



## Report to the Plan Commission

July 23, 2012

**Legistar I.D. #26854 & 27083**  
**3822-3902 Evan Acres Road**  
**Rezoning & Conditional Use**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a request to rezone 3822-3902 Evan Acres Road from Temp A. (Agriculture District) to C2 (General Commercial District) and a conditional use for an accessory off-site parking lot to serve Ho-Chunk Gaming Madison.

**Applicable Regulations & Standards:** Accessory parking facilities when located elsewhere than on the same zoning lot as the principal use served and subject to the applicable provisions of Section 28.11 are first identified as conditional uses in the C1 Limited Commercial District and telescope into the C2 General Commercial District. Section 28.12(10) of the Zoning Ordinance provides the process for zoning map amendments; 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 recommend **approval** of Zoning Map Amendment ID 3620, rezoning 3822-3902 Evan Acres Road from Temp A. to C2, to the Common Council and **approve** the related conditional use for the proposed accessory parking lot, all subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

**Applicant & Property Owner:** Ho-Chunk Nation, a federally recognized Indian government; W9814 Airport Road; PO Box 667; Black River Falls; Angie Waege, Ho-Chunk Department of Business, representative.

**Proposal:** The Ho-Chunk Nation is requesting permanent zoning and approval of a conditional use to construct an accessory parking lot to serve their nearby gaming facility. Construction of the parking lot is scheduled to commence as soon as all regulatory approvals have been granted, with completion anticipated in November 2012.

**Parcel Location:** An approximately 7.1-acre parcel located on the west side of Evan Acres Road in the southeastern quadrant of the Interstate 39-90 and US Highways 12-18 interchange; Aldermanic District 16 (Johnson); Madison Metropolitan School District.

**Existing Conditions:** The subject site was previously developed with a Ramada Inn hotel, which was demolished in 2001, and is currently used as an unimproved overflow parking lot for the gaming facility located further to the south at 4002 Evan Acres Road. The subject site is zoned Temp A. (Agriculture District).

### Surrounding Land Use and Zoning:

North: Undeveloped land, zoned Temp. A (Agriculture District); Magnuson Grand Hotel and Capital City Harley-Davidson, both located in the Town of Blooming Grove;

South: Undeveloped land, wetland, and Ho-Chunk Gaming Madison, all zoned Temp. A;

West: Interstate 39-90;

East: Undeveloped land and wetland, zoned Temp. A; Holiday Apartments in the Town of Blooming Grove.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and adjacent properties in the southeastern quadrant of the interchange for future General Commercial land uses.

**Environmental Corridor Status:** The subject site is not located within a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services. However, there is currently no Madison Metro Transit service to this area of the City.

**Zoning Summary:** Proposed C2 (General Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	7.1-acres
Lot Width	50'	Approximately 610 feet
Front Yard	0'	N/A
Side Yards	0'	N/A
Rear Yard	10'	N/A
Floor Area Ratio	3.0 maximum	N/A
Building Height	N/A	---
No. Parking Stalls	0 for property (no principal use)	470
Accessible Stalls	9 (1 van-accessible)	TBD (see cond. #28a, page 8)
Loading	N/A	---
No. Bike Parking Stalls	47 (1 per 10 stalls)	0 (see cond. #32, page 9)
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements, Barrier Free	
No:	Urban Design, Floodplain, Historic District, Landmark, Adjacent to Park, Wellhead Protection	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

**Related Approval**

---

On October 19, 1998, the Plan Commission approved a conditional use for an accessory parking lot at 4001 Savannah Road to serve the adjacent DeJope Bingo facility (now Ho-Chunk Gaming Madison) located at 4002 Evan Acres Road. The “East” parking lot includes approximately 665 stalls (including 60 accessible stalls) and a maintenance building.

**Project Review, Analysis & Conclusion**

---

The Ho-Chunk Nation is requesting approval of a zoning map amendment to assign C2 (General Commercial District) zoning to a 7.1-acre parcel of land addressed as 3822-3902 Evan Acres Road and approval of a conditional use to allow construction of a permanent 470-stall surface parking lot to serve its nearby gaming facility located at 4002 Evan Acres Road, approximately 800 feet to the south. Of the

470 stalls proposed in the new "North" lot, 10 will be available for bus and tractor trailer parking. The proposed lot will formalize an unimproved parking facility currently located on the site, which provides overflow parking for the gaming facility. Evan Acres Road is one of three public roads along with Millpond Road and Savannah Road that provide access to the properties located in the southeastern quadrant of the Interstate 39-90 and US Highway 12-18 interchange in the City and in the Town of Blooming Grove.

The proposed permanent lot will supplement parking provided in the "East" parking lot directly northeast of and adjacent to the gaming facility. The applicants indicate that this lot is frequently fully occupied, which has led to the use of the subject lot on an informal basis. The applicants have provided data with their application materials that they indicate describes the volume of patron traffic at different times and days and the usage of the parking available at the gaming facility, which is exclusively accessible only by automobile at the present time. The applicants operate a shuttle between the subject site and gaming facility when the overflow lot is in operation.

