



PREPARED FOR THE PLAN COMMISSION

Project Address: 2208 University Avenue (5th Aldermanic District, Ald. Bidar-Sielaff)
Application Type: Conditional Use
Legistar File ID #: [53120](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Gary Kalscheur; Don The Car Care Man; 2208 University Avenue; Madison, WI 53726

Contact: Randy Bruce; Knothe & Bruce Architects, LLC.; Middleton, WI 53562

Requested Action: Approval of a conditional use for an outdoor storage area for an auto repair station in Traditional Shopping Street (TSS) District Zoning at 2208 University Avenue.

Proposal Summary: The applicant requests approval for outdoor storage for an existing automobile repair station (Don The Car Care Man). It will be located between the site's existing building and neighboring building to the east (Mister Car Wash). Solid fencing and a gate will be added along University Avenue and fencing and a trash enclosure will be added along the rear property line (adjacent to Campus Drive).

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)], as Table 28D-2 in Section 28.061(1) of the Zoning Code lists outdoor storage as a conditional use in the TSS district. It is also subject to the Supplemental Regulations for Auto Repair Stations and Outdoor Storage [MGO §28.151].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for conditional use met and **approve** the proposed outdoor storage for an auto repair station in Traditional Shopping Street (TSS) District Zoning at 2208 University Avenue. Each of these recommendations is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The subject property is located in between Campus Drive and University Avenue, just east of the intersection with Walnut Street. The site is within Aldermanic District 5 (Ald. Bidar-Sielaff) as well as the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The 24,954-square-foot (0.57-acre), rectangular site is oriented north-south and includes one roughly 10,450-square-foot building located along its western property line. The building, a one-story auto repair station with a small, 240-square-foot office at its southeast corner, was first constructed in 1941. It has been added on to twice and the entire building was remodeled in 1991 (at the time the last addition was put on). The rest of the site is paved with roughly seven automobile parking stalls located to the south of the building and 17 located to the east. The subject property shares a 16-foot-wide driveway easement with the property to the east (at 2202 University Avenue). (The easement is centered on the shared property line).

Surrounding Land Use and Zoning:

North: Across Campus Drive are railroad tracks, beyond which is a vacant site, beyond which is the University of Wisconsin-Madison Walnut Street Heating and Cooling Plant. All are zoned Campus Institutional (CI);

South: Across University Avenue are two 5-unit apartments, zoned Traditional Residential – Urban 1 (TR-U1) and a building with 25 condominiums, zoned Planned Development (PD);

East: Mister Car Wash, zoned Traditional Shopping Street (TSS); and

West: A BP canopy with fuel pumps along with a 7-Eleven Convenience Store, zoned TSS.

Adopted Land Use Plan: The 2018 Comprehensive Plan recommends High Residential (HR) uses for the subject site, which it describes as a density of 70 or more dwelling units per acre and buildings 4-12 stories in height. The University Avenue Corridor Plan (2014) recommends Neighborhood Mixed-Use (NMU) uses – in particular, it recommends that the redevelopment of the subject site be either mixed-use (with first floor neighborhood-serving commercial spaces) or a purely residential building (with a density up to 104 dwelling units per acre). It also states, *“big-box stores are not appropriate (already too much traffic, insufficient parking); smaller, neighborhood-oriented businesses are preferred”* and provides specific building heights and step backs for new construction along this portion of University Avenue. However, regarding existing businesses, the University Avenue Plan recommends that they should be retained and efforts made to attract additional businesses to vacant commercial space prior to redevelopment.

Zoning Summary: The property is zoned Traditional Shopping Street (TSS) District.

Requirements	Required	Proposed
Lot coverage	85%	No Change

Site Design	Required	Proposed
Number parking stalls	11	2 (See Comment #8)
Accessible stalls	1	1
Loading	No	No
Number bike parking stalls	2	2
Landscaping	Yes	No change
Lighting	Yes	No change

Other Critical Zoning Items	None
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Tables Prepared by Jacob Moskowitz, 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 full range of urban services.

Project Description

The applicant proposes outdoor storage for an auto repair station. Its creation is in direct response to a Zoning Code compliance issue related to the automobile parking lot which was located in the same area of the lot. An outdoor storage area will require conditional use consideration. MGO §28.211 defines Outdoor Storage as *“permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered “outdoor storage.””*

The outdoor storage is for the storage of customer's automobiles. It will occupy the paved area directly east of the existing building up to the existing concrete retaining wall which runs parallel to the eastern property line. There is a 28-foot driveway access easement – shared between the subject property and the car wash to the east – which runs along, and is centered on, this common property line. (The concrete retaining wall on the subject site defines the western edge of the easement).

In order to adequately screen the outdoor storage area, the applicant is proposing to install solid fencing and a gate eastward from the auto repair shop's University Avenue façade. The fencing will then turn to the north after roughly 28 feet and continue along the driveway easement for roughly 60 feet until it hits the existing concrete retaining wall. Another section of fencing will be added along the northern property line which runs roughly parallel to Campus Drive. Lastly, the trash area proposed along the northerly property line will also be enclosed with fencing.

