



PREPARED FOR THE PLAN COMMISSION

Project Address: 2701 Packers Avenue (12th Aldermanic District, Ald. Abbas)
Application Type: Conditional Use
Legistar File ID # [62093](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: William Bos; Alliance Construction & Design; 1050 Orlando Drive; Wrightstown, WI 54180
Contact: Adam Sonnleitner; Amerco Real Estate Company; 2727 N. Central Ave 5N; Phoenix, AZ 85004
Property Owner: Amerco Real Estate Company; 2727 N. Central Ave 5N; Phoenix, AZ 85004

Requested Action: The applicant requests approval of a conditional use to allow the retail sale of propane at a personal indoor storage and truck rental facility in the Industrial-Limited (IL) District at 2701 Packers Avenue.

Proposal Summary: The applicant proposes to sell propane at an existing personal indoor storage facility. The tank will be located within the parking lot at the south end of the site. Only trained employees will be permitted to operate the fill station. No exterior changes to the building are included in this request.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.082(1) of the Zoning Code lists *General Retail* as a Conditional Use in the IL (Industrial-Limited) District. However, because the City’s Zoning Administrator has determined that the proposed retail sale of propane to be an *incidental* use, which is a use that is affiliated with but subordinate to the principal use (in this case personal indoor storage), the proposal is also subject to §28.082(1) of the Zoning Code, *Lots with Incidental Uses*.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request to allow the retail sale of propane at a personal indoor storage and truck rental facility in the Industrial-Limited (IL) District at 2701 Packers Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located on the east side of Packers Avenue, in between International Lane and Darwin Road; within Aldermanic District 12 (Ald. Abbas); within Tax-Increment Finance District #40; and within the Madison Metropolitan School District.

Existing Conditions and Land Use: The 323,350-square-foot (7.4-acre) site includes an existing one-story, roughly 120,000-square-foot “U-Haul” personal indoor storage facility. City Assessor’s records indicate the subject building was constructed in 1946 and last remodeled in 2000. It is centrally located on the site with surface parking lots to the north and south. Office space is located at the southeast corner of the building and accessed via the southern parking lot. This lot has roughly 82 parking stalls (two of which are accessible) while the northern lot is unstriped. Both parking lots have two-way access to/from Packers Avenue.

Surrounding Land Use and Zoning:

North: A vacant, one-story warehouse building, zoned Industrial-Limited (IL) District;

South: Across the Railroad Tracks is an office building, zoned Suburban Employment (SE) District;

East: Across the Railroad Tracks are various office buildings as well as a vacant lot, all zoned SE; and

West: Across Packers Avenue are multi-family residences, zoned Suburban Residential – Varied 2 (SR-V2) District; and two auto repair shops, an automobile sales facility, and an indoor personal self-storage facility, all zoned Commercial Corridor – Transitional (CC-T) District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Employment uses for the site. The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#), while not providing a specific recommendation for the site, does have a large employment emphasis for the area.

Zoning Summary: The project site is currently zoned Industrial-Limited (IL).

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	323,354 sq. ft.
Lot Width	75'	1,067 sq. ft.
Front Yard Setback	None	52'
Side Yard Setback	None if adjacent to property zoned Industrial - Limited or Industrial - General	352'
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Existing lot coverage
Maximum Building Height	None	1 story existing building
Lot Area (sq. ft.)	20,000 sq. ft.	323,354 sq. ft.
Lot Width	75'	1,067 sq. ft.

Site Design	Required	Proposed
Number Parking Stalls	Not required	Existing parking stalls
Accessible Stalls	Yes	1 existing stall
Loading	Not required	Existing loading area
Number Bike Parking Stalls	General retail: 1 per 2,000 sq. ft. floor area (1) Personal indoor storage facility: 1 per 10 employees	3 existing bike stalls <i>(See Comment #7)</i>
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items:	Barrier Free (ILHR 69); Utility Easements
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Tables 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. Regarding Metro Transit service, the nearest stop with all-day service is located directly out front at the intersection of Packers Avenue with Elba Lane.

