

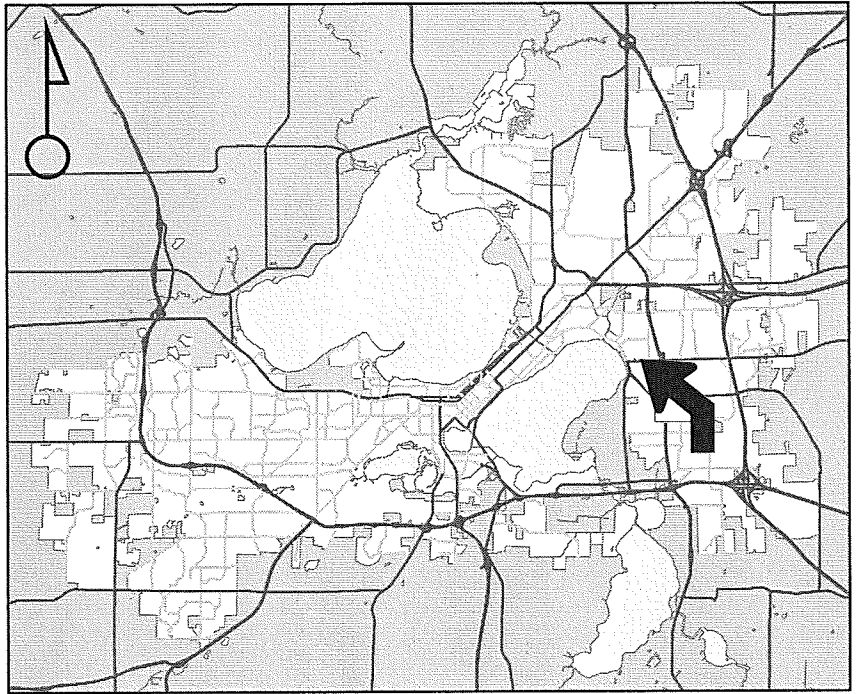


Location
3863 Clover Lane

Existing Use
Ace Automobile Upholstery,
Phillip Iturbide

Proposed Use
Conditional Use Continuing Jurisdiction
Public Hearing Regarding Ace Auto
Upholstery

Public Hearing Date
Plan Commission
08 August 2011



For Questions Contact: Matt Tucker at: 266-4569 or mtucker@cityofmadison.com or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : RPJ : Date : 26 July 2011





Department of Planning & Community & Economic Development
Building Inspection Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TTY/TEXTNET 866 704 2318
FAX 608 266 6377
PH 608 266 4551

DATE: August 2, 2011
TO: Plan Commission
FROM: Matt Tucker, Zoning Administrator
SUBJECT: Continuing Jurisdiction of Conditional Use Follow-Up, 3863 Clover Lane

At its November 22, 2010 meeting, the Plan Commission referred final action on it continuing jurisdiction review of the subject Conditional Use, to allow for time to resolve outstanding violations and show a pattern of operating in general compliance with the Conditional Use approval and other City requirements.

At that meeting, the following additional conditions were established for this Conditional Use:

1. That the parking or storage of inoperable vehicles on the site for any amount of time is strictly prohibited.
2. That the parking of vehicles outside of designated parking stalls as shown on the approved Conditional Use site plan is strictly prohibited. [Per Zoning Administrator, interim measures must be taken to delineate the parking stalls until permanent striping is completed by May 15, 2011]
3. That the prohibition in the Zoning Ordinance that prohibits the servicing or repair of vehicles outside enclosed buildings is affirmed.
4. That all junk, trash and debris be removed from the Conditional Use site and that the site be maintained free of junk, trash, and debris.
5. That the applicant will need to install landscaping and screening and provide permanent striping of the parking lot per the approved 2002 conditional use site plan by May 15, 2011.

Over the past several months, zoning staff have visited the site on occasion, at various times of the day, and provide the following observations:

04/07/2011 (Insp. HAC) Compliance, except for striping of parking lot and installation of landscaping. (Insp. HAC)

05/04/2011 (Insp. HAC) Pickup truck parked outside designated stalls, in front of building. Two bench seats on hood of another pickup truck in parking lot. Some new landscaping. New curbing on left side of property has broken area. New pole sign.

