



## Report to the Plan Commission

November 20, 2010

**Legistar I.D. # 20588**  
**2223 Atwood Avenue**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** The applicant requests conditional use approval to establish an off-premise parking lot for a business located at 2305 Atwood Avenue.

**Applicable Regulations & Standards:** Section 28.09(2)(d)7 of the Zoning Ordinance lists “parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served” as a conditional use. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant’s conditional use request to establish an off-premise parking lot for a business located at 2305 Atwood Avenue, subject to input at the public hearing and comments from reviewing agencies.

### **Background Information**

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**Applicant/Owner:** Tim Lynch, Lynch Properties LLC; 2035 Atwood Avenue; Madison, WI 53704

**Property Owner/Contact:** William F. White, Esq; Michael Best & Friedrich LLP; 1 S. Pinckney St.

**Proposal:** The applicant proposes to establish an off-premise parking lot for a business located at 2305 Atwood Avenue.

**Parcel Location:** An approximately 5,055 square foot (0.10-acre) parcel located at 2223 Atwood Avenue, at its intersection with Evergreen Avenue; Aldermanic District 6; Madison Metropolitan School District.

**Existing Conditions:** The property includes a vacant residential building with an unpaved parking lot. According to City Assessor records, the building was most recently utilized as a two-unit apartment building.

**Surrounding Land Use and Zoning:** The subject site is surrounded by commercial and mixed-use buildings along Atwood Avenue, zoned C2 (General Commercial District). Single-family and two-unit residential buildings are located south of the subject property and zoned R4 (General Residence District).

**Adopted Land Use Plan:** The Comprehensive Plan recommends neighborhood mixed-use development.

**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.

**Zoning Summary:** The property is zoned C2 (General Commercial District).

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,055 sq. ft. existing
Lot width	50'	44' existing
Front yard	0	Existing/adequate
Side yards	0'	Existing/adequate
Rear yard	30'	Existing/adequate
Floor area ratio	3.0	Less than 2.0
Number parking stalls	0 (currently vacant bldg.)	8
Accessible stalls	1	1 (See Comment #19)
Loading	n/a	n/a
Number bike parking stalls	2	None (See Comment #17)
Landscaping	Yes	As per plan (See Comment #15)
Lighting	No	None shown (See Comment #18)
<b>Other Critical Zoning Items</b>	Barrier free (ILHR 69)	

*Table Prepared by Matt Tucker, Zoning Administrator*

### **Analysis, Evaluation, & Conclusion**

The applicant proposes to establish an off-premise parking lot at 2223 Atwood Avenue to serve Lynch Auto Body. The business is located along the south side of Atwood Avenue, roughly 120 east of the subject site. The applicant owns both properties. Section 28.09(2)(d)7 of the Zoning Ordinance lists “parking facilities, open and accessory, for the storage of private passenger automobiles only, when located elsewhere than on the same zoning lot as the principal use served” as a conditional use in the C2 (General Commercial) zoning district. As such, this proposal is subject to the conditional use standards of 28.12(11).

This property currently includes a vacant two-unit apartment building and an unpaved parking lot. City Zoning has indicated there are no current approvals pertaining to off-site parking.

The Zoning Administrator is preparing a separate correspondence further outlining the zoning issues related to this proposal. Zoning staff had previously received a complaint about heavily damaged vehicles being stored on the subject lot. In pre-application discussions, the Zoning Administrator has indicated that an off-site parking lot to serve the business could be allowed with conditional use approval, similar to parking for other auto repair businesses where vehicles may be parked for a short amount of time as they are being repaired or await customer pickup. The Zoning Administrator notes there is a distinction between such a use and a junkyard or automobile storage yard that is not a permitted or conditional use in this zoning district. The recommended “major/non-standard” conditions from the Zoning Administrator (items 12-14) are intended to provide standards so the use operates as a parking lot and not an auto storage yard. At the time of report writing, Planning Division staff understands the applicant does not agree to these conditions.

