



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 513 State Street  
**Application Type:** Conditional Use  
**Legistar File ID #** [41460](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant:** Ron Glogovsky, College Scooters, Inc./ Numi Scooters; 1286 S. 7<sup>th</sup> Street; DeKalb, Illinois.

**Property Owner:** Gargano Properties-507 State Street, LLC, 502 N. Eau Claire Avenue; Madison.

**Requested Action:** Approval of a conditional use to allow moped sales at 513 State Street.

**Proposal Summary:** The applicant proposes to convert a first floor commercial space in a three-story multi-tenant mixed-use building into a showroom for electric moped sales. The “non-stocking” showroom will allow for the sale, rental and test-driving of “Numi” mopeds. Occupancy of the retail space will commence as soon as all regulatory approvals have been granted.

**Applicable Regulations & Standards:** Table 28E-2 in Section 28.072(1) of the Zoning Code identifies motorcycle and moped sales as a conditional use in the DC (Downtown Core) zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission. [Any exterior changes to the building, including signage, will require separate approval by the Urban Design Commission or its secretary.]

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow moped sales at 513 State Street subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The subject site is a 5,000 square-foot parcel located on the south side of State Street, approximately 250 feet west of its intersection with N. Broom Street and W. Gilman Street, with rear frontage for the building also along Gilman; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is developed with a three-story mixed-use building that contains 4,326 square feet of commercial space on the first floor per City records and 9 apartments. The site is zoned DC (Downtown Core District).

**Surrounding Land Use and Zoning:** The 500-block of State Street is characterized by a mix of one-story commercial buildings and multi-story mixed-use buildings that vary widely in age and scale and include a variety of first floor commercial spaces with wide-ranging uses and upper story apartments in DC (Downtown Core) zoning. South of the site across W. Gilman Street, uses include a mix of one- and two-story commercial buildings and a variety of apartment buildings of varying age and size in DC and UMX (Urban Mixed-Use District) zoning.

**Adopted Land Use Plans:** The subject site is identified in the State Street mixed-use sub-district of the 2006 Comprehensive Plan. Development in the State Street sub-district is recommended to include mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors as well as government, cultural and institutional uses, and lodging. Design standards in the State Street sub-district seek to maintain the historic mid-rise character and retail continuity of the street.

The 2012 Downtown Plan includes the subject site and adjacent properties in the “State Street” District and recommends that these properties be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the “unique,” “vibrant,” “special,” and “intimate” character of the State Street District as the City’s “premier” destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and “human-scale” developments that promote synergy and interaction (Objective 4.2).

**Zoning Summary:** The site is zoned DC (Downtown Core District):

| Requirements  | Required  | Proposed  |
|---|---|---|
| Front Yard  | 0’ Min., 5’ Max. facing State Street  | Existing  |
| Side Yards  | 0’ for first two stories on one side  | Existing  |
| Rear Yard   | 0’  | Existing  |
| Floor Area Ratio  | N/A   | Existing  |
| Maximum Building Height   | 2 stories minimum; 4 stories maximum  | Existing, 3 stories                                     |
| Auto Parking  | 0 (Central Area)  | 0   |
| Bike Parking  | 2   | 0 (Reduced due to lack of space on-site to accommodate) |
| Loading   | 0   | 0   |
| Building Forms  | Commercial Block Building   | Existing , complies with requirements                   |
| <b>Other Critical Zoning Items</b>                                    |   |   |
| Yes:  | Urban Design (State Street–DC zoning), Barrier Free   |   |
| No:   | Utility Easements, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park |   |
| <i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i> |   |   |

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along the 500-block of the State Street transit mall. Metro Transit trips vary by day of week and the University of Wisconsin-Madison academic calendar - in the range from 32 daily trips on Sundays in the summer to as high as 117 daily trips during a weeknight when UW classes are in session.

## Project Description

The applicant is requesting approval of a conditional use in the DC (Downtown Core) zoning district to convert an approximately 645 square-foot commercial space (513 State Street) on the first floor of a three-story, mixed-use building (507 State, per City records) into a showroom for electric moped sales. The storefront previously housed a travel agency and is adjacent to a bakery and 2 restaurants along State Street. The rear of the building faces W. Gilman Street, although the subject space does not appear to have access to that street. The mixed-use building contains a total of 4,326 square feet of commercial space facing both State Street and W. Gilman Street, and 9 upper story apartment units.

The applicant indicates that renovations for this proposal will be limited to the interior, and that no site, landscaping or elevation alterations are proposed at this time. Examples of the interior aesthetic the applicant envisions for the space are included with the letter of intent, as is a mock-up of how the exterior signage of the storefront may appear. [Signage and any exterior alterations to the space will require Urban Design Commission approval.] The letter of intent indicates that the showroom will be used for customers to view products and finalize sales. The applicant indicated verbally to staff that most of the vehicles will be delivered to customers off-site, though some deliveries of purchased vehicles as well as test drives will occur from the proposed storefront. The letter of intent indicates that the demo vehicles for customer test drives will either be parked on W. Gilman Street or in a nearby parking garage, although the application does not disclose which garage or whether a lease or similar arrangement for moped parking has been reached. The letter includes an acknowledgement that the applicant's products are not allowed on State Street.

