



PREPARED FOR THE PLAN COMMISSION

Project Address: 2017 S Stoughton Road
Application Type: Conditional Use
Legistar File ID # [89990](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Michael Spangler; Ultimate Arts, LLC dba Ultimate Arts Tattoo; 3236 Commercial Ave; Madison, WI 53714

Property Owner: Oakleaf Properties I LLC, John Blaska; 4740 Pierceville Rd; Cottage Grove, WI 53527

Requested Actions: Consideration of a conditional use in the Industrial-Limited (IL) District for a service business tenant (tattoo parlor) in an existing multi-tenant building at 2017 S Stoughton Road.

Proposal Summary: The applicant proposes to occupy a roughly 2,500-square-foot tenant space in the multi-tenant building located along the site’s S Stoughton Road frontage for use as a tattoo parlor.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) and the Supplemental Regulations [MGO §28.151] notes that *Service Businesses* are conditional uses in the Industrial-Limited (IL) District.

Review Required By: Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Industrial-Limited (IL) District for a service business tenant (tattoo parlor) in an existing multi-tenant building at 2017 S Stoughton Road, subject to the input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The 261,075-square-foot (roughly 5.99-acre) parcel is located to the east of S Stoughton Road, just north of the intersection with Helgesen Drive. It is also located in Alder District 16 (O’Brien), Wellhead Protection District 9, and the Madison Metropolitan School District.

Existing Conditions and Zoning: The subject site is developed with three buildings on the site – a roughly 26,000-square-foot, multi-tenant commercial building located near and oriented parallel to S Stoughton Road, and two industrial warehouse/office buildings – roughly 48,000- and 35,000 square-feet in size, respectively – located at the rear (east) of the site and oriented perpendicular to the street. The site is zoned Industrial-Limited (IL) District.

Surrounding Land Uses and Zoning:

North: A one-story warehouse/office building, zoned IL (Industrial-Limited) District;

South: A one-story warehouse/office building, zoned IL (Industrial-Limited) District;

West: S Stoughton Road (Service Road) and US Highway 51.

East: A stormwater retention pond/area, zoned CN (Conservancy) District.

Adopted Land Use Plans: Both the 2023 [Comprehensive Plan](#) and 2008 [Stoughton Road Revitalization Project Plan](#) recommend Industrial (I) for the subject parcel as well as those to the immediate north and south.

Zoning Summary: The project is zoned Industrial-Limited (IL) District:

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	261,072 sq. ft.
Lot Width	75'	>75'
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback	None if adjacent to property zoned IL or IG 10' if adjacent to property zoned anything other than IL or IG	9.6' existing north side yard Adequate south side yard
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Existing lot coverage
Maximum Building Height	None	1-story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	Existing parking stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	Existing accessible stalls
Loading	Not required	Existing loading area
Number Bike Parking Stalls	Service business: 1 per 2,000 sq. ft. floor area (2 minimum)	None <i>(See Comment #2)</i>
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	
Yes:	Barrier Free (ILHR 69); Utility Easements; Wellhead Protection (WP-09)
No:	Urban Design; Historic District; Floodplain; Wetlands; Adjacent to Park, TOD Overlay

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: The subject site is served by a full range of urban services, including Metro Transit, which operates daily all-day transit service along E Buckeye Road, roughly 0.3 miles to the north of the subject site and Pflaum Road, roughly 0.43 miles to the south.

Project Description

The applicant, Ultimate Arts Tattoo, is requesting conditional use approval to occupy a roughly 2,500-square-foot tenant space in an existing multi-tenant building for use as a tattoo parlor. Ultimate Arts Tattoo has operated a similar business at their current location on Commercial Avenue since 2001 but has noted in their submitted materials that their current lease is up at the end of the year and the property is to be redeveloped. Zoning classifies a tattoo parlor as a 'service business' which MGO Section 28.211 defines as a business that "provides services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following: Barber and beauty shops, tattoo shops, [...]" The multi-tenant building which Ultimate Arts Tattoo would be moving into is currently occupied by other businesses such as car stereo retail/installation business; a cleaning service company; a business which sells wood working products and also does milling on site; and a radiator fabricator, machining and welding company.

As for changes to the building or site, no exterior changes to the building are proposed nor are there any to the site. The applicant notes in submitted materials that there are roughly 50 automobile surface parking stalls on site which are shared amongst the building's tenants but that rarely any more than half are occupied at any given time throughout the day. The tattoo business will employ five to seven employees and the business will operate by appointment only, with general weekday hours of 11:00 am to 5:00 pm.

Analysis & Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) and the Supplemental Regulations [MGO §28.151] notes that *Service Businesses* are conditional uses in the Industrial-Limited (IL) District.

Conformance with Adopted Plans

Both the 2023 [Comprehensive Plan](#) and 2008 [Stoughton Road Revitalization Project Plan](#) recommend Industrial (I) for the subject parcel. The Comprehensive Plan notes that Industrial (I) areas, *“accommodate manufacturing, wholesale, storage, distribution, transportation, repair/maintenance, and utility uses. The I designation is not intended for retail or office uses not related to an industrial use, except for limited retail goods and services provided primarily to employees and users of businesses within the area. Compared to the E (Employment) designation, I areas generally have a relatively smaller workforce (for a given area), an emphasis on truck or rail traffic, and other characteristics such as outdoor work areas and outdoor equipment and materials storage.”*

Given due consideration, Staff believe it possible to find the proposed use compatible with the Industrial recommendation of the plans. Staff believe a tattoo parlor could be found to fall within the limited exception in the Comprehensive Plan's description for service businesses which serve the local area given that such a geographic focus for Ultimate Arts Tattoo could be found reasonable due to the fact that there is great existing market competition in the area with at least four other tattoo parlors located within 1¼ miles of the subject site (and approximately 15 more a few miles further away on the isthmus).

Conditional Use Standards

The Conditional Use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Staff believe the conditional use standards can be found met. Staff does not believe that establishment of a tattoo parlor use within a tenant space in an existing multi-tenant commercial building on the subject site would impede the normal and orderly development of the surrounding properties. Staff also do not believe that the proposal will prevent the subject parcel itself from redeveloping in the future in a manner more consistent with the adopted plan recommendations (i.e. with industrial uses). At the time of report writing, staff is also not aware of any evidence that the use will be detrimental to or endanger the public health, safety, or general welfare or would impair or diminish the uses, values and enjoyment of the surrounding properties.

Supplemental Regulations

Supplemental Regulations for Service Business:

- (a) In the TE and SE Districts, service businesses shall not exceed five thousand (5,000) square feet in floor area unless approved as a conditional use.
- (b) In the SEC, EC, IL, and IG Districts, service businesses shall be located only within a mixed-use building that includes office or other employment uses.

Staff believe these requirements can be found satisfied. Regarding Supplemental Regulation (b), the City's Zoning Administrator determined that the multi-tenant building at 2017 S Stoughton Road is a "mixed-use building with office/employment uses as the building's uses are office and contractor shop type uses or limited production and processing." Zoning determined that the building's existing tenants (uses) are employment type uses verses more commercial type uses such as general retail or food and beverage uses.

Public Comment

Staff is not aware of public comments for or against the request as of the writing of this report.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Industrial-Limited (IL) District for a service business tenant (tattoo parlor) in an existing multi-tenant building at 2017 S Stoughton Road, subject to the input at the public hearing and the following conditions from reviewing agencies:

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

Parking Review (Contact Trent W Schultz, (608) 246-5806)

1. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan could be required as part of approving the proposed Conditional Use. Please specify the expected number of parking stalls that will be assigned to the proposed use.

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

2. Bicycle parking for the service business (tattoo studio) shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
3. Obtain a Certificate of Occupancy.

4. Work with Zoning staff to establish a project completion date. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval.
5. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development

The following agencies reviewed the request and recommended no conditions of approval: The Planning Division, Engineering-Main Office, Engineering-Mapping, Traffic Engineering, Fire Department, Parks Division, Metro, Assessor's Office, Water Utility and Forestry.