



PREPARED FOR THE PLAN COMMISSION

Project Address: 1412 Pflaum Road (District 15 – Ald. Ahrens)
Application Type: Conditional Use
Legistar File ID # [48967](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jim Schutz; Open Pantry; 10505 Corporate Drive, Suite 101; Pleasant Prairie, WI 53158
Contact: Justin Borchardt; Open Pantry; 10505 Corporate Drive, Suite 101; Pleasant Prairie, WI 53158
Property Owner: E&K Land, LLC; 10505 Corporate Drive, Suite 101; Pleasant Prairie, WI 53158

Requested Action: The applicant requests approval of a conditional use to establish a private-parking facility in a property zoned CC-T (Commercial Corridor - Transitional District) at 1412 Pflaum Road.

Proposal Summary: The applicant proposes to convert the vacant lot in the rear of the site into a private-parking facility to store overflow automobile inventory for A to Z Autosports, located across the street at 1415 Pflaum Road.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as Table 28D-2 in §28.061 of the Zoning Code indicates that a private parking facility requires a Conditional Use in CC-T Zoning.

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 a private parking facility at **1412 Pflaum Road**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 45,638-square-foot (1.05-acre) subject property is located on northwest corner at the intersection of Pflaum Road and S. Stoughton Road. The site is within Aldermanic District 15 (Ald. Ahrens) as well as the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned CC-T (Commercial Corridor – Transitional District) and includes an existing gas station, an Open Pantry convenience store, and parking lot. This site had previously been used as a parking facility for a different auto sales facility formerly located at 2418 S. Stoughton Road.

Surrounding Land Use and Zoning:

North: A large commercial building, with an automobile sales facility beyond, zoned CC-T (Commercial Corridor – Transitional District);

South: Across Pflaum Road is A to Z Autosports, an automobile sales facility zoned CC-T;

East: Across Stoughton Road is a fast food restaurant zoned CC-T with surrounding employment uses zoned SE (Suburban Employment);

West: Low density residential, zoned SR-C3 (Suburban Residential – Consistent District 3), with SR-C1 (Suburban Residential – Consistent District 1) zoning beyond.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends General Commercial uses for the subject site. The [Stoughton Road Revitalization Project Plan \(SRRPP\)](#) includes this site in the “Grid Development Area”. According to SRRPP, this area focuses on improved connectivity and local access with a long-term vision to build five bridges that connect both sides of Stoughton Road. SRRPP recommends that Stoughton Road gradually and incrementally transition from low-density auto-oriented retail and commercial uses that serve a specialized regional niche to uses that serve a general East Side market. Furthermore, *additional car dealerships are highly discouraged; automotive services and auto-oriented businesses should be discouraged and included only as a part of a larger high-quality retail and mixed-use development.*

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

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access	Adequate
Rear Yard Setback	The required rear yard setback shall be the same as the required side yard setback.	Adequate
Maximum Lot Coverage	85%	TBD (10)
Maximum Building Height	5 stories/ 68’	1 story existing building
Number Parking Stalls	No minimum	62 (11)
Accessible Stalls	Yes	3
Loading	None	None
Number Bike Parking Stalls	Not required	None
Landscaping	Not required	Existing landscaping (12)(13)
Lighting	Yes	No (14)
Building Forms	Not required	Existing building
Other Critical Zoning Items	Barrier Free (ILHR 69) & Utility Easements	

Tables 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 range of urban services along the Stoughton Road Corridor, including Madison Metro Route 37 & 31.

Project History

The subject lot was previously used for automobile inventory by the adjacent Schoepp Motors at 2418 S. Stoughton Road. That automobile sales facility has since moved to a new location further north along Stoughton Road and no longer uses this lot for storage. As it stands currently, the proposed lot had been used illegally used as inventory automobile storage for A to Z Autosports, another automobile sales facility located across the street at 1415 Pflaum Road. The City’s Building Inspection Division issued an Official Notice to the property owner for this violation on August 8, 2017 (A copy of this notice is provided as Attachment 1). In order to conform with the Zoning Code, the applicant now seeks conditional use approval to legally establish a private parking facility in CC-T Zoning.

Project Description, Analysis, and Conclusion

The applicant requests conditional use approval to establish a private parking facility in CC-T zoning at 1412 Pflaum Road. The applicant is proposing to utilize the existing surface parking lot as inventory vehicle storage for A to Z Autosports, an auto sales facility located across the street at 1415 Pflaum Road. According to the Letter of Intent, the applicant proposes to make the property more vibrant and deter negative incidents through increased lighting and security cameras throughout the site. Additionally, the applicant intends to add striping in the parking lot to delineate traffic patterns.

This request is subject to the Conditional Use Standards as Table 28D-2 in MGO §28.061 indicates that a private parking facility is a conditional use in CC-T Zoning. 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 (A copy of the statement of purpose is provided as Attachment 2).