With the updated site plan, the existing parking at the front of the lot, in between the building and University Avenue, will also be altered to allow for two parking stalls (one of which is accessible) at the southwest corner of the site and a valet area in front of the entry to the small office at the southeast corner of the subject building. Staff note that the two proposed parking stalls is below the minimum (nine) required by the Zoning Code for this use. While the applicant will need to submit a parking reduction request before final sign off, the Zoning Administrator has indicated his willingness to administratively approve the seven-stall parking reduction due in part to the fact that it would bring the site back into compliance with the code.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)], as Table 28D-2 in Section 28.061(1) of the Zoning Code lists outdoor storage as a conditional use in the TSS (Traditional Shopping Street) District. It is also subject to the Supplemental Regulations for Auto Repair Stations and Outdoor Storage [MGO §28.151]. The analysis below begins with a summary of the adopted plan recommendations.

Conformance with Adopted Plans

The Planning Division believes that the project can be found compatible with adopted plan recommendations. The [2018 Comprehensive Plan](#) recommends High Residential (HR) uses for the subject site which it describes as a density of 70 or more dwelling units per acre and buildings 4-12 stories in height. The [University Avenue Corridor Plan \(2014\)](#) recommends Neighborhood Mixed-Use (NMU) uses – in particular, that the redevelopment of the subject site be either mixed-use (with first floor neighborhood-serving commercial spaces) or a purely residential building (with a density up to 104 dwelling units per acre). It also states, *"big-box stores are not appropriate (already too much traffic, insufficient parking); smaller, neighborhood-oriented businesses are preferred"* and provides specific building heights and step backs for new construction along this portion of University Avenue. However, regarding existing businesses, the University Avenue Plan recommends that they *"should be retained and efforts made to attract additional businesses to vacant commercial space prior to redevelopment."*

Considering that the proposed use (the outdoor storage of vehicles) is the same as this portion of the site's currently use – with the only difference being the fact that the automobiles will now be screened from public view – coupled with the fact that the neighborhood plan specifically recommends that existing businesses in this specific area be retained, the Planning Division believes the proposed use could be considered consistent with the [University Avenue Corridor Plan](#).

Conditional Use Standards

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. Conformance with adopted plans is discussed above. The Planning Division has particular concerns related to Conditional Use Approval Standard #9, which is discussed below.

Standard #9 states *"When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."*

Planning Division staff do not believe that a commercial-grade chain link fence with vinyl slats meets this standard. Staff note that this type of fencing is more commonly associated with heavy commercial and industrial uses rather than mixed-use districts such as the TSS. To this point, MGO 28.060(2)(e) states [for equipment and service area screening in mixed-use and commercial districts], *"If an outdoor storage, service or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence (emphasis added), wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure."* Located directly across the street from several multi-family apartment buildings, Staff do not believe the proposed fence could be considered decorative and instead believe that a solid, commercial-grade wood fence, or equivalent, would satisfy this requirement as well as Conditional Use Approval Standard #9. Staff also believe that said fencing should be installed along the entire southern and eastern lengths of the proposed outdoor storage area to address screening concerns if and when the Mister Car Wash to the east is ever demolished.

Supplemental Regulations

In order to conform with the Supplemental Regulations for Automobile Service Stations as well as Outdoor Storage (included at the end of this staff report), the business will not be allowed to store or park any disabled, wrecked, or partially dismantled vehicle in the proposed storage area for a period exceeding ten days during any thirty day period.

Public Input

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

Conclusion

The Planning Division Staff believes that the conditional use standards can be found met with the condition recommended by Planning Division Staff in addition to those recommended by reviewing agencies.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards for conditional use met and **approve** the proposed outdoor storage for an auto repair station in Traditional Shopping Street (TSS) District Zoning at 2208 University Avenue. Each of these recommendations 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

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The applicant shall install a solid, commercial-grade wood fence, or equivalent, along the entire southern and eastern lengths of the proposed outdoor storage area for approval by the Planning Division staff.

City Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

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

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

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

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

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. Parking stalls that are located next to a sidewalk shall have a barrier between the stall and the sidewalk to serve as protection for any pedestrians.

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

6. Submit a detail of the trash enclosure. The trash enclosure 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.
7. Sec. 28.151: Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, or public park.
8. A vehicle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces. As the commercial tenant spaces are leased, the entire development must reflect compliance in the required amount, type and number of vehicle parking spaces, to be reviewed prior to obtaining zoning approval for each future tenant space use. Future parking reductions may be required prior to obtaining zoning approval for future tenant uses.
9. 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.
10. The auto repair station shall comply with supplemental regulations in Sec. 28.151:
 - (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
 - (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00a.m. unless all of the building's windows and doors are closed.
 - (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
 - (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (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.
 - (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
 - (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
 - (g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

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

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

Parks/Forestry Review (Contact Sarah Lerner, (608) 261-4281)

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 Tim Sobota, (608) 261-4289)

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

**ATTACHMENT #1: SUPPLEMENTAL REGULATIONS FOR AUTOMOBILE REPAIR STATIONS AND
OUTDOOR STORAGE (MGO §28.151)**

Supplemental Regulations for Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.

- (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00a.m. unless all of the building's windows and doors are closed.
- (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
 - 4. Storage of vehicle parts and refuse.
 - 5. Temporary storage of vehicles during repair and pending delivery to the customer.
 - 6. Vacuuming and cleaning.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- (g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

Supplemental Regulations for Outdoor Storage.

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.
- (d) In the EC District, all storage except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area.