## Analysis and Conclusion

Moped and motorcycle sales as well as auto sales and rental are conditional uses in the DC and UMX zoning districts. A conditional use by definition is a use, which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular zoning district. In this case, the compact, urban, and multi-modal nature of downtown—in particular State Street, represents one of the “unique” characteristics that must be weighed when considering whether vehicles sales would be appropriate. Given its unique, intimate, and historic character and the high volume of pedestrians, bicycles and transit vehicles present along the State Street corridor, the introduction of a use that sells vehicles potentially inconsistent or in conflict with some of those characteristics requires careful consideration.

Regarding the proposed moped sales at 513 State Street, the Planning Division believes that the Plan Commission can find that the conditional use standards met subject to the conditions in the following section, which will be satisfied prior to issuance of building and/or occupancy permits for the business. The purpose of the primarily operational major/ non-standard conditions proposed by Planning, Zoning, Traffic Engineering, and Metro Transit staff is to enable the proposed business to function harmoniously along one of the City's most iconic and vibrant commercial corridors while ensuring that the vehicles sold or rented will not impact the flow of pedestrian, bicycle or vehicular traffic along State Street and W. Gilman Street, which staff sees as the only potential negative impact the proposed business could have. As with any conditional use across the City, the Plan Commission retains continuing jurisdiction in the event that concerns about the moped sales emerge in the future.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow moped sales at 513 State Street subject to input at the public hearing and the following conditions:

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

### Planning Division

1. Prior to submittal of permits for construction or occupancy, the applicant shall submit a detailed floorplan for the business for approval by the Planning Division and Zoning Administrator that shows the entrance(s), merchandise/ vehicle display areas, and merchandise loading, receiving and storage areas.

2. The applicant shall revise the application materials as necessary to include the following information: detailed information on how and where test drives will occur from the store, including where demo/ display vehicles will be parked/ stored outside the showroom; how deliveries will be conducted when occurring at the store, and; how vehicles returning to the store for service or parts will access the site. The purpose of this condition is to clarify that the moped sales/ rental, etc. will not impact the flow of pedestrian, bicycle or vehicular traffic along State Street or W. Gilman Street.

**City Engineering Division** (Contact Brenda Stanley, 261-9127)

This agency reviewed this request and has recommended no conditions or approval.

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

This agency did not submit comments or conditions or approval for this request.

**Fire Department** (Contact Bill Sullivan, 261-9658)

The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

3. Merchandise may not be displayed in the public right-of-way without approval. A Merchandise Vending License is required to display merchandise, including mopeds or scooters, in the public right-of-way. Contact Street Vending Coordinator Warren Hansen at (608) 261-9171 or streetvending@cityofmadison.com for more information.

4. Vehicle traffic is restricted on State Street. Operating or test driving scooters or mopeds is not permitted on State Street.

5. Submit a detailed floorplan including the entrance/exit locations, display areas, and merchandise loading/ receiving areas.

6. Submit a detailed management plan for the business, including operations for receiving merchandise, display of mopeds and scooters, test drives, and servicing or repair of vehicles.

7. A change in use for the proposed moped and scooter sales showroom requires a Certificate of Occupancy. Submit an application for a Certificate of Occupancy to Zoning staff.

8. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, and MGO Section 33.24, Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

9. No vehicular access shall be granted via State Street; all test drives and related vehicular operations shall be conducted solely from W. Gilman Street. W. Gilman Street is currently a one-way street between University

Avenue and State Street and will remain a one-way street. The proposed operation shall be consistent with this setup and shall not cause any public safety issues.

10. The applicant shall submit for review an operations plan prior to final plan review approval. This plan shall include: test drive regulations and restrictions, maintenance of and storage for test inventory.
11. The applicant shall submit one contiguous plan for approval showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
12. 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.
13. 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.
14. All parking facility design shall conform to the standards in MGO Section 10.08(6).
15. Note: As of October 2, 2015, Traffic Engineering will no longer be accepting paper final plans; to ensure a timely review, all submittals shall include an electronic copy (PDF preferred).

**Metro Transit** (Contact Tim Sobota, 261-4289)

16. Metro Transit requests that the Plan Commission consider specific conditional of approval language that would clearly regulate where vehicles could be test-driven or otherwise operated, given the potential for conflicts should their vehicles interact with the existing bicycle, pedestrian and bus traffic on the State Street transit mall.

**Parks Division** (Contact Janet Schmidt, 261-9688)

This agency reviewed this request and has recommended no conditions or approval.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This agency reviewed this request and has recommended no conditions or approval.