



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 3620 Marsh Road  
**Application Type:** Conditional Use  
**Legistar File ID #** [35161](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary & Background Information**

**Applicants:** Jay & Timothy Heller, Heller’s Equipment Removal and Disposal; 3620 Marsh Road; Madison.

**Contact Person:** Arlan Kay, Kontext Architects, LLC; 116 E. Dayton Street; Madison.

**Property Owner:** Robert & Gerda Niehus; 816 Roby Road; Stoughton

**Requested Action:** Approval of a conditional use for a recycling center with accessory caretakers dwelling at 3620 Marsh Road.

**Proposal Summary:** The applicants currently operate an unapproved appliance recycling center on the subject property, for which they are seeking conditional use approval. As part of their application, they are seeking to convert the front office space in the existing building into a caretakers dwelling. Implementation of the conditional use approval would commence as soon as all regulatory approvals have been granted, with completion scheduled this fall.

**Applicable Regulations & Standards:** Table 28F-1 of Section 28.082(1) identifies recycling centers as a conditional principal use in the IL (Industrial–Limited District) Caretakers dwellings are permitted accessory uses in all Employment Districts subject to supplemental regulations in Section 28.151. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits. Review by the Urban Design Commission is required because the subject site and properties to the north are located in Urban Design District 1.

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Urban Design Commission and Plan Commission find the standards met and **approve** a conditional use for a recycling center with accessory caretakers dwelling at 3620 Marsh Road in Urban Design District 1, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

**Background Information**

**Parcel Location:** The subject site is an approximately 1.71-acre parcel located on the west side of Marsh Road approximately 300 feet north of its intersection with Agriculture Drive; Urban Design District 1; Aldermanic District 16 (DeMarb); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is developed with a 14,000 gross square-foot building comprised of 11,200 square feet of one-story warehouse space and 2,800 square feet of two-story office space, zoned IL (Industrial–Limited District).

**Surrounding Land Use and Zoning:**

North: Multi-tenant industrial/ commercial buildings, zoned IL (Industrial–Limited District); Beltline Highway (US Highways 12-18);

South: City of Madison stormwater greenway; State of Wisconsin highway right of way, zoned IL;

East: City of Madison stormwater greenway, zoned A (Agriculture District); single-family residences on the east side of Marsh Road, zoned IL;

West: Agriculture Drive, State of Wisconsin highway right of way, zoned IL.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and surrounding properties located on both sides of Marsh Road generally north of Voges Road for Industrial uses. The City- and State-owned lands and rights of way to the west, south and east are identified for Park and Open Space uses.

The Marsh Road Neighborhood Development Plan also identifies the subject site and properties to the north for industrial uses. The City- and State-owned lands and rights of way to the west, south and east are identified for park, drainage and open space uses.

**Zoning Summary:** The subject site is zoned IL (Industrial–Limited District):

Requirements	Required	Proposed
Lot Area	20,000 sq. ft.	74,652 sq. ft.
Lot Width	75'	201'
Minimum Front Yard	0'	79.2'
Side Yard	Greater of 15' or 20% building height	Adequate
Rear Yard	30'	115'
Maximum Lot Coverage (all bldgs.)	75%	See Zoning conditions
Maximum Building Height	N/A	Existing
Building Forms	Industrial building	Existing, generally complies
Automobile Parking	No minimum	33
Bicycle Parking	1 per 5 employees	See Zoning conditions
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (Urban Design Dist. 1), Floodplain, Utility Easements, Barrier Free, Wetlands	
No:	Wellhead Protection, Landmarks, Waterfront Development	
<i>Prepared by: Matt Tucker, Zoning Administrator</i>		

**Environmental Corridor Status:** The subject site is located in the Central Urban Service Area. Environmental Corridor Map G10 depicts wetlands and floodplain on or adjacent to the southwestern corner of the property. The subject site and adjacent industrial/ commercial properties to the north are shown within a mapped environmental corridor that extends from Marsh Road west along the southern edge of the Beltline Highway right of way to S. Stoughton Road (US Highway 51). An intermittent stream parallels the western and southern property lines on the adjacent State- and City-owned lands.

**Public Utilities and Services:** The subject site is served by a full range of urban services, including seven-day Metro Transit service nearby on Agriculture Drive and Marsh Road.

## Project Description

The applicants are requesting approval of a conditional use to allow an existing, unapproved appliance recycling facility to continue operating in a portion of a 14,000 square-foot industrial building located on the west side of a dead-end section of Marsh Road north of its intersection with Agriculture Drive. The property was issued an official notice for operating the recycling center without the necessary land use approvals in March 2014. As part of their application, the applicants are also seeking to convert the front office space in the existing building into a caretakers dwelling. The recycling center will occupy a one-story central section of the building located between the existing two-story office area at the front of the building, which will be converted into the caretakers dwelling, and an 85-foot wide section at the rear of the building that the letter of intent indicates will continue to be used by a third-party for storage unrelated to the recycling business.

In addition to the 14,000 square-foot building, the site is characterized by an open storage yard and loading area that extends between the southern wall of the building and southern property line, and a 5-stall parking area located between the eastern wall and Marsh Road. A separate 27-stall parking lot is located to the northeast of the building, which is shared with the one-story metal industrial buildings located on separate parcels to the north. The rear of the site is characterized by mature vegetation, with a tree line also present along the southern property line shared with a City-owned greenway that contains an intermittent stream ("Penito Creek"). The land located directly to the east of the site across Marsh Road is also a City-owned greenway, which is characterized by extensive wetlands and heavy tree cover. Two single-family homes are located to the south of the creek and greenway on the east side of Marsh Road, which are zoned IL and predate the planning, zoning and development of much of the surrounding area for industrial uses.

