



Report to the Plan Commission

December 17, 2012

Legistar I.D. #28471

1329 West Dayton Street

Alteration to an Approved PUD(SIP)

Report Prepared By:
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Planning Division Staff

Requested Action: Approval of an alteration to allow for increased occupancy of residential units in an existing six-unit apartment building at 1329 West Dayton Street in the PUD-SIP (Planned Unit Development – Specific Implementation Plan) District.

Applicable Regulations & Standards: Section 28.07(6)(g)5 provides the guidelines and regulations for the approval of alterations to specific implementation plans.

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the project can meet applicable standards and **approve** the proposed request for an alteration to allow for increased occupancy at 1329 West Dayton Street, subject to input provided at the public hearing and conditions from reviewing agencies.

Requested Alteration and Evaluation

The owner of this six-unit apartment building, a Landmark Building, requests an alteration to the zoning text to allow up to five occupants per unit, rather than four occupants per unit, as was originally approved in the 1980s. As shown on the submitted floor plans, each of the six units has two bedrooms on the second floor and a loft space above, which has been used as a bedroom to accommodate the additional occupants. Unit sizes range from 814 to 992 square feet.

For the past several years, the units have accommodated six persons, two per bedroom and an additional two in the loft space, which is greater than the approved occupancy of four unrelated persons per unit. Building Inspection staff recently noted the over-occupancy issue in a routine inspection of the building interior, and notified the owner of the discrepancy. There were apparent safety issues with up to three beds in the loft space and inadequate access to exits.

The owner claims that he was unaware of the occupancy limitation when he purchased the property, but has re-leased the building for six tenants per unit, even after being made aware of the limitation. He has now submitted an application requesting an increase in the zoning text from four occupants per unit to five occupants per unit, for a total of 30 occupants in the building.

In order to support increased allowable occupancy, the owner is proposing a new formal bicycle parking area for 11 bicycles on an existing concrete pad. While this is not the typical one stall per bedroom (or one stall per occupant) ratio expected for new buildings in the PUD-SIP district, it is an improvement to what exists on the site today, and utilizes nearly all of the available space on the property.

The Madison Fire Department will require the addition of a sprinkler system in order to increase the occupancy beyond four persons per unit. After seeing this condition of approval, the applicant has communicated with staff that he would like to increase the occupancy to six persons per unit following the implementation of a sprinkler system. However, Planning and Zoning staff can only support an increase of up to five persons per unit. This would be the maximum allowable number of unrelated individuals per unit in conventional zoning districts, regardless of the unit type or size. The size of these units, most of which are under 850 square feet, does not seem to support greater occupancy. Staff believes in this case that a limit of five unrelated persons per unit is appropriate.

Conclusion

The zoning code provides that no alteration of a PUD shall be permitted unless approved by the Plan Commission aside from Minor Alterations that can be approved administratively. If a change or addition represents a substantial alteration of the original plan, the change must be reviewed by the Urban Design Commission, Plan Commission, and approved by the Common Council. In this case, since

there are no physical changes to the building and only very minor site improvements, staff believes that Plan Commission review is sufficient.

After closely coordinating with Zoning and Building Inspection staff, Planning Division supports an increased occupancy from four to five unrelated occupants per unit. The Planning Division believes that the proposed alteration is acceptable, and recommends that the Plan Commission **approve** the request subject to input at the public hearing and comments and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that applicable standards can be met and **approve** the request subject to input at the public hearing and the following conditions from reviewing agencies:

Planning Division (Contact Heather Stouder, 266-5874)

1. The Zoning text shall be amended to clearly allow a maximum of five occupants per unit.

The following conditions have been submitted by reviewing agencies:

Fire Department (Contact Bill Sullivan, 261-9658)

2. Without the installation of an automatic fire sprinkler system, MFD does not support increasing the occupancy of this building. Occupants have one exit from the 3rd level. MFD would accept a delayed sprinkler system installation, completion by January 1, 2014.

Zoning Administrator (Contact Matt Tucker, 266-4569)

Comments provided in a separate memorandum.

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

This agency did not submit a response for this request.

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

This agency did not submit a response for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency did not submit a response for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.