



PLANNING DIVISION STAFF REPORT

June 27, 2022

PREPARED FOR THE PLAN COMMISSION

Project Address: 402 Rustic Drive (District 3 - Ald. Paulson)
Application Type: Conditional Use
Legistar File ID # [71648](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Travis Dettinger; Grace Built, LLC; 3245 Token Road; Sun Prairie, WI 53590

Property Owner: Wyndora Homes, LLC; 402 Rustic Drive; Madison, WI 53718

Requested Action: Consideration of a conditional use in the Suburban Residential-Consistent 1 (SR-C1) District for a community living arrangement (CLA) with 9-15 residents at 402 Rustic Drive.

Proposal Summary: The applicant proposes to increase the total capacity of the existing facility for physically disabled seniors from eight to ten residents. The additional bedrooms would be created by: 1) subdividing an existing bedroom, and 2) converting an existing bathroom and hall space into a bedroom. There are no proposed changes to the building exterior or site plan. The site is currently used as a licensed Adult Family Home with the Wisconsin Department of Health. This proposal meets the definition for a community living arrangement (CLA) per M.G.O. §28.211.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [M.G.O. §28.183], as a *community living arrangement for 9-15 residents* is a conditional use in the SR-C1 (Suburban Residential – Consistent 1) zoning district. The Supplemental Regulations [MGO §28.151] contain further regulations for this request.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request for a community living arrangement for 9-15 residents in SR-C1 (Suburban Residential – Consistent 1) zoning at 402 Rustic Drive. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 51,056-square-foot (1.2-acre) subject site is located on the southwest side of Rustic Drive in between Saturn Drive and Jubilee Lane. It is in Alder District 3 (Ald. Paulson), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes an existing building that is currently used as an adult family home. M.G.O. §28.211 defines an adult family home as, “A State of Wisconsin licensed or certified place where three (3) or (4) adults reside and receive care, treatment, or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident.” According to the applicant, there are

currently eight (8) resident studios in the building. (Note: Community Living Arrangements (CLAs) with up to eight (8) residents and Adult Family Homes are permitted uses in the Suburban Residential – Consistent 1 (SR-C1) District.) The City’s Assessor’s records indicate that the building was constructed in 2001 and changed from a residential classification to a commercial classification in 2015.

Surrounding Land Use and Zoning:

North: Single-family homes, zoned Traditional Residential – Consistent 3 (TR-C3);

South: Single-family homes, zoned Suburban Residential – Consistent 1 (SR-C1);

East: Across Rustic Drive are large-lot single-family homes in the Town of Blooming Grove; and

West: Single-family homes, zoned Planned Development (PD).

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Low Density Residential (LDR) for the subject site, defined as 0 to 15 dwelling units per acre. The [Sprecher Neighborhood Development Plan](#) (1998, Amended 2012) also recommends LDR for subject site, but defines this density at 0 to 8 dwelling units per acre.

Zoning Summary: The project site is currently zoned Suburban Residential – Consistent 1 (SR-C1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	51,056 sq. ft.
Lot Width	60’	115’
Front Yard Setback	30’	133.2’
Side Yard Setback	One-story: 6’	13.5’ north side 14.6’ south side
Rear Yard Setback	Lesser of 30% lot depth or 35’	67.3’
Usable Open Space	2,600 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35’	1 story existing building

Requirements	Required	Proposed
Number Parking Stalls	Community living arrangement: determined by Zoning Administrator based on number of room/employees	Existing garage
Accessible Stalls	Not required	None
Loading	Not required	None
Number Bike Parking Stalls	Community living arrangement: 1 per dwelling unit plus 1 per 3 rooms (4)	Existing garage
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69)
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Tables prepared by Jenny Kirchgatter, 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. There is half hour weekday Metro Transit service to the south of the subject site at the corner of Dominion Drive and Traveler Lane.

Previous Approvals

On April 2, 2018, the Plan Commission approved a request at 402 Rustic Drive for a conditional use alteration to convert an existing single-family residence exceeding 10,000 square feet into community living arrangement (CLA). The proposed two-story addition, with a basement, would have added 11,910 square-feet of living space to the existing facility and accommodated 20 total residents. The site is currently used as a licensed Adult Family Home with the Wisconsin Department of Health. That proposal meets the definition for a community living arrangement per M.G.O. §28.211. While approved, this proposed addition (and capacity increase) never moved forward. (See Legistar File [50679](#))

In 2013, the Plan Commission approved a request for a conditional use for the subject property. The conditional use allowed an addition to an existing residence to be constructed, creating a structure exceeding 10,000 square-feet of floor area, as part of the conversion to an adult family home. Adult family homes are permitted uses in Suburban Residential – Consistent 1 (SR-C1) zoning, however, structures exceeding 10,000 square-feet of floor area require conditional use approval. Therefore, for this approval, the Plan Commission did not review the adult family home component of this project. At the time of approval, the applicant had indicated that they were state-licensed for up to four residents.

