



## Report to the Plan Commission

November 16, 2009

**Legistar I.D. #16564**  
**310 North Butler Street**  
**Conditional Use Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the conversion of a 3-unit building to a 4-unit building in the R6 (General Residence) District.

**Applicable Regulations & Standards:** Section 28.12(11) provides the standards for the approval of conditional uses. Per Section 28.08(5)(c)5, the addition of a dwelling unit is a conditional use in the R6 District.

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

### Background Information

**Applicant/Contact/Property Owner:** Richard Glover; 310 N Butler, LLC; 310 North Butler St.; Madison

**Proposal:** The applicant is seeking a conditional use permit for the conversion of a three unit building to a four unit building, resulting in an overall reduction in the number of bedrooms, in the R6 (General Residence) District.

**Parcel Location:** 310 North Butler Street is located on the west side of North Butler Street, between Johnson Street and Gorham Street; Aldermanic District 2 (Maniaci); Madison Metropolitan School District.

**Existing Conditions:** The existing 3,685 square foot building has four existing units, but was converted by a former property owner without issuance of the required conditional use permit. Formerly, the building was a 3-unit building, which included a first floor unit with 3 bedrooms, a second floor "lodging house" with 5 lodging rooms, and a third floor unit with 3 bedrooms. This condition – a three unit building including a second floor lodging house - is considered to be the legal existing condition.

**Surrounding Land Use and Zoning:** The area surrounding the property is zoned R6 and R6H (General Residence- Mansion Hill Local Historic District), and consists of multifamily buildings and office buildings.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) places this property within the First Settlement/Old Market Place District, where recommended land uses include a wide variety of mixed use, office, and medium to high-density residential buildings. The Fourth District-Old Market Place Neighborhood Plan Strategy (1983) recommends several strategies to rehabilitate deteriorating housing stock, which was identified as a high priority. The property lies within the boundaries of the Downtown Plan, for which the planning process is currently underway.

**Environmental Corridor Status:** This property is not located within a mapped environmental corridor.

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

### Zoning Summary:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	3,423 sq. ft. existing
Lot Width	50'	52.0' existing
Usable Open Space	560 sq. ft.	None shown (see Condition No. 5, page 4)
Front Yard	20'	8.7' existing
Side Yards	9'	2.6' RS, 5.9' LS existing
Rear Yard	30'	1.3' existing
Floor Area Ratio	2.0 maximum	Less than 2.0

### Site Design

No. Parking stalls	N/A	None needed – MGO 28.08(1)(i)
Accessible stalls	N/A	N/A
Loading	N/A	N/A
Number bike parking stalls	4	None shown (see Condition No. 3, page 4)
Landscaping	N/A	N/A
Lighting	No	None proposed (see Condition No. 3, page 4)

### Other Critical Zoning Items

Urban Design	No
Historic District	Adjacent to Mansion Hill Local Historic District
Landmark Building	No
Flood Plain	No
Utility Easements	Yes
Waterfront development	No
Adjacent to Park	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

## Description of Proposal

### Existing Conditions

The existing three-story apartment building, constructed in 1904, has 3,685 square feet of living space on a 3,432 square foot residential lot in the R6 (General Residence) District. A small attached garage on the south side of the building is accessed from Butler Street, and is currently used for storage rather than automobile parking.

The lot area currently fails to meet requirements for the R6 District, which is very common on properties developed so long ago. The building actually has the four units for which the conditional use is being requested, but the conversion was completed by a prior owner absent the required conditional use permit. For the purpose of this review, the building is classified according to its status prior to the conversion as an existing three-unit building with a total of eleven (11) bedrooms. Thus, the conditional use request would allow for the following legal conversion:

	Official Existing Condition	Proposed Condition
1 <sup>st</sup> Floor	One 3-bedroom unit	One 3-bedroom unit
2 <sup>nd</sup> Floor	One 5-bedroom lodging house	Two 1-bedroom units
3 <sup>rd</sup> Floor	One 3-bedroom unit	One 3-bedroom unit
Total Bedrooms	11	8

### Site and Building Plans

The primary change that would be made legal by approval of the conditional use is the conversion of the second floor from a 5-bedroom lodging house to two separate 1-bedroom apartments, resulting in a legal 4-unit building. The proposed change would not involve the addition of off-street parking, as the existing garage would remain in use for storage of equipment related to property maintenance, rather than for automobiles.

