

PLANNING DIVISION STAFF REPORT

April 27, 2026



PREPARED FOR THE PLAN COMMISSION

Project Address: 1010 Ann Street (District 14, Alder Lieberman)
Application Type: Conditional Use
Legistar File ID #: [91647](#)
Prepared By: Lisa Ernest, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Owner & Applicant: Richard Torhort; Kunes Mitsubishi Madison Property, LLC; 1234 East Gevena Street, Delevan, WI 53115

Contact: Bruce Hollar; D'Onofrio Kottke & Associates; 7530 Westward Way, Madison, WI 53717

Requested Action: Consideration of a conditional use in the Commercial Center (CC) District for a private parking facility in the Transit-Oriented Development (TOD) Overlay District.

Proposal Summary: The applicant is requesting to develop a private parking facility on the property. The existing building on the site would be demolished. The applicant operates a car dealership on the neighboring property. The private parking facility would be used to park vehicle inventory, and employee and customer vehicles. The applicant has been operating a private parking facility without conditional use approval since at least 2019. Approval of this request would bring the property into compliance with the Zoning Code. On December 21, 2025, an amendment to the Zoning Code that prohibits private parking facilities in the TOD Overlay District went into effect (Legistar ID [90552](#)). A complete application for 1010 Ann Street was submitted on December 10, 2025. Therefore the application must be considered under the Zoning Code that was in effect at that time, which allows private parking facilities in the TOD Overlay District. Consideration of this application has been delayed while City staff worked with the applicant to ensure the project plans comply with the Zoning Code.

Applicable Regulations & Standards: Approval standards for conditional uses are found in MGO Section 28.183(6).

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request in the Commercial Center (CC) District and Transit-Oriented Development (TOD) zoning overlay for a private parking facility at 1010 Ann Street.

Background Information

Parcel Location: The site is 0.58 acres (25,580 square feet). It is located on the north side of Ann Street between Perry Street and Fish Hatchery Road. The site is within Alder District 14 (Alder Lieberman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is in the Commercial Center (CC) District and the Transit-Oriented Development (TOD) Overlay District. There is a one-story auto repair building with a parking lot on the site.

Surrounding Land Use and Zoning:

North: Large one-story commercial and warehouse building, zoned Commercial Center (CC) District; two-story multifamily buildings, zoned Suburban Residential – Varied 1 (SR-V1) and Suburban Residential – Varied 2 (SR-V2) District;

East: Car dealership, a church, zoned CC District; and

South: Ann Street and US HWY 18; and

West: One-story commercial and warehouse building, two-story multifamily buildings, zoned CC District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2024) and the [South Madison Plan](#) (2020) recommend Employment (E) development for the property and adjacent properties. Properties to the north are recommended for Medium Residential (MR) development in both plans.

Zoning Summary: The property is in the Commercial Center (CC) District. It is also in the Transit-Oriented Development (TOD) Overlay District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	25,600
Lot Width	None	175 ft
Front Yard Setback	None	Existing, no change
Max. Front Yard Setback	20 ft (TOD)	Existing, no change
Side Yard Setback	None	Existing, no change
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	85%	60%
Minimum Building Height	2 stories (TOD)	Existing, no change
Maximum Building Height	6 stories/90 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	None	35
Electric Vehicle Stalls	None	None
Accessible Stalls	None	1
Loading	None	None
Number Bike Parking Stalls	None	None
Landscaping and Screening	Yes	Yes See Comment #13
Lighting	No	No See Comment #14
Building Form and Design	N/A	N/A

Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

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

Project Description, Analysis, and Conclusion

Project Description

The applicant is proposing to develop a private parking facility on the property. The applicant operates a car dealership on the neighboring property. The private parking facility would be used to store vehicle inventory and park employee and customer vehicles. The site has been used as a private parking facility without conditional use

approval since at least 2019. The Zoning Office issued a notice of violation in 2019 and 2022 to the previous owner. It is staff's understanding that the applicant was leasing the property at that time. A notice of violation was issued in 2024 after the applicant purchased the property. Approval of this request would bring the property into compliance with the Zoning Code.

