

PLANNING DIVISION STAFF REPORT

July 16, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 17 Colorado Court (District 18 - Alder Kemble)

Application Type: Conditional Use

Legistar File ID # [51951](#)

Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Contact, & Owner: Rosa Burdick; Revive Hair Studio; 17 Colorado Court; Madison, WI 53704

Requested Action: The applicant requests conditional use approval to allow a home occupation within the lower level of a single-family residence at 17 Colorado Court.

Proposal Summary: The applicant proposes a home occupation for a beauty salon within the lower level of an existing single family home in the SR-C1 (Suburban Residential-Consistent 1) Zoning District. No exterior changes to the existing residence are proposed as part of this application request.

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

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 a home occupation in an existing single family residence at 17 Colorado Court. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 10,123-square-foot (0.23-acre) parcel is located on the east side of Colorado Court, a cul-de-sac off of Iowa Drive and Dakota Drive. The property is located within Aldermanic District 18 (Ald. Kemble), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject property contains a split level, three-bedroom, two-bathroom, single-family residence. According to the City Assessor's records, the home was constructed in 1973 and has a 1,232 square-foot main floor, a 480 square-foot finished basement, and an attached one stall garage.

Surrounding Land Use and Zoning:

North: Single-family homes, zoned SR-C1;

East: Single-family homes, zoned SR-C1;

South: Single-family homes, zoned SR-C1; and

West: Single-family homes, zoned SR-C1.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends low-density residential for the area, which does allow for neighborhood serving retail and service uses. There is no adopted neighborhood plan for the subject site.

Zoning Summary: The property is zoned Suburban Residential-Consistent 2 (SR-C1)

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	10,123 sq. ft.
Lot Width	60'	Adequate
Front Yard Setback	30'	43' existing front yard
Side Yard Setback	One-story: 6' Two-story: 7'	20' existing side yard
Rear Yard Setback	Lesser of 30% lot depth or 35'	20' existing rear yard
Usable Open Space	1,300 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Existing attached garage

Other Critical Zoning Items	None
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant proposes to establish a beauty salon within the lower level of her single-family, split-level home. Pursuant to MGO §28.151, "No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the Plan Commission as a conditional use." In order to provide the necessary services for hair cutting and styling, the applicant must install a commercial hair washing sink, which is considered mechanical equipment per the City's Building Code. Furthermore, MGO §28.151 also states that, "No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the Plan Commission as a conditional use." The applicant intends on selling hair products to customers, with the possibility of selling local jewelry and other accessories in the future. Given these service amenities, the applicant is seeking a conditional use for a home occupation in the SR-C1 (Suburban Residential – Consistent 1) Zoning District.

The applicant owns and will operate Revive Hair Studio, based in the applicant's home at 17 Colorado Court. According to the applicant, Revive Hair Studio will provide haircuts, hair coloring, hair styling, permanent waving, facial and body waxing, and makeup application. The proposed hours of operation are 9:00 a.m. – 9:00 p.m. Monday – Friday and 9:00 a.m. – 5:00 p.m. on Saturday. The business will be located on the lower level of a split level residence. There is a separate lower level entrance, which will be utilized as the business entryway. The salon space includes a waiting area, two salon chairs, and a shampoo station. There will be a maximum number of two clients present at any given time. Four parking spaces will be available for clients on the driveway to the house. The applicant will park her car in the garage, ensuring that the driveway spots can be utilized by clients. At this time, the applicant is not proposing to have any additional employees.

Project Analysis and Conclusion

This home occupation 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, and finding that all of the conditional use standards of MGO §28.183(6) are met. The Planning Division believes that the proposed home occupation is generally consistent with the low density residential recommendation in the [Comprehensive Plan \(2006\)](#).

Furthermore, the Planning Division believes that this home occupation proposal can meet the Conditional Use Approval Standards, including those related to uses, values, and enjoyment, and normal and orderly development, as well as the zoning district requirements and Supplemental Regulations. Specifically, the Planning Division believes that the home occupation will have minimal negative impacts on nearby properties due to the fact that the proposed hours of operation are consistent and compatible with those commonly associated with residential uses, all salon activities will occur within the residence, and parking will be provided in the dwelling's driveway. If approved, the Plan Commission retains continuing jurisdiction, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met. At this time, the applicant intends on being the only salon employee. If the applicant decides to hire an additional employee in the future, the Plan Commission would need to approve that request as a major alteration to the conditional use.

At the time of report writing, Staff was not aware of any neighborhood concerns on this request. The applicant included a letter of support from one neighbor, as well as seven signatures from residents that live in the surrounding homes on the Colorado Court cul-de-sac.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards are met and **approve** the request for a home occupation in an existing residence at 17 Colorado Court. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The hours of operation for the home occupation located at 17 Colorado Court shall be Monday through Friday from 9:00 a.m. to 9:00 p.m. and from 9:00 a.m. to 5:00 p.m. on Saturdays. Future modifications to the hours of operation for the home occupation may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the District Alder.
2. This conditional use for a home occupation does not allow for any additional employees other than the applicant/business owner. Hiring an additional employee to help service the business in the future is considered a major alteration to the conditional use and will require Plan Commission approval.
3. The Plan Commission authorizes the use mechanical equipment as it pertains to the hair washing sink, and the selling of products for the home occupation located at 17 Colorado Court.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

4. Submit an overall floor plan of lower level of the residence showing the relative location of the home salon. No more than 25% of the floor area of one story of the dwelling may be devoted to such a home occupation.
5. The home occupation shall comply with Supplemental Regulations Section 28.151. The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhood. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.