The attached site plan shows several proposed site improvements. A new asphalt surface is proposed and would create eight (8) total parking stalls, the stall closest to the building being a van-accessible stall. The existing chain-link fence would be replaced with a new six-foot high privacy fence along the western and southern property lines. This would provide the ordinance-required screening adjacent to a residentially-zoned property. A three-foot wide planting buffer is also proposed along Evergreen

Avenue frontage. The letter of intent states that ornamental trees will be planted within this buffer to provide screening, though the site plan indicates plantings will include a combination of small deciduous shrubs (spirea and barberry). Details regarding the planting size, number of plantings, or specific species are not provided. Different varieties of these plants can vary in height from low lying ground covers to more substantial plantings. For there to be some screening impact, staff recommend that at the time of planting, species should be at least two to three feet in height. These planting details are recommended to be provided with sign-off materials.

Staff note that future use of the now-vacant building will likely require the provision of off-street parking, when building or occupancy permits are requested. This would reduce the number of stalls available to serve as a non-accessory parking facility.

Staff believe the conditional use standards can be met with the proposed conditions. At the time of report writing, staff was not aware of objections to the applicant's proposal.

### **Staff Recommendations, Conditions of Approval, & General Ordinance Requirements**

Major/Non-Standard Conditions are Shaded

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#### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the applicant's conditional use request to establish an off-premise parking lot for a business located at 2305 Atwood Avenue, subject to input at the public hearing and comments from reviewing agencies.

#### ***The following conditions have been submitted by reviewing agencies:***

1. That the applicant provides additional detail on the proposed landscaping in the Evergreen Avenue buffer for approval by staff. This information shall specify the exact species, planting sizes, number of plantings and extent of the planting area. The minimum planting size should be at least two to three feet.

#### **City Engineering Division** (Contact Janet Dailey, 261-9688)

2. Any work in the right-of-way shall require appropriate permitting. Permit applicants are available at <http://www.cityofmadison/engineering/permits.cfm>
3. Assessor's Office records for this property indicate two-unit property use, yet only a singular address is currently assigned. A field trip to the site by Engineering Mapping staff revealed that 2223 and 2223A address numbers are physically posted on the building. Please coordinate a final addressing plan with Lori Zenchenko ([addressing@cityofmadison.com](mailto:addressing@cityofmadison.com)) the final intended number of units proposed for this site. NOTE: Alpha addresses such as 2223A do not conform to Madison General Ordinances.
4. The applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)

5. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
6. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
7. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
8. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
9. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying ot lines or parcel lines if unplatted, g) Lot numbers or the words "unplatted", h) Lot/Plat dimensions, and i) Street names. All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

10. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information:
  - a) Building footprints, b) Internal walkway areas, c) Internal site parking areas, d) Lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact John Leach, 267-8755)

11. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency submitted comments with no conditions of approval for this proposal.

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

This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

12. The automobile body shop associated with this property is a nonconforming use at 2305 Atwood Avenue. This parking area will allow for employee and customer parking for the property at 2305 Atwood Avenue, as a Conditional Use. This approval will not expand the legal-nonconforming status of the auto body shop.
13. The building on the subject property is currently vacant. Future use of the building will require the provision of off-street parking, when building or occupancy permits are requested. This may reduce the number of stalls available to serve as a non-accessory parking facility.
14. This project is considered similar to parking for other auto repair businesses, where vehicles typically may be parked/stored for a short amount of time as they are being fixed, or are ready for customer pickup. This is in contrary to an automobile storage yard or junkyard, which is not a permitted use in the C2 zoning district. To clarify the allowed usage of this parking lot, Zoning staff request the Plan Commission condition the approval as follows:
  - a. The parking area may not be used for drop-off of inoperable damaged vehicles. Vehicles on the lot shall be in condition for safe and effective performance of the function for which they are designed.
  - b. The parking area may not be used for 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 consecutive days.
15. Provide landscaping and screening for the parking lot per 28.04(12).
16. Bike parking shall comply with City of Madison General Ordinances Section 28.11.
17. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
18. If lighting is required, it shall comply with City of Madison outdoor lighting standards, section 10.085.
19. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a) Provide the minimum required accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.

- b) Show signage at the head of the stalls.
- c) Show the accessible path from the stalls to the buildings.

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

- 20. Metro Transit operates daily transit service along Atwood Avenue through the Evergreen Avenue intersection. Bus stop ID#1887 is adjacent the proposed project site, with the signed bus stop zone running from the existing bus stop sign location forward to the intersection.
- 21. If a concrete contractor is mobilized on site for other planned improvements, Metro Transit would ask the applicant to consider installing a concrete passenger boarding pad in the terrace between the curb and sidewalk, adjacent the existing curb ramp at the corner.