On December 21, 2025, an amendment to the Zoning Code that prohibits private parking facilities in the TOD Overlay District went into effect (Legistar ID [90552](#)). A complete application for 1010 Ann Street was submitted on December 10, 2025. Therefore the application must be considered under the Zoning Code that was in effect at that time, which allows private parking facilities in the TOD Overlay District with conditional use approval. Consideration of this application has been delayed while City staff worked with the applicant to ensure the project plans comply with the Zoning Code.

The existing auto repair building on the site would be demolished. The Landmarks Commission found that the building has no known historic value (Legistar ID [92420](#)). This is a Category C demolition, which the Plan Commission does not review.

The site has two driveway entrances. It is enclosed with an existing 6-foot tall chain link fence with black privacy slats. There would be 45 parking stalls. The landscape plan shows eight deciduous trees.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2024) and the [South Madison Plan](#) (2020) recommend Employment (E) development for the property and adjacent properties. Employment (E) areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community but may include limited retail and service establishments that primarily serve employees and users of the area.

Private parking facilities are a conditional use in the CC District. While a private parking facility use is not a typical Employment use, staff do not believe it will prevent this property or nearby properties from developing or redeveloping in accordance with adopted plans in the future.

Conditional Use Standards

The applicant is requesting approval of a private parking facility in the Commercial Center (CC) District and the Transit-Oriented Development (TOD) Overlay District.

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 Section 28.183(6) are met. Please note, 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. State law also states that if an applicant for a conditional use meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the Plan Commission, the city shall grant the conditional use permit.

MGO Section 28.183(6) lists sixteen approval standards, of which not all are applicable to every conditional use. For this request, Standards 7 and 9-16 do not apply, while standards 1-6 and 8 are applicable. Staff believe that the Plan Commission can find standards 1-6 and 8 to be met. This report provides a discussion of standard 4.

Standard 4 states, "The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district." The property is surrounded by commercial buildings, including a roofing supply distributor and car dealership. Staff do not believe the private parking facility will prevent this property or nearby properties from developing or redeveloping in accordance with uses permitted in the CC District and TOD Overlay District, including more intensive development should it be proposed in the future.

In conclusion, staff believe, given due consideration of adopted Plans, that the approval standards can be found met subject to the recommended conditions of approval.

Recommendation

Planning Division Recommendation (Contact Lisa Ernest, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses met and **approve** the request in the Commercial Center (CC) District and Transit-Oriented Development (TOD) zoning overlay for a private parking facility at 1010 Ann Street.

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

Engineering Division (Contact Kathleen Kane, 266-4098)

1. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
2. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
3. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
4. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
5. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

6. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

Traffic Engineering (Contact Sean Malloy, 266-5987)

7. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
8. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all

associated costs including engineering, labor and materials for both temporary and permanent installations.

9. The City Traffic Engineer may require public signing, marking and street lighting related to the development; the Developer shall be financially responsible for such signing, marking and street lighting.
10. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
11. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
12. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer. Contact Jeremy Nash with Traffic Engineering at 608-266-6585 or jnash@cityofmadison.com to begin waiver process.

Zoning (Contact Jacob Moskowitz, 266-4560)

13. Provide adequate development frontage landscaping per Section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be planted on the private property.
14. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with City of Madison General Ordinances Section 29.36 outdoor lighting standards. If parking lot site lighting is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.

Forestry Division (Contact Zachary Eckberg, zeckberg@cityofmadison.com)

15. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

16. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

17. City Forestry will issue a street tree removal permit for (X) tree(s) (dbh) diameter (variety) tree due to (reason) at (location). The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.
18. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
19. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within tree DBH in feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
20. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within tree DBH in feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
21. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least tree DBH in feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

22. There is a private storm sewer that is approximately 1.5 feet northwesterly of the northwest corner of this site that serves this same owner's adjacent property at 920 Ann Street. Although it does not physically cross this site, it is recommended that this owner grant a Storm sewer Easement to the 920 and 1002 Ann Street properties to allow for any future maintenance, repair or replacement of the storm sewer. An existing private storm sewer easement exists on the adjacent lands per Doc 5312314 and 5319584.
23. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

Parking Utility (Contact Trent Schultz, 246-5806)

24. 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 used for non-inventory purposes, including employee and customer parking stalls.

The following agencies reviewed the request and recommended no conditions of approval: Assessor's Office, Fire Department, Parks Division, Water Utility, Metro Transit.