

ZONING ADMINISTRATOR'S REPORT  
VARIANCE APPLICATION  
**110 S. Paterson Street**

**Zoning:** TE

**Owner:** Madison Water Utility

**Technical Information:**

**Applicant Lot Size:** Corner lot, 264' x 198'

**Minimum Lot Width:** 50'

**Applicant Lot Area:** 52,272 sq. ft.

**Minimum Lot Area:** 6,000 sq. ft.

**Madison General Ordinance Section Requiring Variance:** 28.142(6)(a)

**Project Description:** Demolish and reconstruct an addition to existing water utility services center. Project requires landscaping compliance, including the provisions of interior or peninsula landscape islands, both minimum percentage (5% of parking area) and landscape islands for every 12 parking stalls.

**Comments Relative to Standards:**

1. Conditions unique to the property: The property contains a DNR deed restriction to maintain a surface cap over an area of underground contamination, preventing a permeable surface. Groundwater contamination must be contained by not allowing permeability.
2. Zoning district's purpose and intent: The regulations being requested to be varied is the requirement to provide parking lot island landscaping. In consideration of this request, the regulation is intended to require a break-up of large surface parking areas, which are generally impervious, to limit heat islands and add opportunities for tree shading and stormwater infiltration. Since stormwater is not allowed to permeate in the capped area at this site, required landscape islands would only exacerbate the problem, potentially allowing migration of the underground contamination plume.

To offset the parking lot island requirement, landscaping areas are being added to provide infiltration opportunities at the site, primarily around the building. The Water Utility is also investigating the possibility of integrating green roof elements on the roof of the new addition; however, that decision has not been made at the time of writing of this report.

3. Aspects of the request making compliance with the zoning code burdensome: The zoning requirement only applies to the establishment of an off-street parking facility. Without the variance, the area may not be used for establishment of an off-street parking area, resulting in necessary parking shifted to on-street availability or securing other off-street shared parking in the area, if that could be negotiated. The facility clearly needs off-street parking for its

customers and employees, and would be at a disadvantage and would negatively impact on-street parking availability if no off-street parking were provided.

4. Difficulty/hardship: The current ordinance, effective January 2, 2013, establishes a requirement for landscape islands. Prior to the adoption of this code, landscaping islands were not required. The property has been a water utility service facility for decades. It appears as though the Water Utility did install the tanks, so they are responsible for the contamination. However, similar to many other sites in the City with historical underground tanks, these underground fuel storage tanks were placed many years ago, which eventually developed leaks. The leaking tanks have been removed.
5. The proposed variance shall not create substantial detriment to adjacent property: There does to appear to be any adverse impact on adjacent property should this variance be approved.
6. Characteristics of the neighborhood: The general area is characterized with a variety of development conditions, including sites with significant parking lot coverage, both with and without landscaping islands.

**Other Comments:** Regardless of whether or not the proposed parking area is used for parking, it must be capped per the deed restriction. The area could be used for storage or other uses not requiring landscaping islands, however, that type of use/area is not needed by this facility.

When further remediation eventually occurs at this site, the necessary excavation will trigger the zoning code requirement that landscape islands must be installed.

**Staff Recommendation:** It appears standards have been met, therefore staff recommends **approval** of the variance request, subject to further testimony and new information provided during the public hearing.