



Project Address: 2402-2410 Packers Avenue (12th Aldermanic District – Ald. Abbas)
Application Type: Demolition Permit, Conditional Use, and Certified Survey Map
Legistar File ID # [62670](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Owner: Mark Quelle; Marquelle Real Estate II, LLC, dba Sparkle Auto Body; 2402 Packers Ave; Madison, WI 53704

Contact: AJ Regali; American Structures General; 2423 American Lane; Madison, WI 53704

Requested Action: Approval of demolition permit to raze an existing storage building at 2402 Packers Avenue and approval of a conditional use for a conditional use for an auto body shop per §28.067(2) MGO at 2410 Packers Avenue within the Commercial Corridor-Transitional (CC-T) zoning district.

Proposal Summary: The applicant is seeking approval to demolish an existing one-story personal indoor storage building to create additional parking for an auto body shop at 2402 Packers Avenue.

Applicable Regulations & Standards: Section 28.183 M.G.O. provides the process for conditional uses. Section 28.185 M.G.O. provides the process for demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to raze an existing storage building to create surface parking and conditional use for an auto body shop at 2402-2410 Packers Avenue, subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The two-parcel subject site is a total of 32,809 square-feet (0.74 acre) located on the west side of Packers Avenue immediately north of its intersection with Manley Street. It is within Aldermanic District 12 (Ald. Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: 2402 Packers Avenue is developed with a one-story 8,700-square foot shop building, built between 1951-1953. 2410 Packers Avenue is developed with a one-story 3000-square foot warehouse building built in 1995 and a 4,300-square foot shop building originally built in 1956. The entire site is zoned CC-T (Commercial Corridor-Transitional District).

Surrounding Land Uses and Zoning:

North: One-story commercial shop building zoned CC-T (Commercial Corridor-Transitional district);

West: Single-family homes zoned SR-C2 (Suburban Residential-Consistent 2 district);

South: Across Manley Street, a small warehouse building zoned CC-T; and

East: Across Packers Avenue, a large warehouse building zoned IL (Industrial Limited district).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) identifies the subject site and the surrounding properties to the west of Packers Avenue as Medium Residential (MR). The site is not identified as a redevelopment area in the [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009). The [Brentwood Village-Packers-Sherman Neighborhood Plan](#) (1996) has no specific recommendations for this site.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	32,075
Lot Width	None	250 ft
Front Yard Setback	None	Existing, no change
Max. Front Yard Setback	25 ft	Existing, no change
Side Yard Setback	5 ft	Existing, no change
Rear Yard Setback	20 ft	Existing, no change
Maximum Lot Coverage	85%	85%
Maximum Building Height	5 stories/68 ft	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	No minimum	21
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	2	0 (see Zoning comment 7)
Landscaping	Yes	Yes (see Zoning comment 10)
Lighting	No	No
Building Forms	Yes	Existing, no change

Other Critical Zoning Items	Utility Easements

Table prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

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

Project Description, Analysis, & Conclusion

Project Description

The applicant is seeking a demolition permit to raze an existing personal storage building and conditional use for an auto body shop in an existing building. The applicant intends to demolish the existing warehouse building and pave and reuse the area for parking. The warehouse is constructed of concrete block and metal panels. [Photos](#) provided by the applicant show metal overhead doors that enclose personal storage bays. The other existing buildings on the site will remain with no physical changes. The applicant intends to use the shop building to expand existing auto detailing and auto repair activities. The existing auto repair business is a legal non-conforming use. Submitted plans show new turfed lawn areas in the front and rear yards of 2410 Packers Avenue, as well as new trees along the street, with parking between the two remaining buildings, as well as between the building at 2402 Packers Avenue and Packers Avenue. The northerly curb cut at 2402 is proposed to be closed, leaving two

driveways on Packers Avenue, one for each parcel, and one driveway on Manley Street. Vehicular access between the parcels at 2402 and 2410 will be via an access easement at the northeast and southeast corners of the respective parcels.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) identifies the subject site and the surrounding properties to the west of Packers Avenue as Medium Residential (MR). Medium Residential areas typically include a variety of relatively intense housing types, including rowhouses, small multifamily buildings, and large multifamily buildings. The Comprehensive Plan does note, however, that a limited amount of nonresidential uses may be located within residential categories. Such uses are often relatively small and not always identified at the scale of the generalized future land use map. The site is not identified as a redevelopment area in the [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009). The [Brentwood Village-Packers-Sherman Neighborhood Plan](#) (1996) has no specific recommendations for this site.

Demolition and Removal Standards

In order to approve a demolition request, M.G.O §28.185(7) requires that the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section of the zoning code and the intent and purpose of the CC-T (Commercial Corridor-Transitional) Zoning District. Per MGO §28.067(1), the CC-T district is intended 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. The district is also intended to:

- Improve the quality of landscaping, site design and urban design along these corridors.
- Maintain the viability of existing residential uses located along predominantly commercial corridors.
- Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
- Facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- Structured parking is encouraged.

