

## PLANNING DIVISION STAFF REPORT

June 24, 2019



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4102 Lien Road (District 17 – Ald. Baldeh)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [55912](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant, Contact, & Property Owner:** Josh Anderson; Capitol Lien Road LLC, c/o Capitol Real Estate; 8605 Fairway Place; Middleton, WI; 53562

**Requested Action:** Approval of a conditional use to establish an auto repair facility tenant (car detailing) in an existing multi-tenant commercial building in the Commercial Corridor - Transitional (CC-T) Zoning District at 4102 Lien Road.

**Proposal Summary:** The applicant proposes to establish an auto repair facility exclusively for car detailing. The subject site is located within Zone A of the WP-15 Wellhead Protection Zone. No repair work, painting, body work, or oil changes will occur at this facility. No exterior changes to the building are proposed.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.061 lists an auto repair station as a Conditional Use in the Commercial Corridor - Transitional (CC-T) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. This proposal is also subject to Overlay Districts Subchapter 28H, [MGO § 28.102] which contain regulations for sites located within Wellhead Protection Districts.

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish an auto repair station in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) Zoning District at 4102 Lien Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Parcel Location:** The 94,385-square-foot (2.17-acre) subject site is located on the north side of Lien Road. It is within Aldermanic District 17 (Ald. Baldeh), and within the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel is developed with one single-story 18,650-square-foot multi-tenant commercial building (where the repair station is proposed) and a single-story funeral home in the rear on the site. The applicant will occupy the 3,500-square-foot eastern most tenant space within the commercial building. Both buildings have off-street vehicle parking lots and share driveway access off of Lien Road.

### Surrounding Land Use and Zoning:

North: A hotel and a variety of commercial uses, zoned Commercial Corridor – Transitional (CC-T);

East: A Porchlight housing facility, with a multi-tenant commercial building beyond, zoned CC-T;

South: Industrial buildings, zoned Industrial General (IG); and

West: The Islamic Center of East Madison, zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Regional Mixed-Use (RMU) for the subject site. RMU includes existing and planned high-intensity centers supporting a variety of multi-family centers supporting a variety of multifamily housing options and commercial activity centers serving the needs of the region. These areas typically include large-scale sites supportive of multistory buildings up to twelve stories in height, subject to recommendations in adopted sub-area plans. The [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#) recommends commercial uses for the subject site.

**Zoning Summary:** The property is in the Commercial Corridor - Transitional (CC-T) Zoning District.

| Requirements                       | Required                                                  | Proposed             |
|------------------------------------|-----------------------------------------------------------|----------------------|
| Number Parking Stalls              | No minimum                                                | 54                   |
| Accessible Stalls                  | 3                                                         | 3                    |
| Loading                            | Not required                                              | None                 |
| Number Bike Parking Stalls         | Existing bike parking                                     | 10                   |
| Landscaping and Screening          | Yes                                                       | Existing landscaping |
| Lighting                           | Yes                                                       | Existing lighting    |
| Building Forms                     | Yes                                                       | Existing building    |
| <b>Other Critical Zoning Items</b> | Utility Easements, & Wellhead Protection District (WP-15) |                      |

*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

## Project Description

The applicant requests conditional use approval to establish an auto repair tenant (car detailing) in an existing multi-tenant commercial building. According to MGO §28.211, an auto repair station is defined as, “A shop or business where the following services may occur: general motor vehicle repair engine rebuilding or reconditioning of motor vehicles; and minor collision service.” While the proposed business will be related to detailing cars and motorcycles, the Zoning Administrator determined that this request falls under the Zoning Code’s definition for auto repair.

As proposed, the detailing work will occur inside the easternmost 3,500 square-foot tenant space. There is an existing canopy off the rear of the space, where the applicant requests some detailing to take place if the interior space is at capacity. In keeping with the Supplemental Regulations in MGO §28.151, all auto servicing shall occur within an enclosed building. More detail is given to this matter under the analysis section of this report. Furthermore, the applicant requests the ability to work on up to four (4) cars at a time, and will have three to five employees on site. As a condition of approval, the Planning Division requests an update floor plan with clearly delineated work stalls inside the building.