In giving consideration to adopted plans, this proposal conforms to the general commercial land use recommendation in the City's [Comprehensive Plan](#) for the site and surrounding area. The [Comprehensive Plan](#) also notes that refined recommendations may be provided through the adoption and preparation of detailed neighborhood and special area plans.

Staff believes that this private parking facility use is generally inconsistent with the long-term goals listed in the [Stoughton Road Revitalization Project Plan \(SRRPP\)](#). As noted above, The SRRPP recommends that Stoughton Road gradually and incrementally transition from low-density auto-oriented retail and commercial uses. According to this plan, "While there is a strong employment base along Stoughton Road, storage of automobiles, trucks, and other industrial materials continue to cause conflict between neighborhood, commercial, and industrial uses." Therefore, the SRRPP recommends that this site area move away from auto-oriented uses in order to improve the connectivity and overall land use patterns along the Stoughton Road Corridor.

Furthermore, the Plan designates this intersection as a site for "Gateway Buildings" in order to create identifiable places that anchor and create entrances to neighborhoods. The SRRPP intends to transition the area away from general commercial land use, to community-mixed use instead. As mentioned previously in this report, additional car dealerships are highly discouraged and automotive services and auto-oriented businesses should be discouraged and included only as part of a larger high-quality retail and mixed-use development.

After giving due consideration to adopted plan recommendations, the Plan Commission must determine whether the project meets all of the applicable conditional use standards. This includes Standard #4 which requires Plan Commission to find that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property of uses permitted in the district.

While the Planning Division has discouraged the establishment of new automobile-oriented establishments along this corridor since the adoption of the SRRPP, there are some unique factors that staff believes differentiates this from other requests and should be considered. First, staff notes that this property has been legally used for automobile inventory by Schoepp Motors in previous years. As such, approval of this private parking facility to serve a different dealership will not result in additional lands being created for auto-oriented uses along the

corridor. Modest improvements to site layout and lighting are anticipated to have the added public benefits of bringing the site into compliance with applicable City standards and improve the safety and appearance of the area compared to its current vacant condition. Staff also does not believe that establishing this private-parking facility will physically inhibit future development of the site or surrounding neighborhood. Moreover, the SRRPP acknowledges that redevelopment in the area will be incremental. It is also important to note that there is no clear timetable or plan for the reconstruction of Stoughton Road, and staff does not currently anticipate substantial redevelopment interest would occur until there is more project certainty.

Given due consideration of the long-term plan recommendations, staff recommends that a sunset provision be included as a condition of approval. The sunset provision would grant a conditional use for a private parking facility for five years and after this time the applicant would have to come back to the Plan Commission for further consideration.

It is important to note that this proposal is not for an automobiles sales facility but rather a private parking facility and therefore the lot shall be used only for inventory storage. Staff has concerns about customers crossing Pflaum Road to look at the automobile inventory in this proposed parking facility. The applicant has ensured that their intention is to have A to Z Autosports employees drive the cars over to the main facility for the customers. The Planning Division has recommended a condition related to this issue.

At the time of report writing, a neighboring resident contacted staff with questions and public safety concerns regarding the site. Staff has also had contact with Alder Aherns, and he has reported that the site has been subject of many neighborhood safety complaints due to the poor lighting and lack of surveillance. Alder Aherns commented that with this car lot addition, the site would have better lighting and adequate video surveillance. The Alder's comments to Staff are included as Attachment 3 for reference.

Though not consistent with all of the recommendations of the Stoughton Road Revitalization 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.

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 a private parking facility at **1412 Pflaum Road**. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

Planning Division (Contact Sydney Prusak, 243-0554)

1. This conditional use is only valid for five (5) years from the date of issuance. If the applicant wishes to continue this use of the site, they must file an application and return to Plan Commission for further review.

2. The private parking facility approved on the subject site shall be used for auto inventory storage only. There shall be no sales activity, customer viewing/showings, signage, marketing, or similar advertising activities associated with auto sales on this property.

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

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

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

3. Applicant shall provide for review or a recorded copy of reciprocal easements and/or agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance.

4. Provide a copy of the lease with A to Z Autosports LLC, Abdul Sarhan.

5. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

6. The site plan shall include all lot/ownership lines shown accurately, existing building locations, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

7. The site plan shall include a full and complete legal description of the site or property subject to this application.

Traffic Engineering (Contact Sean Malloy, 266-6527)

1. 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.
2. 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.
3. 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.
4. **All parking** facility design shall conform to MGO standards, as set in section 10.08(6).

5. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If the applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City traffic Engineer.
6. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, performed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
7. Applicant shall submit for review a vehicular turning movement template demonstrating ingress/egress and access of fuel delivery.
8. "Stop" signs shall be installed at a height of seven (7) feet 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.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4560)

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| <ol style="list-style-type: none">9. The proposed site plan is not consistent with the approved site plan dated 1998. Areas of inconsistency include a landscaped/grass area which has been removed from the parking lot, parking stalls located south of the existing building and west of the canopy structure, and elimination of a two-way drive aisle located west of the existing building. The landscaped/ grass area must be replaced. The area south and west of the existing building and canopy must be returned to the condition approved in the 1998 site plan or approvals must be obtained for any change in traffic circulation.10. The landscaped/grass area located within the parking lot approved per the 1998 site plan must be replaced. The lot coverage maximum is 85%. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum. |
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11. Label the private parking lot stalls to be used as overflow parking for the auto sales facility and the parking stalls to be used by the existing auto service station/ convenience store.
 12. Parking lot and site landscaping is not required to be brought into compliance for the development site. However, parking lot and site landscaping must be consistent with landscaping approved per the 1998 plan. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
 13. Show the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it 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 if provided outside the building.
 14. Verify whether new parking lot or site lighting will be installed. New parking lot lighting must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
 15. 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.

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

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

Water Utility (Contact Adam Wiederhoeft, 266-9121)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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

Parks Division (Contact Janet Schmidt, 261-9688)

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

From: Building Inspection Division
126 S. Hamilton St.
P.O. Box 2984
Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:
1412 PFLAUM ROAD

OWNER:
E&K LAND LLC
10505 CORPORATE DR #101
PLEASANT PRAIRIE WI 53158

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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COMPLAINT

- 20.067(2) Discontinue use of the CC-T zoned property at 1412 Pflaum Road for the storage of cars.

A private parking lot is a conditional use in the CC-T district.

Compliance with the above cited sections of the municipal code shall be on a continuous basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Building Inspection Division may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Building Inspection Division is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

THE MADISON GENERAL ORDINANCES REQUIRE THAT A FEE OF \$75.00 BE CHARGED FOR REINSPECTIONS THAT DO NOT RESULT IN FULL COMPLIANCE, INCLUDING REINSPECTIONS RESULTING IN AN EXTENDED DUE DATE. ATTEMPTED REINSPECTIONS (NO ENTRY) ARE BILLED AT \$35.00 EACH.

C: ROBERT A BUHLER REG AGT, 10505 CORPORATE DR STE 101, PLEASANT PRAIRIE WI 53158

The inspector can be reached by phone at 608-266-4560 or by email at jmoskowitz@cityofmadison.com

Inspected by: Jacob Moskowitz On: 8-18-2017 Date Issued: 8-22-2017

The violations shall be corrected on or before: September 20, 2017

Code Enforcement Officer: _____

Any person violating any provision of the City Ordinances enforced by the Building Inspection Division is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE BUILDING INSPECTION DIRECTOR IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

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* Attachment II *

Sec. 28.067

ZONING CODE

28.067 COMMERCIAL CORRIDOR - TRANSITIONAL DISTRICT.

(1) Statement of Purpose.

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. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design along these corridors.
- (b) Maintain the viability of existing residential uses located along predominantly commercial corridors.
- (c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
- (d) 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.
- (e) Structured parking is encouraged.

(2) Permitted and Conditional Uses.

- (a) See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Commercial Corridor - Transitional District	
Front yard setback	. See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width < 40: 10% lot width
Side yard setback (for exclusive residential use)	10
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	The lesser of 20% of lot depth or 20 feet
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
Lot area (for exclusive residential use)	750 sq. ft./unit
Maximum lot coverage	85%
Maximum height	5 stories / 68 See (d) below
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

(Am. by ORD-13-00007, 1-15-13; ORD-17-00054, 6-19-17)

- (a) Front Yard Setback. Unless designated otherwise on the zoning map, for new buildings and additions exceeding fifty percent (50%) of the building's original floor area, a minimum of fifty percent (50%) of the street-facing building wall shall be set back no more than twenty-five (25) feet. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range.

* Attachment III *

From: Ahrens, David

Sent: Wednesday, October 18, 2017 2:45 PM

To: Prusak, Sydney <SPrusak@cityofmadison.com>

Cc: 'kprusak@cityofmadison.com' <kprusak@cityofmadison.com>

Subject: RE: 1412 Pflaum Conditional Use

Sydney:

I too would be concerned with the additional car parking. However, the area around the Open Pantry (including the unused structure behind it) has been vacant for many years. It has been the subject of many complaints from neighborhood residents due to its poor lighting and surveillance.

Residents have complained about drug use, etc. on that property. As a result of the addition of the car lot, the area will now be very well lit with adequate video surveillance.

Also, I don't think there is much activity in the next few years or perhaps even a decade before there is any re-construction activity on Stoughton Rd.

If you have any questions or would like to discuss this further, I'd be happy to meet.

Best,

David