Minor changes proposed for the site are threefold:

- The addition of a trash enclosure either directly behind the garage or in the southwest corner of the lot
- The addition of a privacy fence along the rear and left side property lines
- The incorporation of four required bicycle parking stalls on the front portion of the lot.

While the proposed configuration still would not provide for sufficient lot area required in the R6 District, the ratio of lot area per *bedroom* would improve. Thus, the conversion would decrease the existing amount of nonconformity pertaining to lot area. It appears as though the proposed conversion will meet usable open space requirements, although usable open space calculations will need to be provided on final plans submitted by the applicant.

## Evaluation and Conclusion

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### Evaluation

A four-unit building on this small residential lot results in a density of 50 units per acre, consistent with the 41-60 unit per acre range recommended for high-density residential areas in the Comprehensive Plan and the First Settlement/Old Market Place District specifically. The interior cosmetic improvements already made by the current owner demonstrate consistency with the Fourth District-Old Market Place Neighborhood Plan Strategy (1983), which recommended rehabilitation of existing housing stock. The conversion of a second floor lodging house with 5 bedrooms to two 1-bedroom apartments will likely lead to a multifamily dwelling with fewer residents and related impacts.

The minor site improvements proposed will help to maintain a residential structure built in 1904, while bringing the property up to par from a functional standpoint with trash storage out of the public view, formal bicycle parking, and enhanced screening from adjacent properties. Staff believes that either of the suggested locations for bicycle parking and trash storage on submitted plans would be fine, but recommends that all detail on the placement and type of bicycle racks, garbage enclosure, and fencing be specified in final plans for administrative review, prior to the issuance of the conditional use.

The Alder supports the proposal, and there is no known opposition at this time.

### Conclusion

The conditional use being requested will not only make an existing condition legal, but will lead to site improvements and a condition consistent with adopted plans. Importantly, the conditional use will allow the owner to obtain future permits for exterior maintenance (siding, roofing, windows, etc), which he has indicated he would like to pursue in the near future.

The Planning Division believes that the conditional use standards can be met, and recommends that the Plan Commission **approve** the conditional use 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

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

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the demolition request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Final site plans submitted for staff approval will include 4 bicycle parking stalls, the proposed fence, and the trash enclosure. A supplement to the plans will include elevations of the proposed fence and trash enclosure, and the specific type of bicycle rack proposed.

***The following conditions have been submitted by reviewing agencies:***

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

2. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (.dxf) format and contain only the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) All Underlying Lot lines or parcel lines if unplatted
- g) Lot numbers or the words "unplatted"
- h) Lot/Plat dimensions
- i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

3. Provide four (4) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The racks shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location.

**NOTE:** a bike-parking stall is two feet by six feet with a five-foot access area.

4. Obtain a Certificate of Occupancy for the change of use from lodging rooms to apartments. The facility shall pass the inspection of the Director of the Inspection Unit and the Fire Prevention Division.
5. Clearly show the qualifying usable open space areas on the final plans submitted for sign-off. Work with Planning and Zoning staff to identify these areas. The property must provide 560 sq. ft. of usable open space, or obtain a variance from the City's Zoning Board of Appeals.
6. Provide a detail drawing for the proposed dumpster enclosure, including materials for the screening fence and gate.
7. If outdoor lighting is provided, it must comply with City of Madison General Ordinances Section 10.085, Outdoor Lighting Standards.

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

This agency did not submit a response for this request.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

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.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency did not submit a response for this request