As part of the subject request, the applicant will install an 8-foot tall ribbed metal fence along the southern and eastern edges of the site to provide screening for the recycling facility as required by the Zoning Code, with a 20-foot wide swinging gate along the eastern face of the proposed enclosure.

## Analysis and Conclusion

The supplemental regulations for a caretakers dwelling, which is a permitted accessory use in all of the Employment zoning districts, require that the dwelling be accessory only to a non-residential use and that it meet all dimensional requirements of the district. However, as the conversion of the office into a dwelling is a component of the conditional use application to establish a recycling center in IL zoning, both aspects of request are subject to the conditional use standards of Section 28.183(6).

In reviewing the request to formally approve the recycling center, the Planning Division generally believes that the conditional use standards can be met. The use of the site as a recycling center is generally consistent with the industrial land use recommendations for the portion of the Marsh Road neighborhood generally bounded by Voges Road, Interstate 39-90, the Beltline Highway and S. Stoughton Road. The granting of the applicants' conditional use can begin their operation on a path towards compliance with the Zoning Code, which includes the required installation of 6- to 8-foot tall screening for any outside storage area. The letter of intent indicates that the recycling center will operate 8:00 AM to 5:00 PM Monday through Friday, after which time all activities related to the recycling operation will be required to cease. The limited hours of operation in conjunction with the zoning requirement that all activities related to the recycling operation (other than storage and including the cutting and crushing of materials) occur within the building with the overhead doors closed should limit its impacts on surrounding properties. Finally, as with any conditional use, the Plan Commission will retain continuing jurisdiction over the recycling center to address any complaints about its operation should they arise.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Urban Design Commission and Plan Commission find the standards met and **approve** a conditional use for a recycling center with accessory caretakers dwelling at 3620 Marsh Road in Urban Design District 1, subject to input at the public hearing and the following conditions:

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

1. The hours of operation for the recycling center shall be limited to 8:00 AM to 5:00 PM Monday–Friday as indicated in the letter of intent. Future modifications to these hours of operation shall be allowed only following the approval of a minor alteration to the conditional use by the Director of the Planning Division following a recommendation by the district alder, or as a conditional use alteration approved by the Plan Commission.
2. The occupancy of caretakers dwelling shall be limited to an employee of the recycling center and their family (two or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit, including foster children); no unrelated persons may occupy the caretakers dwelling.
3. The project plans shall be revised prior to final sign-off and the issuance of any permits for this request as follows:
  - 3a. The portion of the property addressed as 3630 Marsh Road and owned by the Wisconsin Department of Transportation and the City-owned greenway at 3632 Marsh Road shall be removed from the plans; Sheet C100 incorrectly suggests that those parcels are part of the subject site;
  - 3b. All existing and proposed structures and improvements on the site shall be clearly labeled, including the 3 small structures located adjacent to the south wall of the building;
  - 3c. An elevation of the proposed 8-foot tall screen fence and swinging gate shall be submitted for staff approval;
  - 3d. A proposed floorplan of the caretakers dwelling and recycling center shall be submitted for staff approval.

### City Engineering Division (Contact Janet Dailey, 261-9688)

4. Revise the parcel boundary on the site plan. A triangular portion of the lot was conveyed to the Wisconsin Department of Transportation by Document No. 3889520 and shall be removed from the parcel as shown on the plan.
5. Considering the change to the parcel boundary noted above, revise the location of the screening fence at its westerly end to coincide with the correct parcel boundary.
6. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

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

7. 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
8. 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.
9. 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.
10. All parking facility design shall conform to the standards in MGO Section 10.08(6).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

11. Section 28.088(4)(a) of the Zoning Code requires that all business activities in the IL district shall be conducted within completely enclosed buildings except outside storage and off-street parking and loading in the case of this proposal and site. [In other words, all activities related to the recycling operation other than storage and including but not limited to the cutting and crushing of materials shall occur within the building, with the overhead doors closed.]
12. Section 28.088(4)(b) of the Zoning Code requires that outside storage areas shall be effectively screened with screening between 6 and 8 feet in height. Outside storage shall not exceed the height of these screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.
13. Meet the supplemental regulations for caretakers dwelling subject to Section 28.151 of the Zoning Code.
14. Pursuant to Section 28.137(2)(a) of the Zoning Code, a planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development and recorded in the office of the Dane County Register of Deeds.
15. Parking and loading shall comply with MGO Section 28.141(13): Provide one 10- x 35-foot loading area with 14 feet of vertical clearance to be shown on the final plans. The loading area shall be exclusive of drive aisle and maneuvering space.
16. Pursuant to Sec. 28.142(3), *Landscape Plan and Design Standards*: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

17. Exterior lighting shall be provided in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
18. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Section 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
19. Bicycle parking design and location shall comply with Section 28.141(11) of the Zoning Code. Provide 2 bicycle parking stalls details on the final plans. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide a detail of the bicycle rack to be installed.
20. Provide details of lot coverage as defined in Section 28.211 of the Zoning Code.

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

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| 21. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503, as follows: The site plans shall clearly identify the location of all fire lanes. |
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**Water Utility** (Contact Dennis Cawley, 261-9243)

22. All operating private wells shall be identified and permitted and all unused private wells shall be abandoned by the Water Utility in accordance with MGO Section 13.21.

**Parks Division** (Contact Kay Rutledge, 266-4714)

23. Approval of plans for this for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.