



PREPARED FOR THE PLAN COMMISSION

Project Address: 2106 W Badger Road (14th Alder District, Ald. Carter)

Application Type: Conditional Use

Legistar File ID #: [67801](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Tim Kuhn; Heartwood Tree Company; 1211 Greenway Cross; Madison, WI 53713

Contact: Ryan Quam; Quam Engineering, LLC; 4604 Siggelkow Road, Suite A; McFarland, WI 53885

Requested Action: The applicant requests consideration of a conditional use in the Commercial Center (CC) District for outdoor storage associated with a contractors shop to be constructed at 2106 W Badger Road.

Proposal Summary: The applicant requests approval for outdoor storage associated with a new permitted-use contractors shop which will be constructed for the company, Heartwood Tree Company. The storage area will be located to the east of the building, used to store company trucks, chippers, and associated arborist equipment; and enclosed with fencing and a gate.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)], as Table 28D-2 in Section 28.062(2) of the Zoning Code lists outdoor storage as a conditional use in the CC district. It is also subject to the Supplemental Regulations for Outdoor Storage [MGO §28.151].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for conditional uses met and **approve** the proposed outdoor storage for a contractors shop in the Commercial Center (CC) District Zoning at 2106 W Badger Road. Each of these recommendations is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The 79,020-square-foot (1.81-acre) subject property is located to the northeast of the eastern terminus of W Badger Road. It is located within Alder District 14 (Ald. Carter) as well as the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The square-shaped site is vacant and is zoned Commercial Center (CC) District.

Surrounding Land Use and Zoning:

North: The University of Wisconsin Arboretum, zoned Conservancy (CN);

East and South: A city-owned parcel for stormwater management, zoned Conservancy (CN); and

West: An industrial warehouse building, zoned CC.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) and [Arbor Hills-Leopold Neighborhood Plan](#) (2013) both recommend General Commercial (GC) uses for the subject site. The Comprehensive Plan notes that GC “areas provide the city’s population with a wide range of retail goods and services, including certain business and professional offices” and “includes automobile-oriented uses and “heavy” commercial uses.” The [Arbor Hills-Leopold Neighborhood Plan](#) (2013) recommends General Commercial uses for the subject site and identifies it within the *Evergreen View Business Area*. Relevant to the subject site, the Plan provides the following design principals for the Evergreen View Business Area: building façades with windows, well-defined entrances, no blank walls; Pedestrian-scale site features and amenities with design features that reflect surrounding natural areas: benches, trash containers, bike racks, trees, lighting and awnings; Parking and loading in rear of building or possibly on side of structure; Interior sidewalks and landscaping; Sidewalk setbacks of 10 to 15 feet.

Zoning Summary: The property is zoned Commercial Center (CC) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	79,020
Lot Width	None	50 ft
Front Yard Setback	5 ft	79 ft
Max. Front Yard Setback	70% at 85 ft	79 ft
Side Yard Setback	5 ft	23.4 ft, 168 ft
Rear Yard Setback	20 ft	138 ft
Maximum Lot Coverage	85%	25%
Maximum Building Height	5 stories/78 ft	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 26 maximum	15
Accessible Stalls	1	1
Loading	None	No
Number Bike Parking Stalls	1/2,000 sq ft = 3	2 (See Comment #27)
Landscaping	Yes	Yes (See Comment #28)
Lighting	Yes	Yes
Building Forms	Yes	Free-Standing Commercial (See Comment #26)

Other Critical Zoning Items	Utility Easements
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Tables 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 approval for outdoor storage associated with a new permitted-use contractors shop which will be constructed for the company, Heartwood Tree Company on the vacant site at 2016 W Badger Road. An outdoor storage area will require conditional use consideration. MGO §28.211 defines Outdoor Storage as “permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered “outdoor storage.””

The storage area will be located to the east of the building, and will be used to store company trucks, chippers, and associated arborist equipment. While the submitted plans just show fencing being added along the north, eastern and southern sides of the storage area, fencing will need to be extended all the way to the proposed

building, and very likely require a gate with screening (to let automobiles past) In order to with Supplemental Regulation (b) for Outdoor Storage (Section 28.151) which states, *“Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.”* Fencing details shall be required as a condition of approval by Zoning and Planning staff.

As for the contractors shop building itself, submitted plans show a 1-story, 66-foot by 80-foot Wick building with metal walls and roof to be constructed on the western half of the site. It will have overhead doors on the southern, eastern and northern façades. A small office will be located at the southeastern corner. Staff note that the building’s southern elevation does not currently meet Section 28.060(2)(d) which states *“For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.”* The design will need to be revised and approved by Zoning Staff before final sign off.

