



PREPARED FOR THE PLAN COMMISSION

Project Address: 5317 Wayne Terrace
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [39826](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Ron Klaas, D’Onofrio, Kottke & Associates, Inc.; 7530 Westward Way; Madison.

Property Owner: T&T Investment Properties, LLC; 5317 Wayne Terrace; Madison.

Requested Actions: Approval of a demolition permit and conditional use to allow demolition of two commercial buildings and expand parking lot for an existing auto body shop at 5317 Wayne Terrace.

Proposal Summary: The applicant and property owner are requesting to demolish 2 commercial/ agricultural buildings containing approximately 10,366 square feet of floor area and accessory silos on land addressed as 5301 Wayne Terrace to construct additional parking for the existing Gates Auto Body facility located at 5317 Wayne Terrace. [If approved, the two lots will be combined into one tax parcel addressed as 5317 Wayne Terrace.] The applicant wishes to commence demolition as soon as all regulatory approvals have been granted, with completion anticipated in May 2016.

Applicable Regulations & Standards: Table 28D-2 in Section 28.061 of the Zoning Code identifies auto body shops as a conditional use subject to supplemental regulations in Section 28.151 of the Zoning Code. Section 28.141(6) provides the regulations for parking in excess of the maximum number of spaces allowed. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to allow demolition of buildings at 5301 Wayne Terrace and construction of additional parking for the existing auto body shop at 5317 Wayne Terrace subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: An approximately 2.5-acre site located at western end of Wayne Terrace, approximately 300 feet west of Lancaster Drive; Aldermanic District 17 (Baldeh); Sun Prairie Area School District.

Existing Conditions and Land Use: The buildings to be demolished include 2 one-story barn-style buildings of 5,758 square feet and 4,608 square feet located on a 1.44-acre parcel addressed as 5301 Wayne Terrace. The auto body shop occupies an 11,200 square-foot, one-story metal building on a 1.06-acre parcel addressed as 5317 Wayne Terrace. Both sites are zoned CC (Commercial Center District).

Surrounding Land Uses and Zoning:

North: US Highway 151; American Center, zoned SEC (Suburban Employment Center District) across highway;

South: Russ Darrow Mazda, zoned CC (Commercial Center District); High Crossing Boulevard;

West: [Former] Eastgate Cinemas, zoned CC;

East: East Madison Toyota, Russ Darrow Chrysler-Dodge-Jeep, zoned CC.

Adopted Land Use Plans: The Comprehensive Plan and East Towne-Burke Heights Neighborhood Development Plan both recommend that the subject site and nearby properties along High Crossing Boulevard be developed with General Commercial uses.

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

Requirements	Required	Proposed
Front Yard	100' maximum	5317 Wayne is existing building
Side Yards	5' – one-story; 6' – two-story	5317 Wayne is existing building
Rear Yard	20'	5317 Wayne is existing building
Maximum Lot Coverage	Maximum 85%	84%
Floor Area Ratio	N/A	---
Maximum Building Height	5 stories / 68'	1 story, existing
Auto Parking: Auto body shop	1 per 1,000 sq. ft. of floor area ex. service bays: (1); 2 spaces per service bay (34) = 35 total stalls	53 existing stalls 186 total stalls (See Zoning conditions)
Bike Parking	1 per 5 employees	(See Zoning conditions)
Loading	N/A	---
Building Forms	Freestanding Commercial Building	5317 Wayne is existing building
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The subject site is not located within a mapped environmental corridor (see CARPC Map G4).

Public Utilities and Services: The site is served by a full range of urban services. Metro Transit operates daily transit service nearby along High Crossing Boulevard.

Project Description

Gates Auto Body is seeking approval of a demolition permit to allow 2 buildings totaling 10,366 square feet of floor area to be razed. Both of the buildings to be demolished are one-story barn-style structures of 5,758 square feet and 4,608 square feet of floor area with 2 accessory silos located in between, which are located on a 1.44-acre parcel addressed as 5301 Wayne Terrace. The former “Cheese Barn” buildings were constructed in 1958 and 1961 according to City records and were last used for retail purposes, although they have been vacant for at least the last decade. Photos of the interior and exterior of the buildings have been provided with the demolition request.

Following demolition, the applicant proposes to construct expanded parking for their existing auto body shop located on the adjacent parcel addressed as 5317 Wayne Terrace. Both 5301 and 5317 take access from the cul-de-sac at the western end of Wayne Terrace, a public street that generally parallels the adjacent US Highway 151 right of way and provides access to a variety of commercial uses located east of the subject site, including some businesses that also front onto High Crossing Boulevard approximately 800 feet to the southeast. The proposed site plan calls for the addition of approximately 150 parking stalls between the northwesterly wall of the auto body shop and northwesterly property line, which will join 36 existing stalls located to the rear of the shop, for a total of 186 stalls. The additional stalls will be used for customer vehicle parking, the parking of rental/ loaner vehicles, and storage of vehicles awaiting delivery to nearby auto sales businesses. No changes to the existing 11,200 square-foot auto body shop, which includes 17 repair bays, etc., are proposed at this time. The 2 existing driveways from the Wayne Terrace cul-de-sac will serve the proposed parking lot.

