

PLANNING DIVISION STAFF REPORT

July 27, 2015

PREPARED FOR THE PLAN COMMISSION



Project Address: 403 W. Doty Street
Application Type: PD-SIP Alteration
Legistar File ID # [38933](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Levi Funk; 403 W. Doty Street #1; Madison.

Requested Action: Approval of an alteration to an approved Planned Development–Specific Implementation Plan for 403 W. Doty Street to allow a front yard parking space for an existing residence.

Proposal Summary: The parking stall has been installed; the applicant wishes to begin legally using the stall as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 28.098(6) states that “No alteration of a Planned Development District shall be permitted unless approved by the Plan Commission. However, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development...that are consistent with the concept approved by the Common Council.”

Review Required By: Plan Commission.

Summary Recommendation: If the Plan Commission can find that the proposed alteration to the Planned Development-Specific Implementation Plan is consistent with the concept approved by the Common Council in 1981 in due consideration of the standards of approval for the Planned Development zoning district, it should approve the alteration for 403 W. Doty Street to allow the front yard parking space 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 is a 2,468 square-foot parcel located one property west of S. Broom Street on the south side of W. Doty Street; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions and Land Use: The property is developed with a two-family dwelling, zoned PD.

Surrounding Land Use and Zoning: The property is generally surrounded by a mix of single-, two- and multi-family dwellings located along the 400-block of W. Doty Street in DR-2 (Downtown Residential–2 District) zoning, with the exception of the adjacent residence at 401 W. Doty Street, which is also zoned as part of the same PD district as the subject site. The subject parcel is bordered on the south by the two-story American Academy of Cosmetic Dentistry office building, also zoned PD.

Adopted Land Use Plan: The 2012 Downtown Plan includes the subject site in the Bassett neighborhood/ sub-district, which is recommended for predominantly residential development. The Downtown Plan recommends that the sub-district continue its predominantly residential nature, with an “evolving mix” of new higher-density

buildings carefully integrated with existing older structures consistent with the development trend in the neighborhood over the last 20 years.

Zoning Summary: The site is zoned PD and no changes to the building or site beyond permission for the parking stall are proposed. The PD-SIP alteration will be reviewed in the following sections.

Environmental Corridor Status: This property is not located within a mapped environmental corridor (see Map E8).

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

Previous Approvals

On March 31, 1981, the Common Council approved a request to rezone 402 W. Wilson Street, 401 and 403 W. Doty Street and 208 S. Broom Street from R6 (General Residence District) to PUD(GDP-SIP) [1966 Zoning Code] to allow demolition of 208 S. Broom and construction of an addition to the State Bar Center Building and parking lot.

As part of this approval, Certified Survey Map 3796 (attached) was recorded on September 24, 1981 to create 3 lots for the PUD district approved above. Lot 1 contains the two-story former law office building; Lots 2 and 3 of CSM 3796 are each 2,466 square-foot lots and contain a two-family dwelling. The site of the subject alteration is Lot 3.

Project Description

The applicant is requesting Plan Commission approval of an alteration to the approved specific implementation plan for 403 W. Doty Street to allow an existing, unapproved parking stall located in the front yard of a two-family dwelling to remain. The two-story residence, which was constructed in 1884 according to City records, is part of a Planned Development district that facilitated the expansion of the adjacent office building at 402 W. Wilson Street. The PD district also includes the adjacent two-family dwelling at 401 W. Doty. The proposed parking stall is located at the northwestern corner of the property and is constructed with pavers placed in the front lawn adjacent to the driveway for the multi-family dwelling at 407 W. Doty Street. Access to the applicant's parking stall is provided from the drive apron for 407 W. Doty. A utility pole, street sign, and street tree are located in the terrace between the parking stall and W. Doty Street.

