



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4626 Dutch Mill Road (16<sup>th</sup> Aldermanic District – Ald. Tierney)  
**Application Type:** Conditional Use  
**Legistar File ID #** [56132](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Kevin Yeska; JSD Professional Services; 161 Horizon Drive, Suite 101; Verona, WI 53593  
**Property Owner:** David Bagley; 14360 S. Ewing Avenue; Burnsville, MN 55306

**Requested Action:** The applicant requests approval of a conditional use to exceed the maximum automobile parking allowed for a contractor's yard (office and storage area) at 4626 Dutch Mill Road.

**Proposal Summary:** The applicant proposes to add parking to bring the on-site total to 101 stalls. This exceeds the maximum number of stalls allowed by the Zoning Code, by 58.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.141(6)(b)4 notes that an increase of more than twenty (20) parking spaces in excess of the maximum number of spaces that is also more than ten percent (10%) of the maximum parking requirement may be approved by Conditional Use.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards met and **approve** the request to exceed the maximum automobile parking allowed for a contractor's yard (office and storage area) at **4626 Dutch Mill Road**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 136,070-square-foot (0.18-acre) subject property is located on the north side of Dutch Mill Road, just south of the intersection with Ellestad Drive. The site is within Aldermanic District 16 (Ald. Tierney), the Madison Metropolitan School District, and Urban Design District #1.

**Existing Conditions and Land Use:** The subject site includes an existing, roughly 15,000-square-foot, warehouse/office building for the lawn care company, TruGreen. Originally construct in 1966, the structure was remodeled and expanded by approximately 5,000 square feet in 2016. Parking stalls are located to the west of the building and a storage yard is located to the north. The property is zoned IL (Industrial Limited) District.

**Surrounding Land Use and Zoning:**

North: Two personal indoor storage facilities, both zoned IL (Industrial Limited);

South: The Veterans of Foreign Wars State Headquarters office building, zoned IL;

East: A mobile home park, zoned PMHP (Planned Mobile Home Park); and

West: A vacant parcel, zoned IL.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Employment Uses (i.e. 0-15 dwelling units per acre) for the subject site and neighboring parcels. It states that these areas “include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.”

The [Stoughton Road Revitalization Project Plan \(2008\)](#) identifies the subject parcel in a Mixed-Use Business District for which it recommends an employment and business services and associated retail and mixed-use retail/office focus. It also states “the buildings in the area should be between two and eight stories in height, and consist of hotels, clinics, health care facilities, restaurants, and speculative and corporate offices.”

**Zoning Summary:** The property is in the IL (Industrial Limited) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	136,072 sq. ft.
Lot Width	75’	Greater than 75’
Front Yard Setback	None	Adequate
Side Yard Setback	None if adjacent to property zoned Industrial - Limited or Industrial – General: None west and south side yard  10 if adjacent to property zoned anything other than Industrial - Limited (IL) or Industrial - General (IG): 10’ east side yard	Adequate
Rear Yard Setback	30’	Adequate
Maximum Lot Coverage	75%	65%
Maximum Building Height	None	Existing 1-story building

Site Design	Required	Proposed
Number Parking Stalls	Contractor’s yard: Maximum of 1 per 250 sq. ft. office or sales area (22) plus 1 per 1,500 sq. ft. storage area (21) (43 total)	101
Accessible Stalls	Yes	3 (See Comment #15)
Loading	Not required	Existing storage yard
Number Bike Parking Stalls	Contractor’s yard: 1 per 5,000 sq. ft. floor area (3)	8
Landscaping	Yes	Yes (See Comment #16)
Lighting	Yes	Yes
Building Forms	Not required	Existing building

<b>Other Critical Zoning Items</b>	Urban Design District #1; Barrier Free (ILHR 69); Utility Easements
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**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. Weekday Metro Transit service is located 0.3-miles to the west at the Dutch Mill Road Park-and-Ride and weekend service located roughly 300 feet to the east at the intersection of Dutch Mill Road and Ellestad Drive.

## Project Description

The applicant requests Conditional Use approval to exceed the maximum number of automobile parking stalls allowed for a contractor's yard (office and storage area). The applicant is proposing to add parking to bring the on-site total to 101 stalls. This exceeds the maximum number of stalls allowed by the Zoning Code (43) by 58. MGO §28.141(6)(b)4 notes that an increase of more than twenty (20) parking spaces in excess of the maximum number of spaces that is also more than ten percent (10%) of the maximum parking requirement may be approved by Conditional Use.

While currently showing 82 stalls on site, the Zoning Division only has a record of 70 stalls being approved for this site. That said, the current request should really be considered a request for a net increase of 31 stalls (i.e. from 70 to 101).

The subject site contains a roughly 15,000-square-foot warehouse/office building located near its center. As described by the applicant, the building contains 5,443 square feet of office space, 992 square feet of storage space, 7,224 square feet of warehouse space, and a 724-square-foot repair shop. The main entrance is located at the building's southern corner, facing the road. A roughly 23,300-square-foot storage yard for the overnight storage of the company's fleet of 62 trucks is located to the north of the building. The yard is encircled by a fence and is accessed by vehicles via the sliding gate located along the western side.

