

PLANNING DIVISION STAFF REPORT

July 11, 2016

PREPARED FOR THE PLAN COMMISSION



Project Address: 4605 Kennedy Rd. (District 18-Kemble)
Application Type: Conditional Use
Legistar File ID # [43155](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Property Owner/Contact: Kelly Peterson; 4605 Kennedy Rd.; Madison, WI 53704

Requested Action: The applicant is requesting approval of a Conditional Use for mechanical equipment associated with a home occupation (hair salon).

Proposal Summary: The applicant is requesting approval of a Conditional Use for mechanical equipment associated with a home occupation (hair salon), including hydraulic chair, sink and portable hair dryer in the Suburban Residential-Consistent 1 (SR-C1) zoning district. The hair salon will operate from 7 a.m. to 9 p.m. and occupy less than 25 percent of the first floor, floor area of the home. No exterior changes to the existing residence are proposed as part of this application request.

Applicable Regulations & Standards: Home Occupations with mechanical equipment are identified as a conditional use in the SR-C1 zoning district, as such they are subject to the standards for Conditional Uses pursuant to Section 28.183(6), MGO and the Supplemental Regulations pursuant to Section 28.151, MGO.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for mechanical equipment associated with a home occupation at 4605 Kennedy Rd. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located just north of the intersection of Claremont Lane and Kennedy Road on the east side of the street and across from Lindbergh Elementary School. The project site is comprised of 8,331 square feet (0.19 acres).

The site is in Aldermanic District 18 (Ald. Kemble) and in the Madison Metropolitan School District.

Existing Conditions and Land Use: The project site is comprised of a one-story, ranch-style single-family detached residential dwelling unit with attached garage that is approximately 1,110 square feet in size.

Surrounding Land Use and Zoning: The project site is currently zoned Suburban Residential-Consistent 1 (SR-C1). Pursuant to Section 28.041, MGO, the Suburban Residential-Consistent zoning district general purpose and intent speaks to:

- Ensuring that new buildings and additions to existing building are designed with sensitivity to their context;
- Maintaining and improving the viability of existing housing of all types;
- Maintaining or increasing compatibility between residential and other allowed uses; and
- Facilitating the preservation, development or redevelopment goals of the Comprehensive Plan.

North: Single-family residential; SR-C1 zoning;

South: Single-family residential; SR-C1 zoning;

East: Single-family residential; SR-C1 zoning; and

West: Single-family residential; SR-C1 zoning.

Zoning Summary:

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	8,331 sq. ft.
Lot Width	60'	65'
Front Yard Setback	30'	31'
Side Yard Setback	One-story: 6' Two-story: 7'	7'
Rear Yard Setback	Lesser of 30% lot depth or 35'	42'
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	One-story
Number Parking Stalls	1 (location only)	Existing attached garage
Number Bike Parking Stalls	None	None
Building Forms	None	Single-family detached dwelling

Other Critical Zoning Items	
Yes:	N/A
No:	Urban Design District (UDD No. 2), Barrier Free (ILHR 69), Utility Easements, Wellhead Protection District, Historic District, Floodplain, Adjacent to Park, Wetlands

Zoning Tables prepared by: Jenny Kirchgatter, Assistant Zoning Administrator

Comprehensive Plan: The Comprehensive Plan recommends Low Density Residential (LDR) development for the project site. As defined in the Comprehensive Plan, LDR development is categorized for its low density (0-15 dwelling units/acre), primarily single-family detached dwelling unit residential development. While the Comprehensive Plan does not specifically speak to home occupations, it does identify that small-scale commercial establishments providing services as being appropriate in LDR areas (Pg. 2-81, Comprehensive Plan).

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.

Project Description

The applicant is requesting the approval of a Conditional Use for mechanical equipment associated with a home occupation (hair salon), including hydraulic chair, sink and portable hair dryer. The hair salon will operate from 7

a.m. to 9 p.m. and occupy less than 25 percent of the first floor, floor area of the home and will be located in either the living room or a bedroom as identified in the applicant's letter of intent. Also as identified in the Letter of Intent, only one client will be seen at a time.

No exterior changes to the existing residence are proposed as part of the applicant's request.

Analysis and Conclusion

Pursuant to Section 28.151, "*Supplemental Regulations*," MGO, home occupations with mechanical equipment are identified as conditional uses in the SR-C1 zoning district and are subject to the Conditional Use review criteria pursuant to Section 28.183(6), MGO. Generally, the intent of the Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

Home occupations with mechanical equipment are also subject to the Supplemental Regulations pursuant to Section 28.151, MGO which generally speak to limiting the type, size and scope of the home occupation businesses, including:

- Limiting employment to those residing in the dwelling unit;
- Allowing small offices, service establishments or home crafts which are typically considered accessory to a dwelling unit;
- Limiting the size of the business to occupying no more than 25 percent of the floor area of one story of the dwelling;
- No structural alterations or enlargements shall be made to the dwelling; and
- No mechanical equipment shall be used except for those which are used for purely domestic or household purposes, unless authorized by the Plan Commission as a Conditional Use.

At the time of report writing, the only public comment that had been received was from Alder Kemble, which states: "Ms. Peterson has contacted nearby neighbors who have no opposition. There is no active neighborhood association. I am okay with waiving the 30-day waiting period."

The Planning Division believes that the revised plans, with the conditions of approval, can meet the Conditional Use approval standards, including those related to uses, values and enjoyment and normal and orderly development, and the Supplemental Regulations and zoning district standards. Specifically, the Planning Division believes that the proposed home occupation and associated mechanical equipment:

- Will conform to all applicable regulations of the SR-C1 zoning district and Supplemental Regulations for Home Occupation uses pursuant to Section 28.151, MGO;
- Will have minimal negative impacts on nearby properties, including those related to the proposed mechanical equipment (hydraulic chair, sink and portable hair dryer) and due to the fact that the applicant is the sole proprietor serving one client at a time; and
- The proposed hours of operation are consistent and compatible with those commonly associated with residential uses. Planning Division staff has included a conditional of approval limiting the hours of operation to those identified in the applicant's Letter of Intent.

AS with all Conditional Uses, if approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in Section 28.183(9)(d), MGO.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the request for a home occupation with associated mechanical equipment at 4605 Kennedy Rd. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. The hours of operation of the Home Occupation (hair salon) shall be limited to 7:00 AM to 9:00 PM, seven days a week.
2. Revise the Letter of Intent to address the Supplement Regulations for Home Occupations pursuant to Section 28.151, MGO.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. This agency has reviewed this request and has recommended no conditions of approval.

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

3. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semi-trailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. All parking facility design shall conform to the standards pursuant to Section 10.08(6), MGO.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

5. This agency has reviewed this request and has recommended no conditions of approval.

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

6. The proposed salon shall comply with the Supplemental Regulations for a Home Occupation pursuant to Section 28.151, MGO.

7. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

8. The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Janet Schmidt, (608) 261-9688)

9. The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Dennis Cawley, (608) 261-9243)

10. All operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, MGO. All unused private wells shall be abandoned in accordance with Section 13.21, MGO.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

11. The agency reviewed this request and has recommended no conditions of approval.