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November 18, 2010

Nan E. Fey, Chair
City of Madison Plan Commission
c/o City of Madison Department of Planning & Development
Room LL-100
215 Martin Luther King, Jr. Blvd.
Madison, WI 53709

Re: Lynch Properties, LLC
Conditional Use Permit Application for 2305 Atwood Avenue
Legistar #20588

Dear Chair Fey:

We represent Lynch Properties, LLC, the applicant for Conditional Use Permit ("CUP") for customer automobile parking for Lynch Auto Body. This matter will come before the Plan Commission for consideration on November 22, 2010. At that time, we request that the Plan Commission approve the CUP with certain modifications to the Staff Comments as noted below.

Lynch Auto Body has been a small business in the Atwood Avenue Neighborhood for over 60 years and is a real asset to the Neighborhood. Lynch Auto Body is located at 2305 Atwood Avenue and is a nonconforming use under the City of Madison Zoning Ordinance. Lynch Auto Body repairs automobiles and undertakes body work to repair those vehicles. Often, the vehicles can be driven under their own power. However, some automobiles have fenders which have been bent into the wheels or are otherwise unsafe to operate and, in those circumstances, they are towed in for service. Generally speaking, the turnaround time for repair and release of a vehicle is less than 5 days but sometimes they run up to 10 days.

For many years, the cars waiting repair work were parked on City streets. That was not the appropriate place to park the cars and, in 2001, Lynch Properties, LLC bought a lot which is one zoning lot away from its location and is across Evergreen Street. Cars have been parked there on a gravel rear parking lot for almost 10 years. Lynch Properties, LLC received two zoning citations as the parking lot was not properly permitted.

This CUP will correct that problem and conform the use of the lot, provide a landscaped visual buffer, will be paved so that storm water will be controlled, and fenced to the rear to screen the neighbors. In meeting with City Staff, Matt Tucker determined that this was the appropriate way to proceed. Please see the e-mail exchanges attached to this letter as Exhibit A.

In reliance upon the City's recommendation that the CUP be secured under MGO §28.09(2)(d)7., Tim Lynch met with neighbors, met with the Schenk-Atwood-Starkweather-Yahara Neighborhood Association ("SASYNA") and paid for engineering drawings to support this CUP application. However, when the Staff comments came out, they, in essence, prohibit

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the use instead of allowing the use. We would suggest that the three zoning comments indicated by Mr. Tucker at Item 14 be replaced with the following:

- a. The parking area may not be used for ~~drop long-term storage~~ of inoperable damaged vehicles. Vehicles on the lot shall be promptly repaired to a condition for safe and effective performance of the function for which they are designed.
- b. The parking area may not be used for long-term 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 five ten consecutive business days.


In addition, Planning Staff has indicated the desire to have more substantial vegetation as opposed to ornamental vegetation surrounding the lot. This is acceptable to us and the ornamental shrubs will be replaced with evergreen bushes.

This is an excellent opportunity for the City of Madison to work cooperatively with a long-standing small business in the Community. The neighbors support this. There was no objection noted at the SASYNA meeting and staff is generally supportive. It is just a matter of crafting the conditions so that the use is allowable.

Thank you in advance for your time and consideration of this matter. If you have any questions prior to Monday evening, please do not hesitate to contact me at 695-4946. Otherwise, we will look forward to seeing you on Monday evening.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



William F. White

Enclosures

cc: Alder Marsha Rummel
Bradley J. Murphy
Kevin Firchow
Matthew Tucker
Dan Melton, Chair, SASYNA
Lynch Properties, LLC

027642-00017672038.1

White, William F (22246)

-----Original Message-----

From: Tucker, Matthew
Sent: Thursday, April 08, 2010 11:20 AM
To: Rummel, Marsha
Cc: Peguero, Adriana; 'White, William F (22246)'
Subject: RE: Thanks for being so courteous with Tim Lynch

Bill's summary is accurate. Tim does not want to use the property as a "junkyard" or "Auto Storage yard", it will be used and designed as an off-site parking lot, for employees, pickup/drop off of vehicles to be serviced, etc. We look to treat this similar to how we would look at parking for other auto repair shops, where cars typically can be stored for a short amount of time as they are being fixed. He knows he cannot use it for long-term storage of repairables. We will probably attach conditions to ensure it does not revolve into a auto storage yard. Something like: requiring the maximum duration of vehicles parked there not to exceed a week. There will likely be other conditions.

Matt Tucker

-----Original Message-----

From: White, William F (22246) [<mailto:WFWhite@michaelbest.com>]
Sent: Thursday, April 08, 2010 11:14 AM
To: Rummel, Marsha; Tucker, Matthew
Cc: Peguero, Adriana
Subject: RE: Thanks for being so courteous with Tim Lynch

Tim will be applying for a CUP in the C-2 district for off-site parking. The site plan was reviewed and approved by John Leach and we have been working with Matt. I am hoping you can support it since it appears to be a win-win and allows a 60 year old neighborhood business to be compliant with the zoning code. Bill

-----Original Message-----

From: Rummel, Marsha [<mailto:district6@cityofmadison.com>]
Sent: Thursday, April 08, 2010 11:08 AM
To: White, William F (22246); Tucker, Matthew
Cc: Peguero, Adriana
Subject: RE: Thanks for being so courteous with Tim Lynch

What track are we on? Last I talked the (courteous) Matt which was many weeks ago, I understood there were outstanding issues...

