



PREPARED FOR THE PLAN COMMISSION

Project Address: 1821-1823 Dondee Road
Application Type: Conditional Use
Legistar File ID # [39482](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicants & Property Owners: Loc Pham, Karim Abrouq and Wendy Brigham-Abrouq, PLAK Property Investments, LLC; 809 St. John Street; Cottage Grove.

Requested Action: Approval of a conditional use to allow construction of a two-family twin residence at 1821-1823 Dondee Road within 300 feet of a zoning lot containing another two-family twin building.

Proposal Summary: The applicants wish to construct a two-family twin dwelling on a lot platted for two-family residences as part of the approval and ongoing implementation of the Buckeye Meadows development. The applicants wish to commence construction as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 28.037(2)(a) of the Zoning Code states that no two-family twin dwelling shall be constructed or converted in the SR-C3 (Suburban Residential–Consistent 3 District) within 300 feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use. Section 28.183 provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of a two-family twin residence at 1821-1823 Dondee Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site was platted as Lot 4 of Buckeye Meadows and is located on the east side of Dondee Road, approximately 350 feet south of E. Buckeye Road; Aldermanic District 16 (DeMarb); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is undeveloped in SR-C3 (Suburban Residential–Consistent 3 District) zoning.

Surrounding Land Use and Zoning:

North: Existing and future two-family twin residences in the Buckeye Meadows Condominium development, zoned SR-C3 (Suburban Residential–Consistent 3 District);

South: Existing and future two-family twin residences in the Buckeye Meadows Condominium development, zoned SR-C3; Union Pacific Railroad, with industrial and heavy commercial development further to the south in IL (Industrial–Limited District) zoning;

East: Single-family residences in the Anderson Estates subdivision and Lake City Lutheran Church, zoned SR-C1 (Suburban Residential–Consistent 1 District);

West: Existing and future two-family twin residences in the Buckeye Meadows Condominium development, zoned SR-C3; Kingdom Hall of Jehovah’s Witnesses and single-family residences, zoned SR-C1.

Adopted Land Use Plans: The Comprehensive Plan recommends that the subject site and other nearby properties extending north of the Union Pacific Railroad between Stoughton Road and Interstate 39-90 be developed with Low-Density Residential uses. The property is not located within the boundaries of an adopted neighborhood-level plan.

Zoning Summary: The properties are zoned SR-C3 (Suburban Residential–Consistent 3 District):

Requirements	Required	Proposed
Lot Area	8,000 square feet	17,389 sq. ft. (Lot 4 of plat)
Lot Width	50’	105’
Usable Open Space	750 sq. ft. per dwelling unit (1,500)	Adequate
Front Yard	25’	27.4’ from Dondee Road
Side Yards	One-story: 5’ Two-story: 6’	14.3’ on south 14’ on north
Rear Yard	35’	65.9’
Maximum Building Height	2 stories and 35’	Will comply
No. of Parking Stalls	1 per dwelling unit	2 per dwelling unit
No. of Accessible Parking Stalls	N/A for residential	---
Maximum Lot Coverage	60%	29%
Building Form	Two-unit-twin	Will comply
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Dev., Adj. to Parkland, Barrier Free	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The properties are not located within a mapped environmental corridor (Map G8).

Public Utilities and Services: The Buckeye Meadows subdivision is served by a full range of urban services.

Previous Approvals

On October 11, 2005, the Common Council approved a request to rezone 8.5 acres located at 4601-4613 E. Buckeye Road from R1 (Single-Family Residence District) and R3 (Single- and Two-Family Residence District), [1966 Zoning Code] and approved the preliminary plat and final plat of Buckeye Meadows, creating 16 two-family lots, 1 single-family lot and 1 outlot for public stormwater management on both sides of Dondee Road. The Plan Commission approved a demolition permit on September 19, 2005 to allow a single-family residence on the property to be demolished as part of its recommendations to the Common Council to approve the zoning

map amendment and subdivision. The final plat was recorded on December 11, 2005. The Buckeye Meadows Condominium plat was declared on February 20, 2006.

On January 27, 2014, the Plan Commission approved similar conditional use requests for 1908-1910, 1914-1916 and 1920-1922 Dondee Road to allow construction of a two-family twin residence on Lots 10, 11 and 12 of the Buckeye Meadows subdivision just to the west of the subject site.

On February 9, 2015, the Plan Commission approved a conditional use request for 1924-1926 Tarragon Drive to allow construction of a two-family twin residence on Lot 7 of the Buckeye Meadows subdivision just to the south of the subject site

Project Description

The applicants are requesting conditional use approval to construct a two-family twin residence on Lot 4 of the Buckeye Meadows subdivision, which is addressed as 1821-1823 Dondee Road. The proposed units will include 3 bedrooms, 2 bathrooms and associated living spaces on the first floor, and an additional bedroom, bathroom and living space located in partially finished basements. Both units will each be provided with side-loaded two-car garages located at the rear of the residences. Complete plans for the proposed two-family residence are included with the application materials for this request.

Analysis & Conclusion

A conditional use is required for the subject site as a result of a provision in the 2013 Zoning Code that requires conditional use approval to allow a two-family twin dwelling to be constructed in SR-C3 zoning within 300 feet of a zoning lot containing another two-family twin building. The 300-foot dispersion provision was incorporated into the SR-C3 district as well as other residence districts that allow other dwelling unit types beyond single-family detached residences, including the TR-C4, TR-V1, and SR-V1 districts, to encourage integration of different unit types throughout a neighborhood and to discourage segregated residential development patterns. The R3 zoning of the Buckeye Meadows development, including the subject site, was transitioned to SR-C3 zoning upon the effective date of the new code. Because building permits had not been requested to allow construction of the two-family dwelling on this site under the R3 zoning prior to the effective date of the new Zoning Code, the lot is required to comply with all of the requirements of the new code, including the dispersion requirements and the minimum residence district design standards for residential entrance orientation and attached garage placement.

The Planning Division believes that the conditional use standards can be met to allow construction of a two-family twin residence on the subject site. In this case, the two-family twin residence will be similar in character to 11 other two-family-twin residences built in the Buckeye Meadows development, which was platted to accommodate a two-family-twin home on 16 of the 17 lots. The development is also subject to a declared condominium plat that anticipates implementation of two-family-twin homes in a fashion similar to what is proposed for this property. Therefore, dispersion in a fashion similar what was intended by the new code seems impractical, and implementation of the 2006 development approvals should be allowed to continue.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of a two-family twin residence at 1821-1823 Dondee Road subject to input at the public hearings and the following conditions submitted by reviewing agencies:

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

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

1. Units 1821 and 1823 per this plan are different in size and composition from the units as declared on Buckeye Meadows Condominiums. A condominium amendment and condominium plat addendum shall be approved by the City of Madison and recorded at the Dane County Register of Deeds prior to issuance of a building permit.
2. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
3. A City-licensed contractor shall perform all work in the public right of way.
4. All damage to the pavement on Dondee Road adjacent to these projects shall be restored in accordance with the City's Pavement Patching Criteria.
5. Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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

Fire Department (Contact Bill Sullivan, 261-9658)

6. Note: Madison Fire Department recommends the installation of a residential fire sprinkler system for each unit in accordance with NFPA 13D and SPS 382.40(3)(e).

Water Utility (Contact Dennis Cawley, 261-9243)

7. Note: All operating private wells shall be identified and permitted and any unused private wells shall be abandoned by the Madison Water Utility in accordance with MGO Section 13.21.

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Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.