05/11/2011 (Insp. HAC) Car parked in front of building, not in designated parking stall. White pick-up truck has flat tire. Large enclosed trailer parked on property is too long for parking stall.

05/20/2011 (Insp. HAC) Rear tires of pickup truck parked off pavement, between pavement and fence. Vehicle with boat parked in middle of parking lot. Car seats sitting outside of building. Noncomplying bike rack next to building.

05/31/2011. (Insp. HAC) Noncomplying bike rack. Landscaping not completed. JTD (same stuff on ground at back of property as on 5-20-11).

7/28/2011 (Z.A.MWT) Noncomplying bike rack, complaint rack purchased but not installed. H/C sign not installed (leaning against fence backward). Some minor JTD /car parts around property. Landscaping bed full of weeds. One vehicle not parked in a designated parking stall (boat). Fenced enclosure area built without obtaining advanced approvals and modification to site plan.

To date, substantial improvement to the site has been completed, however there are some minor features of the approved site plan that have yet to be installed (bike rack, accessible parking stall sign) and the new fenced enclosure that was built has not been approved in advance of installation. Also, the day-to-day operation of the site periodically steps outside of the approval, primarily in the following scenarios:

- The operator continues to periodically authorize work on vehicles outside of the building when they do not fit into the building (boat was observed).
- The operator has not permanently installed some of the required features (H/C sign and bike rack),
- In some cases vehicles that do not fit onto parking stalls are being stored on the site, typically extending into the access aisle or completely parking in the access aisle.
- A dumpster is being stored in the paring access aisle.
- The operator does not regularly pick up trash at the site, keep landscaping areas weed-free, and there are ongoing observations of open storage of vehicle parts at the site.

These are minor violations, but simply are not allowed, and can be addressed through further enforcement action. At this time, I do not recommend revocation of the Conditional Use, but rather request the Plan Commission extend this Conditional Use approval **for one year only**, as to give the property owner the opportunity to show ongoing compliance for this use.

This case may be referred again to the Office of the City Attorney for prosecution. Any action from the Plan Commission in regard to continuing jurisdiction review will not impact the City's efforts to maintain compliance through prosecution.

C: Ald. Larry Palm
Phillip Iturbide, Ace Auto Upholstery

Enc: Photos of site from zoning inspections and property owner, approved site plan from 2002.



Pictures Submitted By Property Owner - 6-6-11



Pictures submitted by property owner - 6-6-11

LEGAL DESCRIPTION

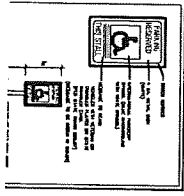
ASSASSIN PLANT #7 BLOCKING GROVE, PART OF LOT 25, 26, 27 BEGINNING AT THE SE CORNER OF LOT 7, THENCE S 154.31 UN. E 9.2 FT. THENCE S 87° ON CURVE TO RT RAD 100 FT, THENCE CHORD BEARS S 24.18 UN. W 81.3 FT, THENCE S 89° 17' UN. W 104.6 FT, THENCE N154.31 UN. W 72.5 FT, TO SW CORNER OF SAID LOT 7, THENCE N 89° 17' UN. E 123.4 FT, TO ROAD.

PROJECT DATA

SITE ADDRESS: 3863 Clover Lane, Madras, OR
 LOCAL ZONING: C-2
 NAME OF CLIENT: ACE Upholstry
 SHEET NO.: 1
 TOTAL SQUARE FOOTAGE OF PAVING: 14,882 sq. ft.
 DRIVE FLOOR AREA OF SITE: 14,882 sq. ft.
 SITE COVERAGE (TOTAL): 85.00%

TOTAL DRIVEWAYS: 3

SOIL CLASS	C-2
PAVING STRENGTH	12
PAVING STRENGTH	12
PAVING STRENGTH	12



Plan/Parking Facility Approval

Address: 3863 Clover Lane
 Contract/Region: Bill Timmer
 Zoning: C-2
 Date: 9-3-02
 Phone: 21-1305
 Planting: Steve Mack
 Date: CDD
 Trading Engineering: Steve Mack
 Date: 9/5/02
 City Engineer: [Signature]
 Date: 9/21/02
 LDPF: [Signature]
 Detention Fee: [Signature]
 Date: 9/5/02

PUD (SIP) PCD (SIP)

MFD - Fire Hydrant Requirement

All portions of the exterior wall must be within 500 feet of at least two fire hydrants. Distances shall be measured along the path of the hose lay.

