



Report to the Plan Commission

October 19, 2009

Legistar I.D. #16260
5119-5129 University Avenue
Conditional Use – Temporary Parking

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval to construct a temporary off-site leased parking area for veterinary office.

Applicable Regulations & Standards: Section 28.09 (2)(d) 15 of the Zoning Ordinance requires temporary parking lots (for up to three (3) years) to receive conditional use approval. Additionally Section 28.09 (2) (d) 7 requires parking facilities, not located on the same zoning lot as the principal use served, obtain conditional use approval. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met for the proposed off-site parking and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

Background Information

Applicant: Dan Birrenkott; Birrenkott Surveying, Inc; 1677 North Bristol Street; Sun Prairie, WI 53590
Agent / Contact: Same as the Applicant
Property Owner: Erdman Real Estate Holdings, LLC; 5117 University Avenue; Madison, WI 53705

Proposal: The applicant proposes to construct a temporary six (6) stall parking lot to serve the adjoining Spring Harbor Animal Hospital property.

Parcel Location: The parcel is an approximately 9.15-acre (398,427 square foot) parcel located within a larger planned commercial site bounded by University Avenue, Whitney Way, and the Wisconsin and Southern Rail Line (with Old Middleton Road, beyond). This parcel is located within Aldermanic District 19, Urban Design District 6, Wellhead Protection District 14, and the Madison Metropolitan School District.

Existing Conditions: The subject property ("Erdman" property) is a planned commercial site consisting of multiple office buildings, warehouse space, and surface parking areas. The site abuts the Spring Harbor Animal Hospital ("Link" property). The clinic previously had access to additional parking and rear loading through a shared agreement with the adjoining property owner at 5133 University Avenue. That agreement has since been modified resulting in the clinic losing access to this area. The Clinic has been working with the other adjoining property owner (Erdman) to develop this proposal.

Surrounding Land Use and Zoning: The subject site is generally surrounded by other office, commercial, and warehouse facilities, zoned C3 Highway Commercial District. The Trillium Apartments, a planned residential development including many small residential buildings, zoned R4 (General Residence District) is located east of the site.

Adopted Land Use Plan: The Comprehensive Plan recommends employment uses for the subject property.

Environmental Corridor Status: The property is not within an environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is zoned C3 (Highway Commercial District). Other zoning information was not provided for this request.

Analysis, Evaluation, & Conclusion

The applicant proposes to construct a temporary, off-site parking lot to serve the adjoining veterinary clinic. This proposal is subject to the standards for conditional uses. The subject property is zoned C3 (Highway Commercial District) and temporary and off-site accessory parking facilities require conditional use approval.

The subject site (the "Erdman" property) is approximately 9.15 acres (398,427 square feet) in area and is part of a larger planned commercial site that is generally bounded by University Avenue, Whitney Way, and the Wisconsin & Southern Rail Line (with Old Middleton Road, beyond). The Spring Harbor Animal Hospital site (the "Link" property) is approximately 0.41 acres (17,823 square feet) in area and fronts onto University Avenue, immediately west of the Erdman Property.

Access to the sides and rear of the veterinary clinic was previously provided through the adjoining property at 5133 University Avenue. Staff understands the shared access agreement between these property owners is no longer in place and physical changes have occurred, resulting in the loss of access to the rear of the veterinary clinic. The applicant has worked with the other adjoining property owner (Erdman) to develop this proposal to provide a small amount of employee parking and rear building loading behind the clinic.

This proposal calls for the addition of six parking stalls on the western edge of the Erdman property, near the Link property. A new twelve foot-wide drive would connect the parking area to the rear of the clinic. This drive would also allow for loading and deliveries. Currently, these are occurring through the front door, as noted in the applicant's letter of intent. Access to both the parking and loading areas would be across the Erdman property. Staff note that the applicant also proposes to provide three additional on-site parking stalls near the back of the building.

The small proposed parking lot is located entirely behind the existing clinic. Staff believe that the proposed parking area should not be visible from University Avenue and its construction should have no significant impact on area aesthetics.

The proposed parking stalls on the Erdman property are classified as "temporary" in this application. A temporary parking approval is good for three years, per the Zoning Ordinance. At that point, the applicant would be required to meet the additional requirements for a permanent parking lot or obtain an extension to operate the temporary lot, should the applicant wish to continue to use this lot.