Related Approvals

At its June 19, 2017 meeting, the Plan Commission approved a conditional use request to convert the existing commercial building at 2701 Packers Avenue into a “U-Haul” personal indoor storage facility. At the time, the applicant did not propose any exterior changes to the building but only minor site changes, including parking lot resurfacing and restriping.

Project Description, Analysis, and Conclusion

The applicant is proposing to add a stand-alone propane fill station within the parking lot located at the southern end of the property. The station, roughly 12 by 15 feet in size, will be located near the western end of the bank of 11 stalls which sit centrally within the parking lot, roughly 65 feet south of the building. In addition to the various other necessary and related mechanical equipment, the station will house a propane tank roughly 15 feet tall, four feet in diameter, and with a capacity of 1,150 gallons. For protection, the tank itself will have a crash-protective ring of metal, roughly three feet in height encircling the tank, roughly three feet away.

For protection, the tank itself will have a 3-foot tall metal fence which will encircle the tank at a distance of rough 3 feet. The submitted materials also indicate the station will be further protected from cars by crash barriers located along three of the four sides.

Submitted materials note that the fill station will only be operated by certified U-Haul employees.

Regarding the hours of operation of the fill station, the applicant requests the same hours as the principal business: 7:00 am – 7:00 pm, Monday to Thursday; 7:00 am – 8:00 pm, Friday; 7:00 am – 7:00 pm, Saturday; 9:00 am – 5:00 pm, Sunday.

This proposal is subject to the standards for Conditional Uses [MGO §28.183], as §28.082(1) of the Zoning Code lists *General Retail* as a Conditional Use in the IL (Industrial-Limited) District. However, the City’s Zoning Administrator has determined that the proposed retail sale of propane to be an *incidental* use, which is a use that is affiliated with but subordinate to the principal use (in this case personal indoor storage), the proposal is also subject to §28.082(1) of the Zoning Code, *Lots with Incidental Uses*.

Regarding the incidental use determination, Section 28.082(1), *Lots with Incidental Uses*, states “*Allowed incidental uses are those specifically included and identified as incidental uses in the district use tables as well as any principal use identified in the district use tables. Incidental uses do not include uses identified as accessory uses in the district use tables.*” As *General Retail* is listed as a principal use in the employment districts, it qualifies as an eligible incidental use.

There are no exterior changes proposed to the building. Other than the reduced automobile parking stall count in the southern parking lot (due to them being occupied by the proposed propane station), no other changes or impacts to the site are anticipated.

This proposal is subject to the approval standards for Conditional Uses. 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. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation. Staff do not believe that the proposed addition of the retail sale of propane gas on the subject site, given its clear subordinate nature in this case, represents a substantive change in use from that which received approval back in

2017 (i.e. personal indoor storage). Furthermore, establishment of this additional use within the parking lot is not anticipated to negatively impact surrounding buildings from maintaining or expanding employment uses. The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) does not providing a specific recommendation for the site.

Given the location on the site; the confined nature of the use on the site; the minimal impact it is anticipated to have on the existing southern parking lot, and its internal traffic movements; the operation of the propane station by trained employees; the surrounding land uses; and the ample buffer between the proposed station and neighboring structures, staff believes that the standards of approval can be found met and does not believe the proposed retail sale of propane at an existing personal indoor storage facility will result in significant negative impacts to the surrounding properties. 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 was not aware of any neighborhood concerns on this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request to allow the retail sale of propane at a personal indoor storage and truck rental facility in the Industrial-Limited (IL) District at 2701 Packers Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

1. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.
2. 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.
3. 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.

4. All parking facility design shall conform to MGO standards, as set in section 10.08(6). Currently, parking stalls are shown as being blocked on the plan, please remove these stalls from the plan.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4569)

5. Show the height of the propane tank on the elevation view.
6. Provide details of the fencing, gates, or barriers protecting the propane tank fill station and equipment.
7. Identify and label the existing bicycle stalls on the site plan.
8. 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.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

9. Provide details on the propane operations as it relates to the existing parking layout. Provide details on collision protection for the propane storage tank and how the installation will comply with the IFC and other applicable standards.

The following agencies reviewed this request and recommended no conditions of approval:

Engineering Division (Main Office), Engineering Division (Mapping), Parks Division, Forestry Division, Water Utility, Metro