



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4706 East Washington Avenue (District 17 – Ald. Baldeh)  
**Application Type:** Conditional Use  
**Legistar File ID #** [57658](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant, Contact, & Property Owner:** Steve Doran; Highline Capital, LLC; 800 W Broadway, Suite 400; Monona, WI 53713

**Requested Action:** Approval of a conditional use to allow auto repair (battery installation) at 4706 East Washington Avenue.

**Proposal Summary:** The applicant proposes to establish an auto repair facility exclusively for battery repair and installation. No repair work, painting, body work, or oil changes will occur at this facility.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses [MGO §28.183], as MGO §28.061 lists an auto repair station as a conditional use in the Commercial Corridor - Transitional (CC-T) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

**Review Required By:** Plan Commission (PC). The Urban Design Commission (UDC) Secretary administratively reviewed this request on behalf of the UDC.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish an auto repair station in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) Zoning District at 4706 E Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The 0.6 acre subject property is located on the north side of E Washington Avenue, along the E Washington Avenue Frontage Road. The site is in Aldermanic District 17 (Ald. Baldeh), Urban Design District 5, and is within the Madison Metropolitan School District.

**Existing Conditions and Land Use:** In 2017, the property owner demolished a two-story, 6,792-square-foot office building constructed in 1976 ([Legistar #48770](#)). The subject site is currently being developed with a one-story, 5,500-square-foot, multi-tenant commercial building and accessory parking lot ([Legistar #54406](#)).

### Surrounding Land Use and Zoning:

**North:** Low and medium density residential neighborhoods zoned SR-C3 (Suburban Residential – Consistent District 3) and PD (Planned Development District) with SR-C1 (Suburban Residential – Consistent District 1) and Suburban Residential – Varied District 2 (SR-V2) beyond;

**South:** Single and multi-tenant regional commercial buildings, including Applebee’s and Qdoba, zoned CC-T;

**East:** General commercial, zoned CC-T; and

**West:** General commercial multi-tenant building, owned by Galway Companies (the project applicant), zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends general commercial uses for the subject site.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor – Transitional District).

Requirements	Required	Proposed
Front Yard Setback	25’ maximum	20’
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6 feet of lot line	One-story: 5’	11’
Rear Yard Setback	The lesser of 20% of lot depth or 20’	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/ 68’	1 story approved building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	13
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Auto repair station: 1 per 5 employees (1)	4
Landscaping and Screening	Not required	Approved landscaping
Lighting	Not required	Approved lighting
Building Forms	Not required	Approved building

<b>Other Critical Zoning Items</b>	Urban Design (UDD #5), Barrier Free (ILHR 69)
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*Table prepared by Jenny Kirchgatter, 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. The site is serviced by multiple bus routes including Madison Metro Routes 6, 25, and 26.

## Project History and Description

On October 16, 2017, the Plan Commission approved a demolition request to raze a two-story office building located on this site. At the time of that Plan Commission approval, the applicant did not specify a proposed future use. The office building has since been demolished, and on April 22, 2019, the Plan Commission approved a conditional use request to allow construction of a one-story, 5,500-square-foot, multi-tenant commercial building and accessory parking lot as part of a larger planned multi-use site. The project is now in the tenant build out phase, and the applicant requests approval of a conditional use to allow auto repair in the eastern most tenant space (car battery installation).

According to MGO §28.211, an auto repair station is defined as, “A shop or business where the following services may occur: general motor vehicle repair engine rebuilding or reconditioning of motor vehicles; and minor collision service.” While the proposed business will be specifically related to vehicle battery installation, the Zoning Administrator determined that this request falls under the Zoning Code’s definition for auto repair.

As proposed, the battery installation work will occur inside the easternmost 2,531 square-foot tenant space, which is accessed through the overhead garage door at the rear of the building. The store will also include retail and office space, which customers and employees can access from either E Washington Avenue or from the entrance adjacent to the parking lot. According to the applicant, there will be five total employees, with two to four people working a shift. The proposed hours of operation are 8:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 8:00 p.m., and Sunday 9:00 a.m. to 7:00 p.m. No exterior changes to the building are proposed.

## **Project Analysis and Conclusion**

This request is subject to the Conditional Use Standards as Table 28D-2 in MGO §28.061 indicates that an auto repair station is a conditional use in the Commercial Corridor – Transitional (CC-T) Zoning District. The Supplemental Regulations [MGO §28.151] contain additional requirements for auto repair.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, and finding that all of the Conditional Use Standards of MGO §28.183(6) are met.

### **Conformance with Adopted Plans**

The [Comprehensive Plan \(2018\)](#) recommends general commercial land uses, and there is no neighborhood plan for the subject site. The area is zoned CC-T, which was established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit, and motor vehicle activity. Staff believes that this proposal conforms to the general commercial land use recommendations.

In considering the Conditional Use Standards, during the land use approval process earlier this year, two different design iterations of the multi-tenant building went before the Urban Design Commission, as the site is located within Urban Design District #5. At their April 10, 2019 meeting, meeting in regular session, the Urban Design Commission (UDC) voted to approve this item with the following conditions:

- Encourage the applicant to prohibit tenants from blocking windows per the glazing requirements in MGO §28.060(2)(d);
- Encourage Planning staff to monitor this requirement and enforce other projects on East Washington Avenue; and
- Add a stairway on East Washington Avenue, widen the stairs on the western side of the building, and use oak trees in the rear rather than serviceberry trees.

The UDC Secretary reviewed this specific conditional use request for the tenant build out, and believes that the UDC conditions of approval have been satisfied. Furthermore, given that the Plan Commission found the Conditional Use Approval Standards met and approved the conditional use for the building at their April 22, 2019 meeting, the Planning Division does not believe that establishing an auto-repair tenant will impede the normal and orderly development of the East Washington Avenue commercial corridor.

## Supplemental Regulations

Auto repair stations are also subject to the Supplemental Regulations pursuant to MGO §28.151. A copy of the Supplemental Regulations is included in the Plan Commission materials. Generally, the Supplemental Regulations restrict auto repair to activities carried on within an enclosed building, specify operating hours, and reference specific activities and equipment that are allowed outside. One of the Supplemental Regulations states that “no automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building’s windows and doors are closed.” In their review, Zoning specifically stated compliance with the Supplemental Regulations for auto repair. Given this condition of approval, staff believes that all of the Supplemental Regulations can be met.

## Conclusion

Staff believes that the proposed auto repair station can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

At the time of report writing, staff did not receive any public comment on this proposal. Staff notes that the public hearing notice sign for the property was not posted on site until November 6, 2019, and it is required to be posted at least 21 days before the public hearing (October 21, 2019). However, this does not invalidate the application, as MGO §28.181 states that “failure to post the sign shall not invalidate any action taken on the application by the Plan Commission or Common Council.”

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish an auto repair station in an existing multi-tenant commercial building in the Commercial Corridor – Transitional (CC-T) Zoning District at 4706 E Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

#### Planning Division (Contact Sydney Prusak, 243-0554)

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| 1. The Urban Design Commission Secretary will be required to sign-off on this request. |
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#### Engineering Division – Main Office (Contact Brenda Stanley, 231-9127)

2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer’s / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

3. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

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

4. 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; vision triangles; 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.
5. 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.
6. 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.
7. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
8. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
9. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
10. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
11. "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.
12. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
13. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

**Zoning** (Contact Jenny Kirchgatter, 266-4429)

14. The proposed auto repair station shall comply with Section 28.151 Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store, including, but not limited to, the following requirements:
  - All automobile servicing and repair activities shall be carried on within an enclosed building.
  - No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
15. 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.
16. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

17. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.