

PLANNING DIVISION STAFF REPORT

August 28, 2017



PREPARED FOR THE PLAN COMMISSION

Project Address: 1823 South Park Street (14th Aldermanic District, Ald. Carter)

Application Type: Conditional Use

Legistar File ID # [48155](#)

Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Luis Montoto; L&L Communications; 814 N. Meadowbrook Ln.; Waunakee, WI 53597

Contact: David Ferch; Ferch Architecture; 2704 Gregory St.; Madison, WI 53711

Requested Actions: The applicant requests conditional use approval to allow limited production and processing at a retail establishment in a CC-T (Commercial Corridor-Transitional) zoning district and Urban Design District 7.

Proposal Summary: The applicant seeks to convert a portion of a retail building into one for food production and processing of Tortilla Factory's tortillas. The space will also include a retail component.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO § 28.183], as MGO §28.061 of the Zoning Code lists *Limited Production and Processing* as a conditional use in the CC-T (Commercial Corridor-Transitional) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for *Limited Production and Processing*. The proposal is also within UDD #7 (MGO §33.24(14)), but because no exterior changes are proposed, these requirements are not applicable.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to allow limited production and processing for a retail store in CC-T (Commercial Corridor-Transitional) District zoning at 1823 S. Park St. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The roughly 11,000-square-foot (0.25-acre) parcel is located between South Park Street and Beld Street south of Wingra Creek, and is within Aldermanic District 14 (Ald. Carter) as well as the Sun Prairie School District.

Existing Conditions and Land Use: The subject property contains a two-story, roughly 8,400-square-foot (3,740-square feet on the first floor) mixed-use retail and office building that was most recently used as a soccer and sporting goods retailer. The small second-floor office space is occupied by Voz Latina radio station. The double-frontage lot has access to both South Park Street (front) and Beld Street (rear). There is an existing 11-stall parking lot in the rear and a 3-stall parking lot in the front.

Surrounding Land Use and Zoning:

North: Multi-tenant retail/commercial building in the CC-T District;

East: Across Beld Street, a 3-unit apartment and two single-family homes in the (Traditional Residential – Consistent 4) TR-C4 District;

South: Institutional/place of worship building in the CC-T District; and

West: Across Park Street, a multi-tenant industrial and warehousing site, and a rail corridor, all in the CC-T district.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Medium Density Residential (MDR) uses for this area. Non-residential uses MDR areas include smaller-scale neighborhood-serving retail and service uses, especially in mixed-use buildings. The [South Madison Plan \(2005\)](#) identifies the 1800 block of South Park Street as a “major strategic site” for economic development. The site also falls within Urban Design District 7, and is subject to the requirements of that District.

Zoning Summary: The property is zoned CC-T (Commercial Corridor-Transitional)

Requirements	Required	Proposed
Front Yard Setback	No minimum	29' (Existing)
Max. Front Yard Setback	No maximum (a)	29' (Existing)
Side Yard Setback	None unless needed for access	7', 3'
Rear Yard Setback	20'	94'
Maximum Lot Coverage	85%	>85% (Existing)
Maximum Building Height	5 stories/68'	1 story/19'

(a) Setbacks apply only to new buildings and additions exceeding 50% of original floor area

Site Design	Required	Proposed
Number Parking Stalls	No minimum automobile parking requirements	12
Accessible Stalls	1	1
Loading	None	None
Number Bike Parking Stalls	6	3

Other Critical Zoning Items	Urban Design District (#7), Wellhead Protection District
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Table Prepared by Jacob Moskowitz, Zoning Code Officer II

Environmental Corridor Status: The subject site is not within a mapped environmental corridor.

Public Utilities and Services: This property is served by a range of urban services, including many Metro Transit Routes on South Park Street.

Project Description, Analysis, and Conclusion

The applicant, L&L Communications/Tortilla Factory, proposes to include space for limited production and processing (baking tortillas) for a retail and wholesale operation in a retail building at 1823 S. Park St. This proposal is subject to the approval standards for Conditional Uses.

Retail tortilla sales will occur in the front third (approximately 1,200 square feet) of the first floor facing South Park Street. The rear third nearer Beld Street is an existing warehouse space to remain. A kitchen area for mixing, dough prep, baking, packaging, and labeling is proposed for the center portion of the building. There are

no intended structural changes to the building or changes to the building's exterior. The applicant states that the production of tortillas will generate little to no noise, smoke, or bad odors. A ventilation system will be included in the kitchen. Tentative retail and production hours of operation are 6 a.m. to 10 p.m. Monday through Saturday; the business will be closed on Sundays. Most deliveries of tortillas to restaurants as part of the wholesaling operation will occur during the day when restaurants are receiving food deliveries. Deliveries will utilize the rear (Beld Street) entrance and existing rear parking area. The small parking lot in the front will be re-stripped to allow for one accessible parking stall.

This proposal is subject to the approval standards for Conditional Uses. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met.

Standard #16 specifically relates to the proposed use and states that, *"When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process."* While there are some residential uses across Beld Street to the west, staff believes that this standard is met, given the small scale of the bakery operation.

Additionally, as noted in MGO Section 28.151, the supplemental regulations for Limited Production and Processing state: *"All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component."* Again, while there are some residential uses across Beld Street to the west, as well as other nearby commercial and institutional uses, staff believes the proposed use to be compatible with its neighbors.

Based on the materials provided, staff believes the use will result in minimal impacts on surrounding properties. Though adopted plans have conflicting recommendations for this parcel as noted above, the Planning Division believes that the proposed use would be consistent with the South Madison Plan's recommendation that identifies this location as an important economic development site. If approved, the Plan Commission retains "continuing jurisdiction" authority, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to allow limited production and processing in a multi-tenant commercial building in CC-T (Commercial Center-Transition) District zoning at 1823 S. Park St. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

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

1. Tortilla Factory is correctly shown as 1823 S Park St Suite 100. (1.5) The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

2. 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.
3. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
4. 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.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

5. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 6 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
6. 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.
7. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
8. Verify whether new or replacement rooftop mechanical equipment is proposed. If rooftop mechanical equipment is proposed, submit details showing the location of the equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
9. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development..

Metro Review (Contact Tim Sobota, (608) 261-4289)

10. In coordination with public works improvements, the applicant shall install and maintain a concrete terrace at the existing Metro bus stop on the east side of Park Street, adjacent this parcel (#0195).

11. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

12. Metro Transit operates daily service along Park Street adjacent this parcel. Bus stop ID #0195 is adjacent the proposed project site along the east side of Park Street, with the bus stop zone encompassing the area from the existing bus stop sign pole south towards the previous parcel.