of dumpster enclosure on final plans.
7. Pursuant to MGO Section 28.14(4)(e) Parking requirements for persons with Disabilities. The provisions contained in Wis. Stat. 101.12,346.503, and 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

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

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| <ol style="list-style-type: none"><li>8. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.</li></ol> |
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**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

9. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
10. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

**No other agencies submitted a response to this request.**