Fifteen automobile parking stalls for customers and employees will be located to the south and east of the building. A bioretention pond will be added to the east of the storage area.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)], as Table 28D-2 in Section 28.062(2) of the Zoning Code lists outdoor storage as a conditional use in the CC district. It is also subject to the Supplemental Regulations for Outdoor Storage [MGO §28.151]. The analysis below begins with a summary of the adopted plan recommendations.

Conformance with Adopted Plans

The Planning Division believes that the project can be found compatible with adopted plan recommendations. Both the 2018 [Comprehensive Plan](#) and [Arbor Hills-Leopold Neighborhood Plan](#) (2013) both recommend General Commercial (GC) uses for the subject site. The Comprehensive Plan notes that GC *“areas provide the city’s population with a wide range of retail goods and services, including certain business and professional offices”* and *“includes automobile-oriented uses and “heavy” commercial uses.”* The [Arbor Hills-Leopold Neighborhood Plan](#) (2013) identifies the subject site within the *Evergreen View Business Area*. Relevant to the subject site, the Plan provides the following design principals for the Evergreen View Business Area: building façades with windows, well-defined entrances, no blank walls; Pedestrian-scale site features and amenities with design features that reflect surrounding natural areas: benches, trash containers, bike racks, trees, lighting and awnings; Parking and loading in rear of building or possibly on side of structure; Interior sidewalks and landscaping; Sidewalk setbacks of 10 to 15 feet.

Conditional Use Standards

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 §28.183(6) are met. Please note, recent changes to 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.

Given due consideration, the Planning Division anticipates that if properly screened and well-managed, the proposed outdoor storage use should not result in significant negative impacts to the surrounding properties.

Supplemental Regulations

With the extension of the portion of fencing proposed along the southern edge of the outdoor storage area to the building, therefore completely screening the storage area from the W Badger Road sidewalk, staff believe the proposal conforms with the Supplemental Regulations for Outdoor Storage (which are listed at the end of this staff report).

Public Input

At the time of report writing, staff is unaware of any comments from the public.

Conclusion

The Planning Division Staff believes that the conditional use standards can be found met with the condition recommended by Planning Division Staff in addition to those recommended by reviewing agencies.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards for conditional uses met and **approve** the proposed outdoor storage for a contractors shop in the Commercial Center (CC) District Zoning at 2106 W Badger Road. Each of these recommendations is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

Planning Division (Contact Chris Wells, (608) 261-9135)

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| 1. Fencing details shall be required before final sign off by Zoning and Planning staff. |
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City Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

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| 2. Applicant shall confirm location of existing private force main. City utility records do not show facilities where the current plan shows connection. |
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3. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
 4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

5. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Arbor Hills Lift Station District (\$13.00/1000 sf).
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. 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.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

10. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
12. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

13. 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: Detain the 2, 10, 100 & 200 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

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.

14. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

16. Correctly show the end of the 2" HDPE force main that per as built measurements in City of Madison Records is located further north within this site. (Lot 3 of CSM 11769), thus the connection to the force main should entirely be within the lot. If a connection is made within City of Madison dedicated right of way or within Outlot 1 of CSM 11769 either a privilege in streets or easement will be required.

17. Provide a recorded copy of a private sanitary sewer easement benefitting this site the site to the west (Lots 1 and 2 of CSM 11769) for the existing 2" Force main that is serving this site.

18. The existing 10' Public Sanitary Sewer easement along the south side of Lots 1 - 3 of CSM 11769 shall be released by the City of Madison as the lateral is a private lateral. Provide a map exhibit and legal description.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

19. 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.
20. 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.
21. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
23. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
24. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
25. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
26. "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.

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

27. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
28. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 3 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

29. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
30. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
31. Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
32. All activities shall be carried out in an enclosed space.

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

33. If any of the vehicles stored inside have a gross vehicle weight of 10,000 lbs or more, then a fire sprinkler system or provide a fire barrier to separate the office from the garage as a separated use. IFC 903.2.10.1. requires sprinklers if the fire area exceeds 5000 sqft and a single vehicle with a 10,000 gvw is stored inside. Provide details/document as the design develops.
34. Provide a sidewalk or a plan to remove snow along the egress from the west exit door out to the public way.

Water Utility Review (Contact Jeff Belshaw, (608) 261-9835)

35. The parcel has an existing 6 inch water lateral stubbed to the ROW. Consider using this for the water service. Contact Jeff Belshaw jbelshaw@madisonwater.org to discuss if necessary.
36. If the existing water service can't be utilized, update the site utility plan to show this service being cut off and abandoned at the main.
37. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

The following agencies reviewed the request and recommended no conditions or approval:

Metro Transit, Parks, Forestry

ATTACHMENT #1: SUPPLEMENTAL REGULATIONS FOR OUTDOOR STORAGE (MGO §28.151)

Supplemental Regulations for Outdoor Storage.

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.
- (d) In the EC District, all storage except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area.