Supplemental Regulations

The supplemental regulations (excerpted) applicable to auto body shops in the CC zoning district are:

- (a) All automobile servicing and repair activities shall either:
 - 1. Be carried on within an enclosed building; or
 - 2. Be screened along any property line that abuts a residential zoning district with:
 - a. A minimum of 6-foot high masonry or decorative wood fencing; and
 - b. An area with a minimum width of 8 feet, planted with a minimum of 1 shade tree per 50 linear feet and 1 shrub per 4 linear feet.
- (c) The following activities and equipment are allowed only in the rear yard and at least 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.
- (d) The following activities and equipment are allowed only within an enclosed building:
 - 1. Lubrication equipment.
 - 2. Motor vehicle washing equipment.
 - 3. Hydraulic hoists and pits.
 - 4. Body work and painting.
 - 5. Storage of motor vehicles not in safe operating condition.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding 10 days during any 30-day period.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district.

Analysis and Conclusion

In addition to the demolition permit required to raze the 2 principal buildings at 5301 Wayne Terrace, the applicant requires approval of 2 conditional uses. First, auto body shops are conditional uses in the CC (Commercial Center) zoning district. The existing shop was developed and operated under the former C3

(Highway Commercial) zoning district under the 1966 Zoning Code, which identified auto repair and auto body businesses as *permitted* uses. Upon the effective date of the current Zoning Code on January 2, 2013, the existing business became non-conforming. As part of the consideration of the pending application, the applicant is seeking to reestablish conforming status for the auto body shop through approval of a conditional use.

The applicant is also seeking conditional use approval for the parking to serve the auto body shop due to the size of the parking field compared to the size of the principal use it will serve. Section 28.141(6) of the Zoning Code provides the regulation of parking in excess of the maximum number of off-street parking spaces allowed under Table 28I-3 of Section 28.141(4). An increase of more than 20 parking spaces that is also more than 10% of the maximum parking requirement may be approved by conditional use. In this case, the Zoning Administrator has determined that 35 automobile stalls are needed for the auto body shop, which is significantly less than either the existing (approximately 60 stalls) or proposed parking.

Approval of surface parking exceeding the maximum shall be granted only after considering the actual parking demand for the proposed use; the impact of the proposed use on the parking and roadway facilities in the surrounding area; whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use; and the availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception. Whether the proposed use is new or is an alteration, addition or expansion of an existing use shall also be considered.

In reviewing the proposed demolition permit and conditional use requests, the Planning Division believes that the standards for approval can be met. The 2 barn-like structures have no historic value known to staff, the buildings appear to be in below average condition based on Planning staff's experience and have been subject to occasional Building Inspection Division enforcement actions since the Cheese Barn closed. Removal of the buildings and accessory silos will prepare the site for future development as allowed in the CC zoning district as and envisioned by the Comprehensive Plan and East Towne-Burke Heights Neighborhood Development Plan, which recommend that the subject site and nearby properties along High Crossing Boulevard be developed with General Commercial uses. Although the approximately 150-stall surface parking lot proposed to replace the existing buildings represents a less than ideal use of the site, staff views the lot as an somewhat interim use of the property given its frontage along US Highway 151. The surrounding area is predominated by other long-established auto-oriented uses, including large auto sales facilities and other auto repair facilities located between High Crossing Boulevard and US Highway 151, and the proposed lot would consistent with the development pattern of the area.

However, Planning staff recommends that implementation of the lot occur in two phases. The final plan set submitted for approval prior to issuance of demolition or building permits shall include 2 site plans showing a first phase of construction with approximately half of the new stalls proposed, and a second phase plan that shows full implementation of the parking lot at some time in the future. Grading of the entire site and installation of the utilities and access drives needed to serve the full parking lot may be constructed with the first phase. However, paving of the stalls and installation of lighting and landscaping for the second phase shall require approval of an alteration to the conditional use approved by the Plan Commission or Director of the Planning Division following a recommendation by the district alder. Approval of the second phase shall be based on the applicant's stated need for the additional/ second phase stalls.

Should the Plan Commission not feel that the parking in excess of the maximum number of off-street parking spaces allowed meets the standards for approval, it should approve the conditional use for the existing auto body shop to reestablish conforming zoning for that business.