The proposed hours of operation are 8:00 a.m. to 5:00 p.m. Monday through Friday and by appointment on Saturday. No exterior changes to the building are proposed.

## Analysis and Conclusion

This request is subject to the Conditional Use Standards as Table 28D-2 in MGO §28.061 indicates that an auto repair station is a conditional use in the Commercial Corridor – Transitional (CC-T) Zoning District. This proposal is also subject to Overlay Districts Subchapter 28H, [MGO § 28.102] which contain further regulations for sites located within Wellhead Protection Districts. Lastly, the Supplemental Regulations [MGO §28.151] contain additional requirements for auto repair.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the Conditional Use Standards of MGO §28.183(6) are met.

### Conformance with Adopted Plans

In giving consideration to adopted plans, auto repair is not necessarily consistent with the Regional Mixed-Use (RMU) land use recommendation in the City's [Comprehensive Plan \(2018\)](#), however staff acknowledges this to be a "long-term" recommendation. The Plan notes that refined recommendations may be provided through the adoption and preparation of detailed neighborhood and special area plans. The [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#) recommends commercial uses for the subject site, and the Planning Division believes that this request conforms to that recommendation. The Planning Division does not believe that utilizing a tenant space for auto repair in an existing commercial building will preclude future redevelopments that are more consistent with the goals of the [Comprehensive Plan \(2018\)](#).

### Conditional Use Standards

In order to approve this Conditional Use request, the Plan Commission must find that the Conditional Use Standards of §28.183(6) MGO are met. Standard #1 states, "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare." This property is located within Zone A of the WP-15 Wellhead Protection Zone. Given the nature of traditional auto repair, one could be concerned with the environmental impacts of an auto repair station on the site. Furthermore, §28.102(3) MGO states, "All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manager or his/her designee. A use may be approved with conditions."

The applicant submitted a description of the products and potential impacts of the proposed use to the Water Utility. These comments are attached to this report for reference. In correspondence with Joseph Grande, Water Quality Manager for Madison Water Utility, he stated that the Water Utility is satisfied with the proposal so long as all detailing occurs in an interior space and that all the waste is discharged into the sanitary sewer. In order for Plan Commission to find Standard #1 met, staff recommends adherence to the recommended conditions of approval from Water Utility.

The Planning Division believes that utilizing an existing commercial space for car detailing will not inhibit the future redevelopment of the site, nor will it disrupt the normal and orderly development of the neighborhood. Therefore, the Planning Division believes that the Conditional Use Standards can be found met.

## Supplemental Regulations for Auto Repair Stations

Auto repair stations are also subject to the Supplemental Regulations pursuant to Section 28.151. A copy of the Supplemental Regulations has been included in the Plan Commission materials. Generally, the Supplemental Regulations restrict auto repair to activities to be carried on within an enclosed building, specify operating hours, and reference specific activities and equipment that are allowed outside. The applicant requested the ability to work on vehicles under the rear canopy of the building. In keeping with the Supplemental Regulations and comments from Water Utility, the Planning Division recommends a Condition of Approval to limit all auto detailing to occur inside the building.

## Public Input

At the time of report writing, staff was not aware of any neighborhood concerns on this request.

## Conclusion

The Planning Division believes that the request for auto repair (car detailing) on the property at 4102 Lien Road can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. Despite being located in a Wellhead Protection District, given the feedback from the Water Utility, the Planning Division believes that this proposal meets the Conditional Use Approval Standards and Wellhead Protection District requirements.

The Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish an auto repair station in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) Zoning District at 4102 Lien Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

### Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. All auto detailing activities shall occur within the interior building space.

### Zoning (Contact Jacob Moskowitz, (608) 266-4560)

2. Use shall comply with all supplemental regulations listed in Sec. 28.151, including no work outside of enclosed buildings.

### Fire Department (Contact Bill Sullivan, (608) 261-9658)

3. As a change of use from the building code perspective, ensure compliance with allowable area, occupancy separation, HVAC requirements and/or fire protection requirements.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

4. This property is located within Zone A of the Well 15 Wellhead Protection Area, subsequently, hazardous and/or toxic materials may not be stored on site, and all proposed uses of this site shall comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative.
5. All auto detailing activities must occur in an interior space and the waste shall be discharged to the sanitary sewer.