The site takes access from Dutch Mill Road. Eight automobile parking stalls (three accessible) are located to the southeast of the building while another 74 stalls are located to the west of the building. The building serves 82 employees based out of this office (12 office staff and 70 field staff) between the hours of 6:00 am and 8:00 pm on weekdays and 6:00 am and 5pm on weekends.

The applicant proposes two changes to the site. First is the addition of 24 automobile parking stalls. The net increase however will be 19 stalls because five existing stalls will need to be removed to accommodate the drive aisles which will provide access to the stalls. The proposed stalls will be located to the west of the existing stalls, on an undeveloped area of the site which is currently grass.

The second site change is the addition of a drive aisle around the eastern side of the building. The purpose is to allow semi trucks making deliveries as well as company vehicles to have more direct access to the storage area and no longer need to back out of the site and onto Dutch Mill Road. The applicant notes that the two gates – one existing and the other proposed – are for security of the company's trucks at night. They will be opened during business hours and locked overnight.

The applicant also proposes to add additional landscaping, primarily in and around the areas of the site which have been altered. For the area around the added tray of parking, overstory trees including Red Maples and Swamp White Oaks will be added along the western edge and in the new parking islands, while Black Hill Spruce and Fox Valley Birch will be added along the southwestern and southeastern edges, respectively. Shrubs and grasses such as Redosier Dogwoods, Junipers, and Switch Grass will also be added along the southern edge and in the parking islands. For the proposed truck drive aisle, Fox Valley Birch will be added along the aisle's western edge while Black Hill Spruce, Prairie Crabapples, and a Prairifire Crab Apple tree will be added along the eastern

edge. Additionally, along the site's frontage, to the west of the drive aisle, the applicant is proposing to add landscaping such as a Prairie Crabapple, a Prairifire Crab Apple tree, Switch Grass, and Creeping Juniper. Similar landscaping is also proposed at the southern corner of the building to supplement the existing plants.

## Analysis and Conclusion

The proposed project is subject to the approval standards for Conditional Uses [MGO §28.183(6)]. This analysis begins with an analysis of adopted plan recommendations.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Employment Uses for the subject site and neighboring parcels. It states that these areas should *"include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area."*

The subject site and surrounding properties area also located within the boundaries of the [Stoughton Road Revitalization Project Plan \(2008\)](#), which identifies these parcels in a *"Mixed-Use Business District"* for which it recommends an *"employment and business services and associated retail, and mixed-use retail/office focus."* It also states *"the buildings in the area should be between two and eight stories in height, and consist of hotels, clinics, health care facilities, restaurants, and speculative and corporate offices."*

The Planning Division does not believe that the proposed request to increase the supply of parking on site is inconsistent with either of the adopted plans mentioned above. The addition of surface parking at this time is not believed to preclude more intense redevelopment in the future, as recommended.

### Conditional Use Standards

In regards to the 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 MGO §28.183(6) are met. Please note, recent changes to 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. The Planning Division provides discussion of Approval Standard #5, below.

Standard 5 states, *"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."*

The applicant is proposing 101 off-street, surface parking stalls. As the subject site is considered a *"Contractor's Yard"* by the City's Zoning Administrator, Table 28I-3 in MGO Section 28.141 establishes the minimum and maximum off-street parking requirements for this land use. Table 1, below, allocates the various components of the facility into the two categories – office/sales area or storage area - and then applies the corresponding parking ratio in order to determine maximum allows number of parking stalls. As a result, the Zoning Code allows a maximum of 43 stalls for the proposed use.

**Table 1: Breakdown of Maximum Off-Street Automobile Parking Stalls Permitted for a 4626 Dutch Mill Road (per Table 28I-3 of MGO §28.141)**

Contractor’s Yard Component	Calculation Ratio	# of Resulting, Allowed Stalls
<u>Office or Sales Area</u> Office = 5,500 sq. ft. <i>Subtotal = 5,500 sq. ft.</i>	1 stall per 250 sq. ft. of office or sales area	22
<u>Storage Area</u> Storage = 992 sq. ft. Fill/Warehouse Area= 7,224 sq. ft. Repair Shop = 724 sq. ft. Exterior Fleet Truck Storage Yard= 23,308 sq. ft. <i>Subtotal = 31,500 sq. ft.</i>	1 stall per 1,500 sq. ft. of storage area	21
<b>Total</b>		43

At 101 stalls, the current proposal represents a 58-stall increase over the maximum number allowed by the Zoning Code. It should be noted that the subject site already received an 18-stall parking reduction, back in 2016. At that time, the proposal to renovate the building and update the site went through an administrative review process. That submittal proposed 70 surface automobile parking stalls, which represented an 18-stall increase over the 52 stalls permitted by the Zoning Code at the time.

