



PREPARED FOR THE PLAN COMMISSION

Project Address: 1804 S. Park Street (District 14 – Ald. Carter)
Application Type: Conditional Use
Legistar File ID #: [49295](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Shariff Syed; 1901 S. Park Street; Madison, WI 53713
Contact: Gary Oien; GO/A Architects; 6405 Century Avenue; Middleton, WI 55562
Property Owner: Macro Inc; 714 W. Badger Road, Madison, WI 53713

Requested Action: Approval of a conditional use to establish four auto repair stations in an existing multi-tenant commercial building in the Commercial Corridor - Transitional (CC-T) zoning district at 1804 S. Park Street.

Proposal Summary: The applicant proposes to establish four auto repair stations located in an existing multi-tenant commercial building within CC-T zoning, which was previously under the Town of Madison jurisdiction. The applicant has also proposed new stripping in the parking lot, bike parking facilities, and a trash enclosure in order to bring the site into compliance with City of Madison Zoning standards. Furthermore, the subject site is located within Zone B of a WP-18 Wellhead Protection Zone. The applicant has indicated that this proposal will follow a Best Management Practices (BMP) guide for auto repair shops to protect the area’s ground water.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.061 of the Zoning Code lists an auto repair station as a Conditional Use in the Commercial Corridor - Transitional (CC-T) 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 further regulations for sites located within Wellhead Protection Districts.

Review Required By: Plan Commission (PC)

Summary Recommendation: If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the request to establish four auto repair stations in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) district at 1804 S. Park Street. 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 roughly 93,040-square-foot (2.14-acre) subject site is located on the east side of S. Park Street behind two multi-tenant commercial buildings, within Aldermanic District 14 (Ald. Carter), and within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel is developed with an 57,075-square-foot, U-shaped building containing 21 tenant spaces with a mix of uses including artist and woodworking studios, a bike repair and service shop, general offices and storage, a skateboard ramp and studio (indoor recreation), a contractors workshop, a stone fabricators contractors workshop, and existing auto repair space.

Surrounding Land Use and Zoning:

- North:** Wisconsin and Southern Railroad with a parking facility and a multi-tenant commercial building zoned Commercial Corridor – Transitional (CC-T) District beyond;
- East:** Multi-tenant commercial buildings with S. Park Street beyond, zoned CC-T;
- South:** Commercial space, zoned CC-T, and low-density residential and park space located in the Town of Madison; and
- West:** All Metals Recycling, an auto salvage and scrap yard zoned CC-T, with Bowman Field, zoned PR (Parks and Recreation), Capital Newspapers zoned IL (Industrial – Limited), and the University of Wisconsin Arboretum, zoned CN (Conservancy District) beyond.

Adopted Land Use Plan: The City’s land use map lines are not intended to be parcel specific, and in this case the [Comprehensive Plan \(2006\)](#) has two recommendations for the subject site. The Plan recommends community mixed-use for the northern portion of the site and medium density residential (16-40 units per acre) for the southern portion of the site. Additionally, the City’s Generalized Future Land Use Map has a special note for this general site area which states: “This area is currently developed with a variety of uses, including an auto dealership, middle school, park and a variety of commercial establishments. In the long term, this area has the potential for mixed-use development/redevelopment that is more urban in character. The proximity of the area to Wright Middle School, Wingra Creek, the Arboretum and Bowman Park make this area attractive for medium density residential uses. Commercial uses are also appropriate here and should be made part of any future redevelopment plans for the area. Very high quality building and site design is essential at this location, given its visibility and access from the Park Street-Fish Hatchery Road gateway corridors. The addition of high quality, mixed-use, multiple story buildings to this area would help create a more urban development pattern.” Additionally, while this parcel was within the Town of Madison when the [South Madison Neighborhood Plan \(2005\)](#) was adopted, the Plan recommends community-commercial uses for the site.

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

Requirements	Required	Proposed
Front Yard Setback	None	22’
Side Yard Setback	One-story: 5’ Two-story or higher: 6’	15’
Rear Yard Setback	The lesser of 20% lot depth or 20’	48.6’
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/ 68’	Existing building
Number Parking Stalls	No minimum	48
Accessible Stalls	2	1
Loading	None	Existing loading stalls
Number Bike Parking Stalls	Auto repair station: 1 per 5 employees (18) Office/ artist studio: 1 per 2,000 sq. ft. floor area (6) Contractor shop/ service business with workshop: 1 per 2,000 sq. ft. floor area (10) Indoor recreation: 5% of capacity of persons (3)	44

	Artisan workshop: 1 per 5 employees (6) Storage: (1) (Total 44)	
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements, & Wellhead Protection District (WP-18)	

Table Prepared by Jenny Kirchgatter, 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 with Metro Transit Routes 44, 48, and 5 servicing S. Park Street.

Project History

The subject site was formerly located within the Town of Madison and was annexed into the City of Madison in 2006. The site was annexed to the City under M1 (Limited Manufacturing) district zoning and was rezoned to Commercial Corridor – Transitional (CC-T) district zoning in 2013 to be more consistent with the Comprehensive Plan. As it stands currently, the existing multi-tenant building contains four auto repair stations, that were not a permitted use in the Town of Madison, and according §28.061 of the Zoning Code, auto repair stations are a conditional use in CC-T districts in the City of Madison. In the Letter of Intent, the applicant indicated that auto repair was a permitted use in the Town, however City Zoning Staff noted that based on its review, auto repair uses were never legally established at this location. The City’s Building Inspection Division issued an Official Notice to the property owner for this violation on May 12, 2016. In order to conform to the Zoning Code, the applicant now seeks conditional use approval to legally establish auto repair service shops in a CC-T zoning district.

While not directly related to this conditional use application, this multi-tenant building is also in violation of multiple building and fire code requirements for the Dust Bowl skate park, located in Unit 12. This tenant has received a “No Occupancy” notice from Building Inspection, and therefore the unit shall remain vacated until all necessary approvals, permits, and inspections have been obtained and successfully completed.

Project Description, Analysis, and Conclusion

The applicant, Shariff Syed, is requesting conditional use approval to establish four auto repair stations in CC-T (Commercial Corridor – Transitional) zoning at 1804 S. Park Street. The applicant is proposing to utilize the existing multi-tenant building for four auto repair stations, along with an assortment of permitted uses in the other building units. In keeping with the site plan provided, these shops would occupy units 7, 11, 18, and 19, ranging from 1,594 square feet to 2,888 square feet in size. In addition, the applicant intends to add new parking lot striping, bicycle racks, and a trash enclosure. These improvements would help bring the site in to compliance with the required zoning standards.

Conditional Use Standards

This request is subject to the Conditional Use Standards as Table 28D-2 in Section 28.061 of the Zoning Code indicates that an auto repair station is a conditional use in CC-T zoning. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. The Zoning Code states that the Plan Commission shall not

approve a conditional use without due consideration of the City's adopted plans and finding that all of the Conditional Use Standards of §28.183(6) MGO are met. Pursuant to Section 28.067 of the Zoning Code, the CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. Additionally, the district is also intended to facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the [Comprehensive Plan](#) and of adopted neighborhood, corridor or special area plans.

In giving consideration to adopted plans, auto repair is not considered consistent with the Community Mixed Use (CMU) land use recommendation in the City's [Comprehensive Plan](#), however the Plan acknowledges this to be a "long-term" recommendation. The [Comprehensive Plan](#) also notes that refined recommendations may be provided through the adoption and preparation of detailed neighborhood and special area plans. The [South Madison Neighborhood Plan \(2005\)](#) recommends community commercial uses for this site. While not consistent, the Planning Division does not believe that utilizing tenant spaces for auto repair in an existing building would preclude future redevelopments more consistent with adopted plans.

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 B of a WP-18 Wellhead Protection Zone, and Staff has concerns with the environmental impacts of four auto repair stations on 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."

In correspondence with Joseph Grande, Water Quality Manager for Madison Water Utility, he stated that there are certain land use restrictions that serve to protect groundwater in the vicinity of this and other municipal drinking water wells. Auto body repair, vehicle towing, and vehicle repair are among recommended prohibited uses within Zone B based on the probable presence, use, or storage of hazardous chemicals. The applicant has responded to these concerns by providing and agreeing to "Best Management Practices (BMP) for Automotive Repair Shops" as a part of their application. Practices include running a dry shop, installing above grade holding tanks, substitution of carburetor cleaners containing chlorinated compounds, managing parts-washing solvent wastes, managing oil waste streams, managing solid wastes including 55-gallon steel drums, and employee training. This BMP is included in the application materials for reference.

Mr. Grande stated to the applicant that the continued operation of four auto repair shops at this location could be approved subject to new and on-going mitigation consistent with the BMP provided for review. Furthermore, the Water Utility recommends against installing underground vaults for storage of waste as provided in the initial application. The Water Utility also reserves the right to conduct periodic inspections of the property to ensure that the recommended BMPs are being implemented. In order for Plan Commission to find this Standard met, Staff recommends adherence to the recommended condition of approval from Water Utility.

According to Conditional Use Standard #5, the Plan Commission must find that "adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided." Access to the existing site is provided by a gravel road off of S. Park Street. Site Improvements, including parking facility improvements, are recommended by Transportation Engineering and Zoning.

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 as Attachment 1). 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. According to the application, this proposal would be in compliance with these Supplemental Regulations.

Public Input

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

Conclusion

Though not consistent with all the recommendations of the [Comprehensive Plan](#), the Planning Division believes that it is possible for the Plan Commission to find that this request meets the standards for conditional uses. The Plan Commission should give careful consideration to the application materials, adopted plan recommendations, and public comment in evaluating this request. Due to the site's location in a Wellhead Protection District, careful consideration should be given to the Water Utility's comments. The Water Utility states that they can only approve this use should their conditions of approval be followed. The Water Utility reserves the right to conduct periodic inspections of the property to ensure that the recommended BMPs are being implemented. Furthermore, 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)

If the Plan Commission can find that the approval standards for conditional uses are met, then the Planning Division recommends that the Plan Commission **approve** the request to establish four auto repair stations in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) district at 1804 S. Park Street. 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. An addition of more than four auto repair service stalls would require further approval for an alteration to this conditional use.