[Per: MFD Section 34.149] for additional information.

PLANTING SCHEDULE

Deciduous Canopy Trees	Symbol	Plant Name	QTY.	Size
RSM	Red Sunset Maple	1	2"	8B
BRU	Blue Rug Juniper	9	5 Col	
BB	Burning Bush	4	24"	cont.



SITE DEVELOPMENT PLAN

SCALE 1" = 20'

ACE UPHOLSTRY
 3863 CLOVER LANE

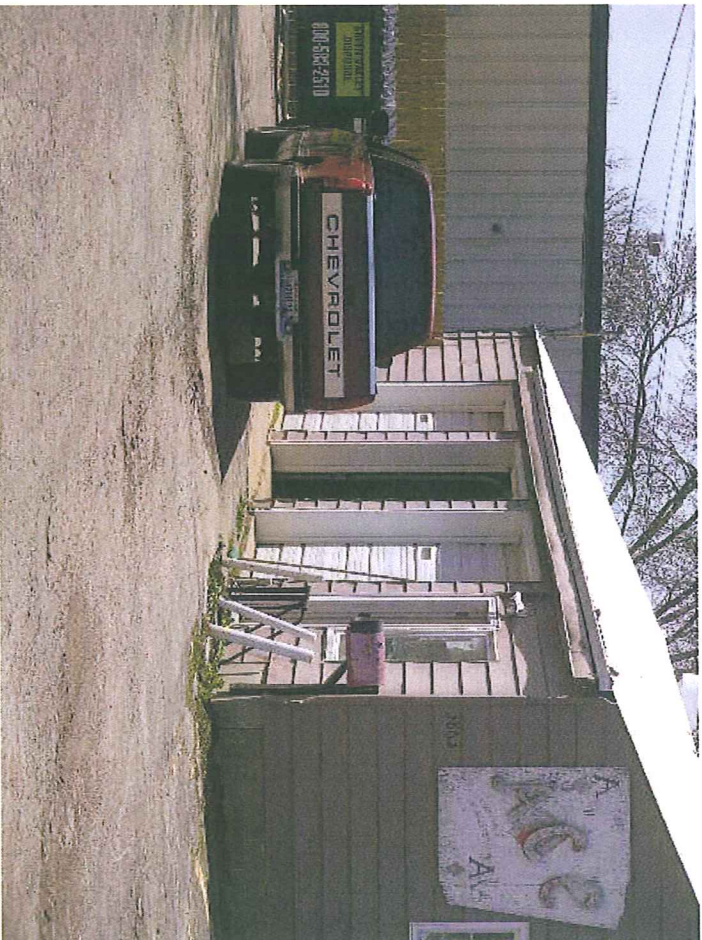
ALL CONSTRUCTION & DESIGN INC.
 4510 TRAVELER STREET
 MCALAN, WISCONSIN 53558

PROJECT #	C-1
DATE: 5-4-00	
REVISIONS	
DRAWN BY	
CHECKED BY	

3863 Clover Ln. 4/7/11



3863 Clover Ln. 5/4/11

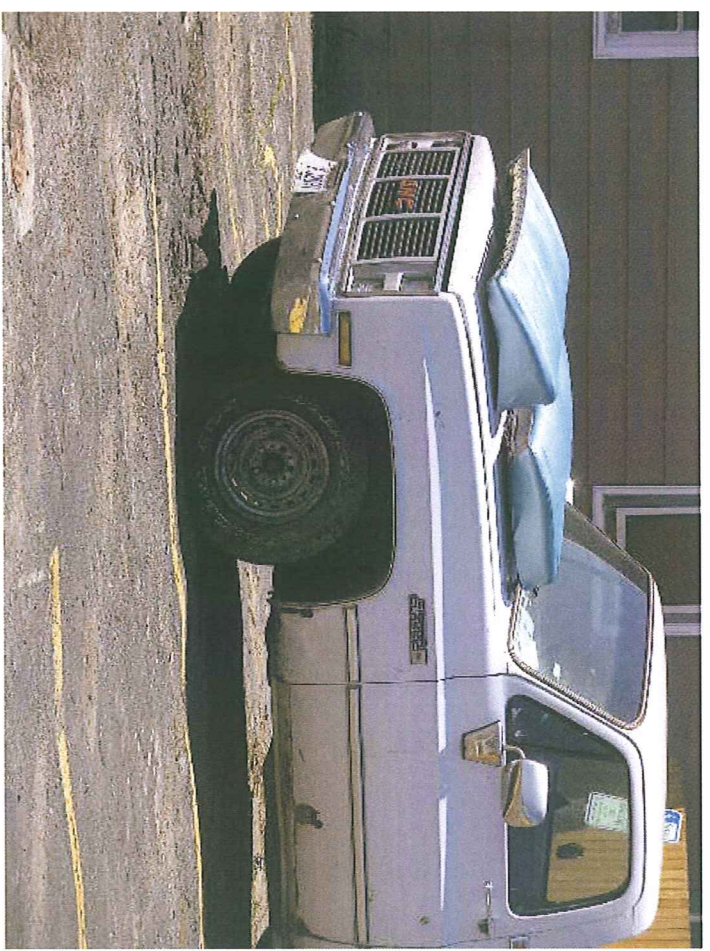


Parking outside of designated stalls
(in access aisle), bike rack wrong,
and in unapproved location



Some JTD in this area

3863 Clover Ln. 5/4/11



Parts stored on top of vehicle in parking lot



Some landscaping installed

3863 Clover Ln. 5/11/11



