



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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November 23, 2010

William F. White, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street
Suite 700
Madison, WI 53703

RE: Conditional use approval to establish an off-premise parking lot at 2223 Atwood Avenue for a business located at 2305 Atwood Avenue.

Dear Mr. White:

The Plan Commission, meeting in regular session on November 22, 2010, determined the ordinance standards could be met and approved your client's conditional use application to establish an off-premise parking lot at 2223 Atwood Avenue for a business located at 2305 Atwood Avenue, subject to the below conditions. In order to receive final approval of the conditional use, the following conditions must be met:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following nine (9) items:

1. Any work in the right-of-way shall require appropriate permitting. Permit applicants are available at <http://www.cityofmadison/engineering/permits.cfm>
2. Assessor's Office records for this property indicate two-unit property use, yet only a singular address is currently assigned. A field trip to the site by Engineering Mapping staff revealed that 2223 and 2223A address numbers are physically posted on the building. Please coordinate a final addressing plan with Lori Zenchenko addressing@cityofmadison.com the final intended number of units proposed for this site. NOTE: Alpha addresses such as 2223A do not conform to Madison General Ordinances.
3. The applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
4. All work in the public right-of-way shall be performed by a City licensed contractor.
5. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
6. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.

7. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
8. 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, and i) Street names. All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

9. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. PDF submittals shall contain the following information: a) Building footprints, b) Internal walkway areas, c) Internal site parking areas, d) Lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

Please contact John Leach, Traffic Engineering, at 267-8755 if you have questions regarding the item:

10. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

Please contact Matt Tucker, Zoning Administrator, at 266-4569 if you have any questions regarding the following eight (8) items. Please note that condition 13 includes the Plan Commission-approved alterations to the recommended staff condition.

11. The automobile body shop associated with this property is a nonconforming use at 2305 Atwood Avenue. This parking area will allow for employee and customer parking for the property at 2305 Atwood Avenue, as a Conditional Use. This approval will not expand the legal-nonconforming status of the auto body shop.
12. The building on the subject property is currently vacant. Future use of the building will require the provision of off-street parking, when building or occupancy permits are requested. This may reduce the number of stalls available to serve as a non-accessory parking facility.
13. This project is considered similar to parking for other auto repair businesses, where vehicles typically may be parked/stored for a short amount of time as they are being fixed, or are ready for customer pickup. This is in contrary to an automobile storage yard or junkyard, which is not a permitted use in the C2 zoning district. To clarify the allowed usage of this parking lot, Zoning staff request the Plan Commission condition the approval as follows:

- a. The parking area may not be used for drop-off of inoperable damaged vehicles. Vehicles on the lot shall be in condition for safe and effective performance of the function for which they are designed.
 - b. The parking area may not be used for storage of vehicles in various states of repair.
 - c. The parking area may not be used to park/store an individual vehicle for more than ten days.
14. Provide landscaping and screening for the parking lot per 28.04(12).
15. Bike parking shall comply with City of Madison General Ordinances Section 28.11.
16. Provide 2 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.
17. If lighting is required, it shall comply with City of Madison outdoor lighting standards, section 10.085.
18. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
- a) Provide the minimum required 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.
 - c) Show the accessible path from the stalls to the buildings.

Please contact Tim Sobota, Metro Transit, at 261-4289, if you have any questions on the following two items. Please note that condition 20 includes the Plan Commission-approved alterations to the recommended staff condition.

19. Metro Transit operates daily transit service along Atwood Avenue through the Evergreen Avenue intersection. Bus stop ID#1887 is adjacent the proposed project site, with the signed bus stop zone running from the existing bus stop sign location forward to the intersection.
20. At the time when a concrete contractor is mobilized on site for improvements or repairs, the applicant shall install a concrete passenger boarding pad in the terrace between the curb and sidewalk, adjacent the existing curb ramp at the corner of Atwood and Evergreen Avenues.

Please contact my office, at 267-1150, if you have any questions on the following two items. Please note that condition 22 was added by the Plan Commission.

21. That the applicant provides additional detail on the proposed landscaping in the Evergreen Avenue buffer for approval by staff. This information shall specify the exact species, planting sizes, number of plantings and extent of the planting area. The minimum planting size should be at least two to three feet.
22. That the applicant installs a rain garden on the property in the area designed "proposed grass area."

Please now follow the procedures listed below for obtaining your conditional use:

1. Please submit eight (8) copies of a complete plan set to the Zoning Administrator for final review and comment.
2. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use.

If you have any questions regarding obtaining the conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP
 Planner

cc: Janet Dailey, City Engineering
 John Leach, Traffic
 Matt Tucker, Zoning
 Tim Sobota, Metro

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.</p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Applicant</i></p> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <p style="text-align: center;"><i>Signature of Property Owner (if not the applicant)</i></p>

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro