

PLANNING DIVISION STAFF REPORT

September 23, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 1 Dempsey Road (District 15 – Alder Martinez Rutherford)
Application Type: Conditional Use
Legistar File ID # [84823](#)
Prepared By: Colin Punt, AICP, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Lendmark Financial Services, LLC; 2118 Usher St NW; Covington, GA 30014

Contact: Paula Gray; Lendmark Financial Services, LLC; 2118 Usher St NW; Covington, GA 30014

Owner: Dempsey One, LLC; c/o Matthew Pantzloff; PO Box 86; Sun Prairie, WI 53590

Requested Action: The applicant is seeking approval of a conditional use for a payday loan business in an existing commercial building on a CC-zoned parcel per §28.061(1) MGO.

Proposal Summary: The applicant is seeking approvals to convert space in a multitenant commercial building for a payday loan business.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO. Payday Loan Buildings are also subject to supplemental regulations found in §28.151 MGO.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for the proposal at 1 Dempsey Road, subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 3.

Background Information

Parcel Location: The 21,765-square-foot subject property is located on the south side of Milwaukee Street between Dempsey Road and South Stoughton Road. The site is within Alder District 15 (Alder Martinez Rutherford) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned CC (Commercial Center), is occupied by a 5,900-square-foot single-story multitenant commercial building built.

Surrounding Land Uses and Zoning:

North: Across Milwaukee Street, a USPS regional facility zoned SE (Suburban Employment district);

West: Across Dempsey Road, a large Woodman's supermarket with surface parking lot zoned CC;

South: A surface parking lot for Woodman's zoned CC; and

East: South Stoughton Road (US-51) and service road, with small commercial buildings zoned CC and single-family residences zoned SR-C1 (Suburban Residential-Consistent 1 district) beyond.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends E (Employment) uses on the site. The site is not within any area or neighborhood plan boundaries.

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

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	15.94'
Max. Front Yard Setback	85'	15.94'
Side Yard Setback: Street side yard	0' or 5'	1.0'
Side Yard Setback: Other cases	One-story: 5' Two-story or higher: 6'	54.0'
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	47.1'
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/78'	Existing 1-story building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	21
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	1
Loading	Not required	10' x 35' loading zone
Number Bike Parking Stalls	Payday loan business: 1 per 2,000 sq. ft. floor area (2 minimum)	5
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements, Wellhead Protection District (WP-11)
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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.

Project Description, Analysis, & Conclusion

The applicant is seeking approvals to convert an 1100-square-foot tenant space in a multitenant commercial building at 1 Dempsey Road to a payday loan business. The applicant intends an interior demolition followed by interior build-out with new paint, flooring, and office furniture and fixtures. No external work or building additions are proposed.

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finishing with a conclusion.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends E (Employment) uses on the site. E Areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other uses. While they generally do not include retail and consumer service uses for the wider community, they may include limited retail and service establishments. The site is not within the boundaries of any adopted neighborhood or special area plans. Staff believes the proposal is consistent with the recommendations in adopted plans.

Conditional Use Standards

The applicant is requesting approval of a conditional use within the CC district for a payday loan business. In regards to conditional use approval standards, 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 §28.183(6) MGO are met. Staff advises the Plan Commission that in evaluating the conditional use standards, 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.

Staff believes that when considering the information provided by the applicant, the relatively small size of the use, and the consistency of the proposal with the land use recommendations of the Comprehensive Plan, all applicable conditional use standards of approval can be found met.

Staff also notes that this use is subject to supplemental regulations found in §28.183(6) MGO. Specifically, the supplemental regulations require that "any payday loan business shall be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business." Zoning Staff have confirmed that the proposed site is at least 5,000 feet from the closest approved payday or auto title loan business.

Conclusion

Staff believes that the proposal is consistent with adopted plan recommendations. Further, staff believes that the standards of approval for conditional uses can be found to be met.

At time of writing, Staff has received one item of written comment from the public in opposition to this request, which has been attached to the legislative file for this item.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for the proposal at 1 Dempsey Road, subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. 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.

2. 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.

City Engineering Division – Mapping Section (Contact Julius Smith, 264-9276)

3. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping. Provided Accurate Site plan with actual existing limits of parking lot shown. The northerly loading zone was not constructed where shown on site plan submitted. Provide updated site plan per requirements outlined in Land Use application LND-B.

Traffic Engineering Division (Contact Luke Peters, 266-6543)

4. "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.

Water Utility (Contact Jeff Belshaw, 261-9835)

5. This property is in a Wellhead Protection District–Zone (WP-11). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site 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. Contact Sarah Scroggins at Sscroggins@madisonwater.org for additional information, including a summary of the submittal requirements.

6. 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.
7. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Metro Transit (Contact Tim Sobota, 261-4289)

8. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad & passenger shelter surface at the existing Metro bus stop on the east side of Dempsey Road, south of Milwaukee Street (#7657).
9. The existing curbside bus stop zone and accessible pedestrian sidewalk, passenger shelter and terrace area on the east side of Dempsey Road, south of Milwaukee Street , provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zone in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone that would serve the Dempsey Road at Milwaukee Street intersection area in a comparable operational and accessible manner.
10. The applicant shall include the location of any of these transit amenities on the final documents filed with their redevelopment permit application, so that Metro Transit may review the design.

11. Metro Transit operates daily all-day transit service along Dempsey Road adjacent this property - with trips at least every 30 minutes. Metro Transit operates additional daily all-day transit service along Milwaukee Street near this property - with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays).
12. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 95 Weekday & 77 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 246-5806)

13. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

The Planning Division, City Engineering Division, Fire Department, and Parks Division have reviewed this request and recommended no conditions of approval.