The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Furthermore, the proposed use following demolition or removal should be compatible with adopted neighborhood plans and the [Comprehensive Plan](#). While the Comprehensive Plan recommends Medium Residential uses, the existing auto body facility is an existing use, and staff does not believe that the demolition of the warehouse building would preclude future redevelopment proposals that could implement the plan's land use recommendation.

The demolition standards also state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. At its November 2, 2020 meeting, the Landmarks Commission found that the building at 2410 Packers Avenue has no known historic value.

Based on the intent and purpose of the CC-T district, the existing uses of the site, and the identification of small commercial uses in residential areas in the Comprehensive Plan, staff believes the standards of approval for demolition permits can be found to be met.

Conditional Use Approval Standards

This proposal is also subject to the standards for Conditional Uses. A Conditional Use is requested for an auto body shop per §28.067(2) MGO. As noted above, the existing auto repair business is a legal non-conforming use, with a certificate of occupancy on file from the 1970s. Staff is unaware of any complaints or issues regarding the existing operation. The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, 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 believes, that because the Comprehensive Plan states that a limited amount of nonresidential uses may be located within residential categories and that such uses are often relatively small and not always identified at the scale of the generalized future land use map, that the continuation of an existing automobile repair use on this site, now as a conditional use, would not impede normal and orderly development. If approved as a conditional use, staff notes that the Plan Commission will have continuing jurisdiction on the Conditional Use, noting that future complaints regarding the conditional use could be considered by the Plan Commission following the process outlined in the Zoning Code. Staff believes all other applicable conditional use standards of approval can be found met.

Conclusion

Staff believes that the Plan Commission can find the approval standards for demolition permits and conditional uses to be met. Staff believes the proposal's consistency with the Comprehensive Plan should be considered in relation to the standards.

At time of report writing, staff has received one public comment expressing concerns regarding this proposal, which has been attached to the Plan Commission materials.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to raze an existing storage building to create surface parking and conditional use for an auto body shop at 2402-2410 Packers Avenue, subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval for Demolition Permit & Conditional Uses

Major/Non-Standard Conditions are Shaded

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

1. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
2. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

3. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
4. All automobile servicing and repair activities shall be carried on within an enclosed building.
5. 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.
6. The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
 - a. Storage of vehicle parts and refuse.
 - b. Temporary storage of vehicles during repair and pending delivery to the customer.
 - c. Vacuuming and cleaning.
7. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 2 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious 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 two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
8. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area 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.
9. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.
10. Submit a landscape plan and landscape worksheet stamped by a registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

City Engineering Division (Contact Brenda Stanley, 261-9127)

11. Garage building being demolished appears to be located over an 18" diameter City Force Main sewer (sewer operating under pressure). The force main sewer runs west to east and is located 9' north of the south property line according to City sewer records. Applicant shall revise plans to show force main according to City records. Revise plans to show City sanitary easement DOC 0886022 below proposed building removal (12' wide easement north of the shared lot line). Applicant shall add caution note to plan and to contact Adam Vandenheuvel (266-4514) 48 hours in advance to schedule inspection. Applicant shall add note: Contact Engineering Operations 266-4430 if there are concerns that damage may have been done to the force main. Any damage to the force main will be responsibility of the property owner.

12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

13. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
14. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
15. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
16. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html> Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>. The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
Rate Control: Reduce the peak discharge from the site by 15% compared to existing conditions in the 10 year event. Reduce the peak volumetric discharge from the site by 5% during the 10-year event. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.
18. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
19. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering

Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

20. Show and label the 10' Wide Public Sanitary Sewer Easement over the south 10' of Lot 35 per the plat of First Addition To Sachtjen Homeland Plat.
21. A reciprocal easement and agreement for access between the adjacent two parcels that is necessary to accomplish the site redevelopment as proposed prior to final sign off has been provided. The document(s) shall be executed and recorded prior to any permit issuance or final site plan approval.
22. Identify on the plans the underlying lot lines and the lot numbers of the recorded plats.
23. The final site plans shall include a demolition plan.

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

24. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
25. 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.
 26. 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.
 27. 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.
 28. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
 29. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
 30. "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.

31. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
32. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
33. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.
34. The applicant shall submit for review an operations plan. This is to ensure there will be no vehicular encroachment onto the public ROW due to improvements at this site.

Fire Department (Contact Bill Sullivan, 261-9658)

35. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608)712-6277.

Water Utility (Contact Jeff Belshaw, 261-9835)

36. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 2664654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

37. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

38. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

The Planning Division, Parks Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval