



## Report to the Plan Commission

December 6, 2010

**Legistar I.D. #20708**  
**2103 Zeier Road**  
**Conditional Use Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of a conditional use for a payday loan business in the C3 (Highway Commercial) District.

**Applicable Regulations & Standards:** Section 28.09(4)(d)8 lists payday loan businesses as a conditional use in the C3 District. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the project meets all applicable conditional use standards and **approve** the proposed request for a new payday loan business at 2103 Zeier Road, subject to the recommended conditions and input provided at the public hearing.

### Background Information

**Applicant/Project Contact:** Heather Johnston; Interplan, LLC; 604 Courtland St., Ste 100; Orlando, FL

**Property Owner:** East Town Plaza, LLC c/o Ramco-Gershenson; PO Box 4900; Scottsdale, AZ

**Proposal:** The applicant proposes to convert an existing 2,100 sq. ft. retail space into a payday loan business, with no exterior changes to the site or building.

**Parcel Location:** 2103 Zeier Road is located on the east side of Zeier Road between East Towne Boulevard and East Springs Drive, Aldermanic District 17 (Clausius); Madison Metropolitan School District.

**Existing Conditions:** The 13,000 square foot commercial strip center, constructed in 1992, is part of a 21-acre Planned Commercial Site generally located on the northeast corner of Zeier Road and East Springs Drive. The building has six tenant spaces and a small surface parking lot located in the rear portion of the site.

**Surrounding Land Use and Zoning:** The site is surrounded by retail and service uses and associated surface parking in the C3 (Highway Commercial) and C3L (Commercial Service and Distribution) Districts.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Regional Commercial use this area.

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

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

**Zoning Summary:** The property is in the C3 (Highway Commercial) District

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	144,126 sq. ft.
Lot width	50'	513'
Usable open space	N/A	N/A
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard (Lake side)	10'	Adequate
Floor area ratio	3.0	Less than 1.0

### Site Design

No. Parking Stalls	63	122
Accessible Stalls	3	(See Condition No. ?, Page ?)
Loading	N/A	Existing
Bike parking Stalls	6	(See Condition No. ?, Page ?)
Landscaping	Yes	Existing
Lighting	Yes	Existing
<b>Other Critical Zoning Items</b>		
Urban Design		No
Historic District		No
Landmark Building		No
Flood Plain		No
Utility Easements		No
Waterfront Development		No
Adjacent to Park		No
Barrier Free (ILHR 69)		Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

## Analysis and Evaluation

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### Existing Conditions

The 13,000 square foot commercial strip center, constructed in 1992, is part of a 21-acre Planned Commercial Site generally located on the northeast corner of Zeier Road and East Springs Drive. The building has six tenant spaces and a small surface parking lot located in the rear portion of the site.

### Site and Building Plans

Proposed changes are limited to interior renovations of the existing tenant space. There are no proposed changes to the site or building exterior, although the applicant will need to comply with contemporary zoning regulations by incorporating two bicycle-parking stalls and ensuring that the landscaping meets code.

### Land Use

Payday loan businesses are a conditional use in the C3 (Highway Commercial) District provided no other payday loan business or any auto title loan business is located within five thousand feet (MGO Section 28.09(4)(d)8). The proposed site meets this requirement. As additional context, the site is at least a half mile from existing residential uses or areas planned for residential use.

The applicant notes that intended hours of operation will be 10 am – 6 pm, Monday through Thursday, 10 am – 7 pm on Fridays, and 10 am to 1 pm on Saturdays (closed Sunday). Staff recommends that the conditional use approval limit the hours of operation to 9 am to 7 pm, Monday through Saturday, to accommodate this intended schedule and provide a reasonable amount of future flexibility.

### Public Input

The proposal is supported by Alder Clausius, and staff is unaware of any additional public input.

## Conclusion

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Staff believes that the conditional use standards are met with the proposal, and recommends that the Plan Commission **approve** the conditional use request.

## **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 demolition and conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

### **Planning Division** (Contact Heather Stouder, 266-5874)

1. Hours of operation shall be limited to 10 am to 7 pm, Monday through Saturday.

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

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

2. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3)6.(m) which includes all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of three accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
3. Provide 6 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. **NOTE:** A bike parking stall is two feet by six feet with a five-foot access area.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, and MGO Chapter 33, Urban Design ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

5. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible

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

6. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

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

This agency submitted a response with no conditions of approval 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.