The Zoning Administrator has determined that as a temporary parking facility, the applicant would not be required to bring the entire planned commercial site up to current parking lot standards. Conversely, the installation of a new permanent parking lot would require the installation of numerous improvements

across the entire Erdman property. Many improvements, including landscaping and restriping, would likely be necessary. In addition to the Zoning Ordinance's landscaping standards, temporary and permanent parking lots are subject to the design standards of Chapter 10 of the City's Ordinances.

Though no formal redevelopment proposals are before the City at this time, staff is aware that there is redevelopment interest in portions of the Erdman property. Significant changes to this site are possible, likely impacting much of the surface parking now across the site. Considering this potential and the very limited visibility of this portion of the site, staff do not believe other site improvements are necessary in order to meet the conditional use standards at this time. Should no redevelopment activity proceed within the next three years, the Plan Commission would have the opportunity to revisit this conditional use and the property owners may be required to make additional improvements, including meeting the requirements for a permanent lot.

During the review of this project, staff discovered that an additional temporary parking lot was approved on the Erdman property in 2003. This temporary lot was approved to serve the Public Service Commission (PSC) office building. Zoning records indicate this approval expired in 2006 and staff do not have any evidence noting an extension being granted or the parking lot being improved to meet permanent parking lot standards. Representatives from the Erdman property have been contacted and request a three year extension on the existing temporary parking lot. While this request for an extension is well overdue, Planning Division staff have no objections to the Commission granting such an extension. Staff have recommended a clarifying condition of approval noting both temporary parking lots shall be valid for three years from the date of this Plan Commission approval.

The Planning Division believes that the conditional use standards are met for both the construction of the new temporary lot serving the Link property and granting an extension of the conditional use for the previously approved temporary parking lot serving the Public Service Commission building.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met for the proposed off-site parking area and **approve** the requested conditional use subject to input at the public hearing, comments from the Planning Division and comments from other reviewing agencies.

1. Per the Zoning Ordinance, the temporary parking lot is valid for three years from the date of the Plan Commission approval. Should the applicant wish to continue to utilize the parking area after three years, the applicant shall obtain an extension for operation of the temporary lot or meet the additional requirements for a permanent parking lot. Unless otherwise specified by the Plan Commission, both temporary parking lots on the subject property shall be valid for three years from the date of this Plan Commission approval.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

2. Stormwater calculations showing the increase in both volume and peak flow to other private property shall be provided to City Engineering. Additionally, design details on the infiltration bed shall be provided.
 3. The proposed land exchange between the adjacent property owners is preferred accomplished by a Certified Survey Map (CSM). Although a CSM is not legally required by Madison General Ordinances, it benefits both affected private parties as well as the City of Madison resulting in improved land records and assures less opportunity for errors in property listing. If the applicant desires to not proceed with a CSM, the City of Madison will require submittal of separate Plat of Survey submittals for both the resultant "Link" and "Erdman" parcels. The submittal of the complementing Plat of Surveys to the city are necessary to reconcile city parcel records accurately and effectively and provide the ability to prepare an undisputed parcel area for the tax roll for both affected properties.
 4. Provide a copy of the recorded off-site ingress-egress and parking agreement between "Lessee" (Link) and "Lessor" (Erdman). NOTE: The agreement could include language or terms relating to the clarification of payment of taxes, special assessments, Stormwater Utility pervious/impervious area bills, etc. to remain the responsibility of the owner / "Lessor" and not the "Lessee".
 5. The legal descriptions provided on site plan submittal Page 1 of 2 contained numerous typographical errors that shall be corrected to match the proposed and intended resultant property descriptions.
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6. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
 7. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
 8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.

Traffic Engineering Division (Contact John Leach, 267-8755)

9. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
10. When site plans are submitted for approval, the developer shall provide lease or recorded copies of the ingress/egress, parking easements or lease agreement.
11. University Avenue reconstruction next year the applicant will need to modify the gate operation as follows: The applicant will need to submit with the parking lot plans a letter of operation of the gate to parking area, and modify the ingress/egress showing a detail drawing of the area showing queuing of at least one vehicle of 20 ft. from the behind the property line to the gate that will not be blocking the public sidewalk or cause a vehicle to stop in the public right-of-way to open the gate.
12. The applicant shall show the dimensions for proposed and existing parking stalls' items C = 9 ft, L = 18 ft, E = 24 ft, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
13. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime." The applicant could remove the parking space in front of the paved ramp.
14. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
15. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not submit a response to this request.

Water Utility (Contact Dennis Cawley, 261-9243)

16. This property is in a Wellhead Protection District. This use is permitted within this district. Any change in proposed use for this property will require review by the Madison Water Utility General Manager or his designated representative. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit a response to this request.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response to this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.