Vehicle too large to fit into parking stall, projects into access aisle.



Parking outside of designated stalls (in access aisle)

3863 Clover Ln. 5/11/11



Inoperable vehicle stored on site

3863 Clover Ln. 5/20/11



Parking outside of designated stalls (in access aisle), vehicle not entirely in stall, projects into access aisle.



Materials placed/stored outside of enclosed building

3863 Clover Ln. 5/31/11



Landscaping be full of weeds, not properly maintained

3863 Clover Ln. 7/28/11



Parking outside of designated stalls (in access aisle)



Open storage of materials, dumpster openly stored, fenced enclosure built, no advanced approvals.

3863 Clover Ln. 7/28/11

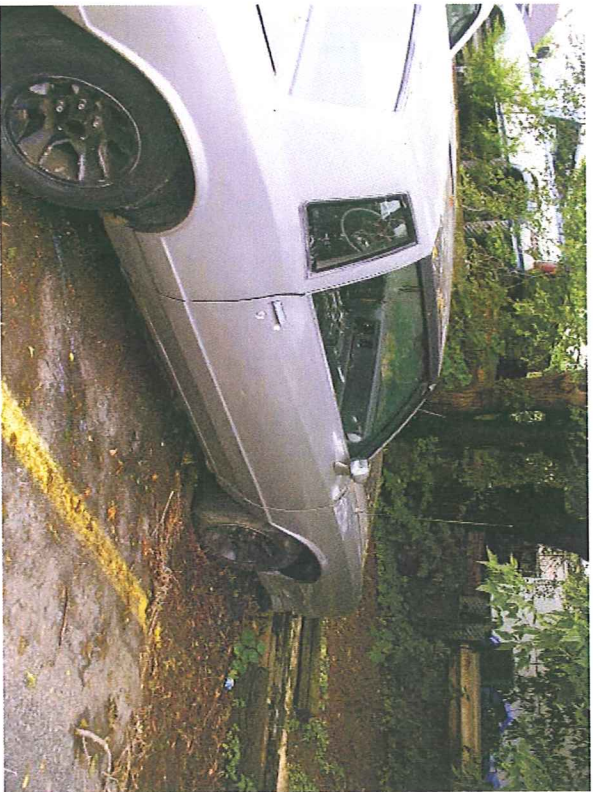


Incorrect bike rack installed
(correct rack purchased,
not installed)