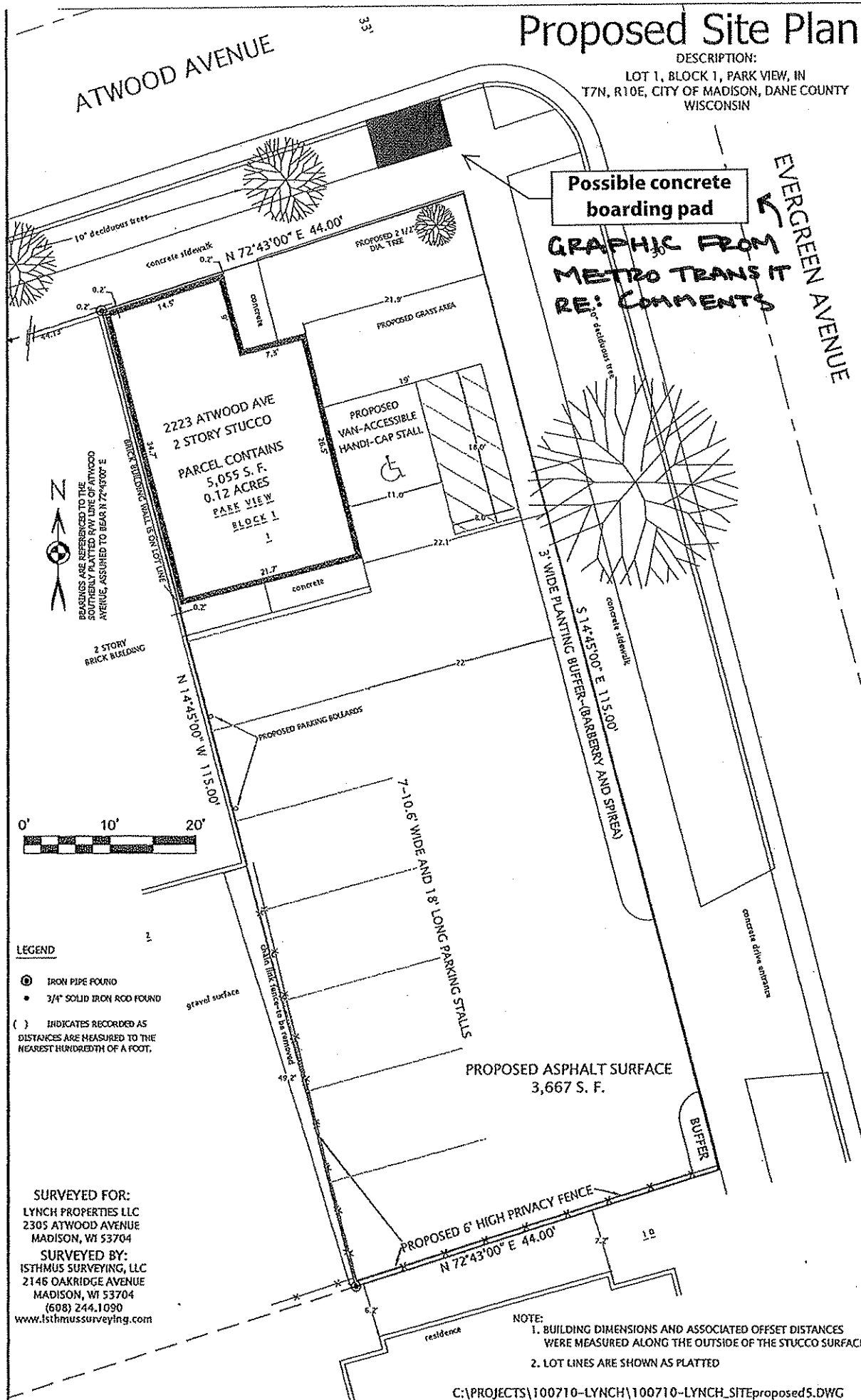
Thanks
Marsha

From: White, William F (22246) [WFWhite@michaelbest.com]
Sent: Thursday, April 08, 2010 11:07 AM
To: Tucker, Matthew
Cc: Peguero, Adriana; Rummel, Marsha
Subject: Thanks for being so courteous with Tim Lynch

He was truly enthused and hopeful that he can continue his business and was very complimentary of you. Would you be so kind to confirm with Adriana that we are on a track to resolution? Thanks. Bill

Proposed Site Plan

DESCRIPTION:
 LOT 1, BLOCK 1, PARK VIEW, IN
 T7N, R10E, CITY OF MADISON, DANE COUNTY
 WISCONSIN



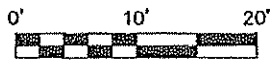
Possible concrete boarding pad

GRAPHIC FROM METRO TRANSIT RE: COMMENTS

EVERGREEN AVENUE



BEARINGS ARE REFERENCED TO THE SOUTHERLY PLATTED R/W LINE OF ATWOOD AVENUE, ASSUMED TO BEAR N 72°43'00" E



LEGEND

- ⊙ IRON PIPE FOUND
- 3/4" SOLID IRON ROD FOUND
- () INDICATES RECORDED AS DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

SURVEYED FOR:
 LYNCH PROPERTIES LLC
 2305 ATWOOD AVENUE
 MADISON, WI 53704

SURVEYED BY:
 ISTHMUS SURVEYING, LLC
 2146 OAKRIDGE AVENUE
 MADISON, WI 53704
 (608) 244.1090
 www.isthmussurveying.com

- NOTE:**
1. BUILDING DIMENSIONS AND ASSOCIATED OFFSET DISTANCES WERE MEASURED ALONG THE OUTSIDE OF THE STUCCO SURFACE.
 2. LOT LINES ARE SHOWN AS PLATTED