Project Description

The applicant proposes to convert an existing facility currently accommodating eight physically disabled senior residents, into one that accommodates ten. With this request, the applicant is requesting approval of a conditional use for a Community Living Arrangement (CLA) with 9-15 residents.

M.G.O. §28.211 defines a community living arrangement as, “Any facility licensed or operated by the State of Wisconsin Department of Health and Family Services, including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment or services above the level of room and board but less than skilled nursing care are provided to persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.”

As shown in the submitted materials, the two additional units will be created by: 1) subdividing a large existing bedroom on the first floor into two, and 2) converting a first floor bathroom and hall space (labelled as “salon” on the submitted floor plan) into a bedroom. All changes would be internal to the building. There are no proposed changes to the building exterior or site plan.

Project Analysis and Conclusion

This proposal is subject to the approval standards for conditional uses. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met.

Conformance with Adopted Plans

The Planning Division believes that the proposed use is generally consistent with the recommendations in the [2018 Comprehensive Plan](#) and the [Sprecher Neighborhood Development Plan](#) (1998, Amended 2012). Both Plans call for low density residential (LDR) for the subject site. The [Comprehensive Plan](#) defines LDR as 0 to 15 dwelling units per

acre and the Sprecher Neighborhood Development Plan defines LDR as 0 to 8 dwelling units per acre. As proposed, this community living arrangement would have 10 units for elderly residents, which on the 1.2-acre site, works out to just over eight units per acre.

Supplemental Regulations

According to Table 28C-1 in M.G.O. §28.032(1), community living arrangements with 9-15 residents are a conditional use in SR-C1 zoning districts, and must adhere to the Supplemental Regulations for this use. The Supplemental Regulations are:

- a) *The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.*
- b) *The applicant shall disclose in writing the capacity of the community living arrangement.*
- c) *No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, unless approved as a conditional use.*
- d) *The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a conditional use.*
- e) *All CLAs in the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, and TR-R districts require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.*
- f) *No conditional use permit under this section shall be transferable to another location or person.*
- g) *The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units.*

Staff believes that these Supplemental Regulations can be found met. Based off the 2020 census data, there are 14,372 residents living in Alder District 3. The proposed CLA could accommodate 10 residents, which would represent 0.07 percent of the total district population, thereby meeting the one percent limit. Furthermore, according to the Wisconsin Department of Health Services, while 15 registered CLA beds are located in District 3, there are none within 2,500 feet of this proposal.

Conditional Use Standards

The Plan Commission shall not approve a conditional use without finding that all of the conditional use standards of §28.183(6) M.G.O. are met. In regards to community living arrangements, Conditional Use Approval Standard #8 states that in order to approve a conditional use, the Plan Commission shall:

1. Bear in mind the City general intent to accommodate community living arrangements.
2. Exercise care to avoid an over-concentration of community living arrangements, which could create an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility will increase the population of the community, the total capacity of all community living arrangements in the community, the impact on the community of other community living arrangements, the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.

Staff believes this standard can be found met. Regarding the issue of over-concentration, as noted in the previous section of this report, there are no other community living arrangements within 2,500 feet of the subject property. Furthermore, even with the small proposed increase in resident capacity of the existing facility, relative to the total population of the alder district, at just under 0.07 percent, it still falls well below the one percent threshold.

Conclusion

The Planning Division believes that the proposal to convert an existing facility that houses eight residents into one that accommodates ten can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission.

At the time of report writing, staff was not aware of any neighborhood concerns on this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request for a community living arrangement for 9-15 residents in SR-C1 (Suburban Residential – Consistent 1) zoning at 402 Rustic Drive. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

City Engineering Division - Mapping (Contact Julius Smith, (608) 264-9276)

1. The floor plans submitted do not match prior information on the existing conditions. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the review and development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning.

The final approved stamped Addressing Plan shall be included in said application.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

Zoning (Contact Jenny Kirchgatter, (608) 266-4569)

2. The community living arrangement shall comply with the supplemental regulations per Madison General Ordinances Section 28.151 Community Living Arrangement (CLA) Serving 9-15 Residents.
3. Zoning staff has determined that the community living arrangement located at 402 Rustic Drive is greater than 2,500 feet in distance from existing community living arrangements. The total capacity of all community living arrangements within the alder district does not exceed one percent (1%) of the population of the district.

4. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact William Sullivan, (608) 261-4289)

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| <ol style="list-style-type: none">5. Due to the occupancy increase above (8) persons, the facility would be considered a commercial building and would be required to be protected with fire sprinklers. |
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The following agencies reviewed the request and recommended no conditions or approval:

Engineering – Main Office, Traffic Engineering, Fire, Water Utility, Forestry, and Metro.