

PLANNING DIVISION STAFF REPORT

August 7, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 970 North Gammon Road (District 19 – Alder Slack)
Application Type: Zoning Map Amendment
Legistar File ID # [78910](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Chandon Williams; TLC Solutions Wisconsin, LLC; 515 Junction Rd, Ste C; Madison, WI 53717

Contact: Leslie Elkins; Kramer, Elkins & Watt, LLC; 2801 Coho St, Ste 300; Madison, WI 53713

Owner: 970 North Gammon Road Property LLC; 6709 Hubbard Ave; Middleton, WI 53562

Requested Action: The applicant is seeking approval of a zoning map amendment from Planned Development (PD) district to Limited Mixed Use (LMX) district.

Proposal Summary: The applicant is seeking approvals to rezone the property at 970 N Gammon Road from PD to LMX to establish a service business.

Applicable Regulations & Standards: Standards for zoning map amendments are found in §28.182(6) MGO

Review Required By: Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends that the Plan Commission forward the zoning map amendment from PD to LMX to Common Council with a recommendation to approve, subject to the conditions from reviewing agencies beginning on page 3.

Background Information

Parcel Location: The subject site is located at the southwest quadrant of the intersection of North Gammon Road and Longmeadow Road. The 39,521-square-foot site is within Alder District 19 (Alder Slack) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned PD (Planned Development) district, is currently developed with a two-story 6,000 square foot commercial building built in 1987 and most recently used as a daycare. There is a parking lot wrapping the north and east edges of the parcel and a playground located behind the building.

Surrounding Land Uses and Zoning:

North: Across Longmeadow Road, two-unit residences zoned PD;

West: Across North Gammon Road, two-story eight-unit apartment buildings, all zoned PD;

South: Two-unit residences zoned PD; and

East: One- and two-unit residences zoned PD.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the site. The site is not within the boundary of any adopted neighborhood or special area plans.

Zoning Summary: The subject property is proposed to be zoned LMX (Limited Mixed Use District):

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback: Street side yard	0' or 5'	Adequate
Side Yard Setback: Other cases	No minimum	Adequate
Rear Yard Setback	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 20'	Adequate
Maximum Lot Coverage	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 75%	<75%
Maximum building size	5,000 sq. ft.	5,490 sq. ft. existing building
Maximum Building Height	2 stories/35'	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	23
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Physical, occupational or massage therapy: 1 per 5 employees (4)	None (1)
Landscaping and Screening	Not required	Existing landscaping (2)
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements
------------------------------------	---

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The site is not within any mapped environmental corridors.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approval of a zoning map amendment to change the zoning of the subject parcel from PD district to LMX district. Upon the rezoning, the owner intends to operate an acupuncture clinic and massage studio in the building. The proposed uses are permitted uses in the LMX district. The proposed hours of operation are 8 a.m. to 8 p.m. Monday through Saturday. A total of up to 19 employees will work at the building. Interior build-out will include a reception area, thirteen treatment rooms, a sauna, restrooms, three offices, and storage areas. The building owner is not proposing any changes to the building exterior or to the site. If the request is approved, work is expected to begin in fall 2023, with completion by spring 2024.

Analysis & Conclusion

This request is subject to the standards for zoning map amendments. This section begins with a summary of adopted plan recommendations, followed by zoning map amendment standards, and finally a conclusion.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) for the site. LR areas are predominantly made up of single- and two-unit residences, as well as small multi-unit dwellings up to four units and rowhouses. The plan also states that a limited amount of nonresidential uses, including small-scale commercial uses, may also be located within residential categories. The site is not within the boundary of any adopted neighborhood or special area plans, but is within the boundary of the West Area Plan, which is currently in the planning process.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan." As described above, the request and its uses can be found to be generally consistent with the land use recommendations for this area in the [Comprehensive Plan](#). The building had previously been occupied by a daycare, and staff believes the continued commercial use is appropriate for the site, especially considering it is at the edge of the neighborhood along an arterial street (as classified by the Metropolitan Area Transportation Planning Board). Because of it is the least-intense mixed-use zoning district, staff believes the LMX district is the most appropriate zoning district for commercial uses residentially-designated areas.

Conclusion

Staff believes that the proposed use in this location and requested zoning map amendment are consistent with underlying land use recommendations of the [Comprehensive Plan](#). When considering the recommended conditions of approval, staff believes the Plan Commission can find the applicable standards met.

At time of writing, Staff is unaware of any written comments from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission forward the zoning map amendment from PD to LMX to Common Council with a recommendation to approve, subject to the conditions from reviewing agencies below.

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. Bicycle parking for the acupuncture clinic and massage studio shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of four (4) short-term bicycle parking stalls located in a

convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

2. 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. Note that City issued trash containers are not required to be screened.
3. 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.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

5. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.

Metro Transit (Contact Tim Sobota, 261-4289)

6. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the City public right-of-way along the west side of North Gammon Road.
7. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
8. Metro Transit operates daily all-day transit service along North Gammon Road adjacent this property - with trips at least every 60 minutes - serving stops a short distance south at the Sawmill Road intersection.

Parking Utility (Contact Trent Schultz, 246-5806)

9. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. The typical TDM Plan review fee is not required for this project, since it was submitted before June 15th, 2023.
NOTE: The use and site, provided land use approval is gained and a final certificate of occupancy is issued, will be subject to TDM Plan recertification two years following final certificate of occupancy issuance. Recertification fees will apply.

The Planning Division, Engineering Division, City Engineering Mapping Section, Parks Division, Forestry Section, and Water Utility have reviewed this request and recommended no conditions of approval.