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 demolition permit and conditional use to allow demolition of buildings at 5301 Wayne Terrace and construction of additional parking for the existing auto body shop at 5317 Wayne Terrace subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

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

1. That prior to issuance of demolition permits for the project, the final plans be revised for approval by the Planning Division and Zoning Administrator to clearly delineate the existing parking stalls that will remain and the new parking stalls proposed on the plans and provide the corresponding data in the project summary.
2. That construction of the new parking lot be broken into two roughly even phases. The final plan set submitted for approval prior to issuance of demolition or building permits shall include 2 site plans showing the first phase of construction and a second phase plan fully implementing the parking lot. Grading of the site and installation of the utilities and access drives needed to serve the full parking lot may be constructed with the first phase. However, paving of the stalls and installation of lighting and landscaping for the second phase shall require approval of an alteration to the conditional use approved by the Plan Commission or Director of the Planning Division following a recommendation by the district alder. Approval of the second phase shall be based on the applicant's stated need for the second phase stalls.

The following conditions have been submitted by reviewing agencies:

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

3. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
4. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
5. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be

expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).

6. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
7. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/etc.; and d) sediment loading calculations. 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.
8. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 x 14" size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff has reviewed the draft document and approved it with any required revisions, submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict (east) at jbenedict@cityofmadison.com. The final document and fee should be submitted to City Engineering.
9. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0-tons per acre per year.
10. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Wisconsin Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than 1 acre 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.

11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to control 80% TSS off of the proposed development when compared with the existing site.
12. Complete an erosion control plan and 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 Madison General Ordinances.
13. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
14. All damage to the pavement on Wayne Terrace adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria
15. All work in the public right of way shall be performed by a City-licensed contractor.
16. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
17. Because 5317 Wayne Terrace is the only building connected to the City sanitary sewer (located 17 feet southeast of the building) and the City has no intention to connect additional customers to the sewer, the City considers this sewer to be privately owned. The applicant shall take over ownership of the sewer as a condition of approval maintenance, cleaning and potential repairs. The applicant shall provide an email to Mark Moder, mmoder@cityofmadison.com, stating that they will take over ownership of the lateral.

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

18. This site is being reviewed as one Zoning site/ lot. It is made up of two parcels of land. Please contact the City Assessor's Office (266-4531) to request a combination of the two parcels. The underlying land is/will still be considered 2 CSM lots.

19. Show the Public Sanitary Sewer Easement at the southeast end of the site per CSM 4956.

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

20. The applicant shall submit one contiguous plan 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.
21. 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.

22. 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.
23. All parking facility design shall conform to the standards in MGO Section 10.08(6).
24. Note: As of October 2, 2015, Traffic Engineering will no longer be accepting paper plans; to ensure a timely review, all submittals shall include an electronic copy (PDF preferred).

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

25. Submit the following information required to determine the [final] maximum parking requirement and the amount of parking in excess of the maximum that the applicant is requesting. Submit the following information: number of service bays and square footage of the floor area excluding the service bays.

26. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
27. This approval is subject to the supplemental requirements in MGO Section 28.151 for auto body shops.
28. Provide the calculation and a detail of lot coverage for the entire zoning lot. The maximum lot coverage is 85% of the zoning lot. Lot coverage is the total area of all buildings measured at grade and all paved areas as a percentage of the total area of the lot, with the exception of sidewalks or paved paths no wider than 5 feet, pervious pavement, green roofs and decks.
29. Identify and provide a count for the various parking lot areas on the site plan (i.e. customer parking, employee parking, temporary vehicle storage).
30. Bicycle parking shall comply with MGO Table 28I-3 (General Regulations) and Section 28.141(11). Provide the minimum number of required bicycle parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. A minimum of 1 bicycle stall is required per 5 employees (2 bicycle stalls minimum). NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Submit a detail showing the model of bike rack to be installed.
31. Per Section 28.142 (3), submit a landscape plan and landscape worksheet stamped by the registered landscape architect. Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Show the existing and proposed landscaping for the existing parking lot as well as the proposed parking lot addition. Landscaping must be brought up to compliance for the entire development site.
32. Exterior lighting shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.

Fire Department (Contact Bill Sullivan, 261-9658)

33. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Lt. Scott Bavery of the MFD Training Division to discuss this possibility at 576-0600.

34. Provide an updated fire department access plan for the existing Gates Auto Body building that remains.

Water Utility (Contact Dennis Cawley, 261-9243)

35. The Madison Water Utility shall be notified to remove the water meters prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency submitted a response with no comments or conditions for this request.

Parks Division (Contact Janet Schmidt, 261-9688)

This agency submitted a response with no comments or conditions for this request.