Analysis and Conclusion

Parking stalls in the front yard of residential properties are very rare across the City and typically require a variance to be granted by the Zoning Board of Appeals if proposed in a conventional zoning district. However, because the subject site is zoned PD, the applicant is seeking to amend the approved plan to allow the parking stall that was created to serve the subject site to legally remain. The zoning text approved as part of the 1981 PUD allows off-street parking "as indicated on the plan." The 1981 plans did not provide parking spaces for the subject residence or adjacent two-family dwelling at 401 W. Doty Street, though the owner of 401 W. Doty received approval of a minor PD(SIP) alteration in 2006 to construct an addition to that residence, which included a one-car garage accessed from S. Broom Street.

It is the opinion of Planning staff that no off-street parking was anticipated for the subject property when the original PUD zoning was approved in 1981, and that the addition of a parking stall as proposed would not be

consistent with the concept approved previously. The lots created for the subject residence and adjacent two-family dwelling concurrent with the PUD zoning approval appear to have been narrowly contoured to allow those residences to remain while devoting as much of the overall property to the expansion of the adjacent office building at 402 W. Wilson Street and its parking, which extends adjacent to the rear lot line of the Doty Street homes. While the residence on the corner lot at 401 W. Doty Street was able to later add parking in a garage addition accessed from S. Broom Street, no such accommodation would be possible given the historic configuration of the 403 W. Doty residence, which dates back to 1884 and essentially extends from lot line to lot line across the 33-foot wide parcel.

In the event that the Plan Commission can find that the proposed alteration is consistent with the 1981 PUD approval, Planning staff recommends that use of the stall not be permitted until the site plan is revised to clearly show that the parked car can be accommodated entirely on the subject site without encroaching past the front property line into the public right of way. Use of the stall if approved shall also be dependent on the applicant obtaining a perpetual easement/ agreement from the owner of 407 W. Doty Street to allow access to the public street across the neighboring property.

Recommendation

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

If the Plan Commission can find that the proposed alteration to the Planned Development-Specific Implementation Plan is consistent with the concept approved by the Common Council in 1981 in due consideration of the standards of approval for the Planned Development zoning district, it should approve the alteration for 403 W. Doty Street to allow the front yard parking space subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. The applicant shall submit a fully dimensioned, legible and scaled site plan (1"=20') for final approval by the Planning Division that shows that a standard-size (non-compact) passenger automobile can be parked in the approved space without encroaching past the front property line into the W. Doty Street right of way. [For the purposes of satisfying this condition, staff recommends that an 18-foot deep space be used.] The required plan shall clearly identify the property/ right of way line, existing walls of the residence, all features located in the right of way in front of the property (sidewalk, street tree, sign pole, utility pole, etc.), and the existing/ proposed access to the parking stall from the driveway on 407 W. Doty Street.
2. The applicant shall obtain an easement/ agreement from the owner of 407 W. Doty Street to allow access for the proposed parking space to the public street across the neighboring property in perpetuity. The easement/ agreement shall be recorded prior to final approval, and a copy of the recorded document shall be included in the Zoning file for this PD. Extinguishment of the cross-access easement/ agreement by either party without prior approval of a subsequent PD alteration shall result in a violation of this condition.

The following conditions of approval have been submitted by reviewing agencies:

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

3. The parking stall dimension is not accurate. The maximum length of stall that is available to the property line would be 18.5 feet. See Birrenkott survey of July 7, 2004, Survey No. 2004-00939 at the County Surveyor's Office.
 4. Access is required over the driveway to the west for the proposed configuration. If the parking stall is approved, the applicant shall provide a recorded copy of the easement/agreement permitting the vehicular access over and across the adjacent driveway at 407 W. Doty Street.
 5. Any work within the street right of way, including a drive apron or curb cut, requires a permit from the City Engineering Division.
6. All work in the public right of way shall be performed by a City-licensed contractor.
7. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

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

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

Zoning Administrator (Contact Matt Tucker, 266-4569)

Note: This agency did not provide comments for this request. However, Zoning currently has an order to correct the unapproved parking stall that will either be enforced if the alteration is not approved or satisfied if the alteration is approved and once any conditions of approval are met.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Dennis Cawley, 261-9243)

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

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

9. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.