City Engineering Division (Contact Timothy Troester, (608) 267-1995)

2. The property is an open contaminant site with the WDNR (BRRS #03-13-548832). Applicant shall submit proof of coordination with the WDNR to address potential contaminant concerns associated

with the proposed site plan (i.e. vapor mitigation, dewatering) to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).

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

The agency reviewed this request and has recommended no conditions of approval.

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

3. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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.
4. 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.
5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
7. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
8. 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.
9. The applicant shall show dimensions for the proposed and existing parking stalls items S = 9 ft, L = 18 ft, E = 24 ft, F = 20 ft, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b)2. Or use "Small Vehicles" parking design standards 10.08(6)(b)3 items S = 8.5", L = 16", E = 22' & F = 18' where all parking shall be clearly identified and properly controlled for use by only such vehicles.
10. The applicant shall show the parking stall dimensions in accordance with City of Madison parking stall standard one-size-fits-all dimensions. A 17' long, 8.75' wide, with 23' backup may be used as dimensions for all parking stalls in the lot.

11. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
12. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
13. Per MGO 10.08 - all off-street parking facilities shall be improved with bituminous or concrete pavement and designed so as to prevent encroachment onto adjacent land areas: secure all gravel areas with fencing or note as landscaping.
14. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

15. The property is located within Zone B of Wellhead Protection District 18. Per Section 28.102(3), all uses in Zones A and B of any Wellhead Protection District shall be subject to approval by the Water Utility General Manger or his/her designee.
16. Submit a vehicle parking summary including the numbers of proposed vehicle stalls and accessible stalls.
17. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Provide two (2) accessible stalls. A minimum of one (1) of the stalls must be van accessible. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
18. The proposed automobile repair stations shall comply with the supplemental regulations per Section 28.151 Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.
19. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
20. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

21. Contact City of Madison Building Inspection regarding plan review and inspection for the installation and/or repair of any fire walls or fire barriers.
22. Control areas and a hazard materials inventory for each control area shall be established and approved by MFD prior to any startup of any auto repair operations.

23. This review is limited only to the request for a conditional use to allow an auto repair facility. A complete

code analysis of the building and its other occupancies with regard to the building & fire codes and Madison General Ordinances is the responsibility of the owner.

24. The fire lanes will be required to be upgraded to all weather driving surfaces for any future building addition or future change of use.

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

25. The property located at 1804 S Park St. is located in Zone B of the Wellhead Protection District for Well 18. As such, there are certain land use restrictions that serve to protect groundwater in the vicinity of this and other municipal drinking water wells. The continued operation of four auto repair shops at this location may be approved subject to new and on-going mitigation consistent with the Best Management Practices (BMP) for Automotive Repair Shops provided with this Land Use Application. In particular, secondary containment in storage areas, spill response planning and clean up materials (i.e. drop pans and trays, rags, hydrophobic mats, dry absorbent materials), and lawful disposal of all solid and liquid wastes including regular pump-outs of holding tanks by a certified waste hauler would be required.
26. The Water Utility recommends against installing underground vaults for storage of waste. Importantly, the existing concrete floor serves as an impermeable barrier against wastes leaching underground. Any waste storage operations shall comply with methods identified in the provided BMP guidance document. The Water Utility also reserves the right to conduct periodic inspections of the property to ensure that the recommended BMPs are being implementing.
27. Expansion of any automobile repair activities beyond the footprint of the existing four shops, or the initiation of other activities that have the potential to contaminate groundwater (see attached) are restricted by MGO 28.102 (4) based on the property's location in Zone B of the Wellhead Protection District.

Parks Division (Contact Janet Schmidt, (608) 266-9688)

The agency reviewed this request and has recommended no conditions of approval.

* Attachment 1 *

- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

ATM.

- (a) In the DC, UMX, LMX, NMX and TSS districts, no more than one ATM may be installed per street frontage on a zoning lot.
- (b) In the DC, UMX, LMX, NMX and TSS districts, ATMs must be integrated into building design. Construction or modifications to accommodate an ATM shall be made in a manner consistent with the overall design of a façade.
- (c) In the DC, UMX, LMX, NMX and TSS districts, no storefront glass shall be removed to accommodate the installation of an ATM, unless the storefront glass is ninety- (90) degrees perpendicular to the sidewalk, and the ATM is being installed in an existing alcove.
- (d) In the DC, UMX, LMX, NMX and TSS districts, the exterior face, including any cabinet or casing, of an ATM shall not exceed eight (8) square feet in size.

(Cr. by ORD-13-00147, 9-11-13)

Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.

- (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
- (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
 1. Storage of vehicle parts and refuse.
 2. Temporary storage of vehicles during repair and pending delivery to the customer.
 3. Vacuuming and cleaning.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- (g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

(Am. by ORD-13-00088, 5-29-13; ORD-17-00021, 2-20-17)

(h) (Rep. by ORD-15-00026, 3-11-15)

(Cr. by ORD-14-00037, 3-6-14)