Parking outside of
designated stall, tarp under
front of truck (not shown)

3863 Clover Ln. 7/28/11



Flat tire on vehicle parked in parking lot



Accessible parking stall not permanently installed, facing backward against fence.



correct bike rack purchased, not installed



July 29, 2002

REVISED LETTER

****ADDITIONAL COMMENTS FROM FIRE DEPARTMENT****

Ace Auto Upholstery
Phillip Iturbide Jr.
416 Gammon Lane
Madison, WI 53714

SUBJECT: 3863 Clover Lane

Dear Mr. Iturbide:

The Plan Commission, at its July 1, 2002 meeting, determined that the conditional use standards could be met subject to the conditions below for a conditional use for an auto upholstery business located at 3863 Clover Lane.

In order to receive final approval of your proposal, the following conditions must be met:

Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following three items:

1. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
2. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
3. The Traffic Engineer may have additional comments and/or requirements upon review of the final building plans and site plans. This proposed project shall comply with all applicable Madison General Ordinances and policies.

Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following two items:

4. Provide 2 bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building

to prevent the racks from moving. NOTE: Bike stalls shall be a minimum dimension of 6' x 2' with a 5' access to the stalls.

5. Exterior lighting is not required. However, if it is provided, it must comply with the City Ordinance. Lighting will be limited to .08 watts per square foot.

Please contact Gary Dallmann, City Engineering, at 266-4751 if you have questions regarding the following four items:

6. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping. Correct plan to show street right-of-way line.
7. All work in the right-of-way shall be performed by a City licensed contractor.
8. The commercial drive apron shall be concrete and comply with City standard detail for commercial drives.
9. City Engineering records do not show an existing sanitary sewer lateral for this address. The site plan shall be revised to show the size and location of the existing lateral and its point of connection to the public main. The applicant shall note that each lot requires a separate sewer lateral per the Madison General Ordinances.

Please contact Scott Strassburg, Madison Fire Department, at 266-4484 if you have questions regarding the following three items:

10. All spraying of flammable finishes and adhesives must be done in full compliance with NFPA 33 and products must be stored in compliance with NFPA 30.
11. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Additional comments and/or requirements may be noted upon review of the final building plans.
12. Fire detection and/or automatic fire suppression systems are/may be required. Ensure contractors submit applications for installation permits along with plans for all fire protection and/or life safety systems of the Fire Department prior to installation, if a spray booth is required for spraying flammable liquids.

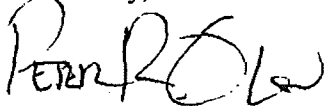
Please follow the procedures listed below to receive your conditional use approval.

1. Please revise plans per the above conditions and submit five (5) sets of the final site plans (including drainage and landscaping plans) to the Zoning Administrator. The parking plans are reviewed and approved by Traffic Engineering, Fire Department, City Engineering, Planning and Zoning. Any of these agencies may call you to request additional information or to resolve problems.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.

3. No alteration of this conditional use shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations. This conditional use approval shall become null and void one year after the date of Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Sec. 2812(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this conditional use for the purpose of resolving complaints against this approved conditional use.


If you have any questions regarding obtaining your building permit or occupancy permit, please call Kathy Voeck or George Carran of the City Zoning staff at 266-4551.

Sincerely,



Peter Olson
Planning & Development

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.


Applicant

cc: Zoning Administrator
City Engineering
Traffic Engineering

Ace Auto Upholstery
3863 Clover Lane
Madison, WI

June 5, 2002

I, Phillip Iturbide Jr., owner of Ace Auto Upholstery have relocated my business that I purchased from my father. Our new address is 3863 Clover Lane, Madison Wisconsin. My brother and myself run the business. Our business hours are the following. Monday & Friday, 8:00 A.M. to 6:00 P.M. Tuesday, Wednesday & Thursday, 8:00 A.M. to 7:00 P.M. Our winter hours are 8:30 A.M. to 5:00 P.M. These hours have been the same for over thirty years. Our type of business is Automobile and Boat Interiors. Automobiles are about 90% of our work.

repair boy