While the applicant is currently showing 82 stalls on site, the Zoning Division has no record of these additional 12 stalls being approved. Therefore the current request should really be considered a request for a net increase of 31 stalls (i.e. from 70 to 101).

With the current proposal, MGO §28.141(6)(c) states that approval of surface parking exceeding the maximum shall be granted only after considering the following (note: Staff’s analysis has been provided after each of the six consideration points):

*1. Documentation regarding the actual parking demand for the proposed use.*

In the submitted materials, the applicant has stated that current supply of 82 parking stalls are currently all being used by the 82 employees (12 office staff and 70 field staff) at this location. The company would like to increase the parking on site in order to have the opportunity for future company growth.

*2. The impact of the proposed use on the parking and roadway facilities in the surrounding area.*

Traffic Engineering did not express concern related to the impact on the surrounding road network nor submit conditions related to any mitigation.

*3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.*

While the Dutch Mill Park-and-Ride lot is located roughly 500 feet to the southwest, the applicant has expressed concern with the prospect of their employees having to cross Broadway/Dutch Mill Road when coming to and leaving from work each day. They had additional concerns with employees walking to and from the Park-and-Ride lot during bad weather and the cold winter months.

*4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.*

The applicant has stated that a number of their employees ride their bikes or take the bus to work. Unfortunately, however, many shifts start at 6:30am, which is roughly 20 minutes before Metro buses begin serving the stops near the subject site on weekdays and 90 minutes on weekends. Furthermore, the applicant stated that for many employees, taking the bus is often not feasible due to dropping kids off at daycare, appointments, stops after work, etc.

*5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.*

As described above, the applicant is proposing to add additional landscaping along the southern portions of the proposed parking addition and eastern truck drive aisle, as well as along the site's street frontage to provide additional improvements and help screen the parking from Dutch Mill Road.

*6. Whether the proposed use is new or is an alteration, addition or expansion of an existing use.*

The building itself is not expanding, merely the parking lot which serves it.

The Planning Division believes the conditional use standards can be found met. Staff does not anticipate that the increase to 101 automobile parking stalls will result in negative impacts on surrounding properties. Staff believes the visual impact from Dutch Mill Road will be minimal due to: 1) the location of the proposed additional stalls, roughly 250 back from the public right-of-way; 2) the fact that they will largely be screened by the one-story office building located between the proposed stalls and the road; and 3) the additional screening and beautification provided by the landscaping proposed along the southern and western sides of the parking stalls as well as the Dutch Mill Road street frontage. City Traffic Engineering does not believe the request will have a negative impact on the local road network.

The Planning Division also points out that this proposal, because the site is located within Urban Design District #1, was reviewed and unanimously granted final approval by the Urban Design Commission on June 26, 2019. While the staff report has been included in the Plan Commission's packet of materials, the list of the Commission's conditions of approval have also been copied below.

- Look at the swale on the south or southeast end of the parking lot to be sure it isn't too shallow.
- Swap out Red Maple for Kentucky Coffee.
- Shift some of the trees to provide for more space to thrive.

### **Public Input**

At the time of report writing, staff is unaware of any comments from the public.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards met and **approve** the request to exceed the maximum automobile parking allowed for a contractor's yard (office and storage area) at **4626 Dutch Mill Road**. This recommendation is subject to input at the public hearing and the following conditions recommended by the reviewing agencies:

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

#### City Engineering Division - Main Office (Contact Brenda Stanley, (608) 261-9127)

1. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. 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:
  - 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) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to either: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [troester@cityofmadison.com](mailto:troester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

2. 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 5.0 tons per acre per year.
3. 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)

4. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
5. 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
  - 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 (POLICY and Section 37.09(2), MGO).
6. 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 8.5x14 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 have 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. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com) final document and fee should be submitted to City
7. 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 5.0 tons per acre per year.
8. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.



9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of the Madison General Ordinances.
10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2-, 10-, & 100-year storm events, matching post development rates to predevelopment rates.

**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)

11. 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; vision triangles; 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.
12. 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.
13. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
14. 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 Jenny Kirchgatter, (608) 266-4429)

15. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.141(4)(e) which includes all applicable State accessible requirements. A minimum of four (4) accessible parking stalls are required if the total number of parking stalls is between 76 and 100 stalls. Five (5) accessible stalls are required if the total number of parking stalls is between 101 and 150 stalls. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access area adjacent. Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
16. On the landscape plan, identify and label the existing trees and landscaping per the previously approved plan dated 06/16/16 in addition to the proposed trees and landscape plantings. The landscape plan and landscape worksheet shall be stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

17. 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.

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

18. The fire access lane will need to be modified to allow 150-ft from the fire lanes to all exterior portions of the building. The route shall be along a walkable path. Current proposal requires climbing over a fence which is not acceptable.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

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

**Forestry Division** (Contact Brad Hofmann, (608) 267-4908)

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

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

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

**Metro Transit** (Contact Timothy Sobota, (608) 261-4289)

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