The subject site is relatively flat and mostly devoid of vegetation with the exception of areas of mature tree cover along the southern property line and adjacent to the western edge of the site in the right of way of Interstate 39-90. An area of rough grass and gravel is located on the eastern half of the site closest to Evan Acres Road consistent with the use of the site as an informal overflow parking area. The subject site was annexed to the City from the Town of Blooming Grove in 1995 and was developed until 2001 with a Ramada Inn hotel.

The proposed parking lot will include five double-loaded aisles of diagonal parking stalls in the center of the site, 34 perpendicular parking stalls along the northern property line and the 10 bus/ truck stalls along the west side of the lot. Two pedestrian walkways will extend east-west through the lot to connect to a sidewalk that will be constructed in the Evan Acres Road right of way. A landscaping plan submitted with the parking lot plans proposes the planting of approximately 70 shade trees along the western, eastern and southern edges of the lot, and for the construction of stormwater management area along portions of the western and southern edges of the site. The application materials indicate that the private shuttle bus operating between the subject site and gaming facility will continue once the informal, unimproved lot is converted into the permanent lot depicted on the attached plans.

Planning and Zoning staff have met extensively with representatives of the Ho-Chunk Nation over the last two years regarding their plans for the proposed parking lot and their longer-term goals to develop the approximately 45 acres of land they own in this area. Staff believes that the requested C2 zoning is consistent with the General Commercial land use recommendations for the subject site and surrounding area in the Comprehensive Plan and believes that the conditional use standards can be met for the proposed accessory parking lot. The parking lot, while large, is generally well designed and should be sufficiently screened from view from adjacent Interstate 39-90.

In 1998, the Ho-Chunk Nation and City of Madison entered into an intergovernmental agreement that established parameters for the annexation of certain Nation-owned properties into the City, the provision of City services to the Nation lands, and cooperative planning for the City- and Nation-owned lands in the southeastern quadrant of the Interstate 39-90 and US Highway 12-18 interchange, including the establishment of the Ho-Chunk Nation/ City of Madison Joint Planning Committee. As established in the agreement, the Joint Planning Committee is required to approve rezoning and development requests in this area. On May 17, 2012 the Joint Planning Committee reviewed the project and approved the submittal of this rezoning and conditional use application for the "North" parking lot. The minutes of that meeting are attached.

## **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

---

### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3620, rezoning 3822-3902 Evan Acres Road from Temp A. (Agriculture District) to C2 (General Commercial District), to the Common Council and **approve** the related conditional use for the proposed accessory parking lot, all subject to input at the public hearing, the following Planning Division conditions, and the conditions from reviewing agencies:

1. The final site and landscaping plans shall be revised to clearly show the areas of existing vegetation on and adjacent to the subject site, with the areas of existing vegetation on the subject site to remain so noted.

The following conditions have been submitted by reviewing agencies:

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

2. City Engineering staff suggests that the Ho-Chunk Nation Land Records Office request in writing (e-mail notification is sufficient) to Maureen Richards of the City of Madison Assessor's Office ([mrichards@cityofmadison.com](mailto:mrichards@cityofmadison.com)) combination of parcels 0710-261-0302-9 and 0710-261-0303-7. If this is acceptable, combining these parcels would eliminate the need for two parcel listings for this single platted lot.
3. The developer shall be responsible for the reconstruction of half of Evan Acres Road along the frontage of the development including to, but not limited to, new sidewalk, curb and gutter, pavement, storm sewer as necessary, and utility adjustments.
4. The discharge of the new stormwater from this development to the Wisconsin Department of Transportation right of way shall require WisDOT and the Dane County Highway & Transportation Department approvals prior to sign off of the site plans. Provide copies to City Engineering of all permits from both agencies.
5. Provide additional detail for the proposed storm sewer and drainage. The plans submitted show a storm sewer pipe end directly under a proposed sidewalk. Modify the plans accordingly.
6. The construction of this project will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
7. The applicant shall install public sidewalk along the west side of Evan Acres Road adjacent to this site. The applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit

including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.

8. The approval of this conditional use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
9. All work in the public right of way shall be performed by a City-licensed contractor.
10. All damage to the pavement on Evan Acres Road adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
11. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
12. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
13. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

14. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.
15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2- & 10-year storm events; control 80% TSS (5 micron particle) off of new paved surfaces; provide infiltration in accordance with Chapter 37 of the Madison General Ordinances, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
16. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed

contours. 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.

17. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. 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).
19. 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.
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency did not submit comments for this request for inclusion in this report.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

21. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a.) Provide a minimum number of accessible stalls striped per State requirements while combining both parking lots to establish the number. Provide the total number of parking stalls for both sites. A minimum of 1 of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side for the surface parking.
  - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
22. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15 and 20 feet of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of

at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. All plant materials in islands shall be protected from vehicles by concrete curbs.

23. The site is not accessible by bicycle at this time. The final plans shall show an area dedicated for bike parking once the site is accessible by bicycle.
24. Lighting is required and shall be in accordance with City of MGO Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line.
25. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Codes. Signage permits are issued by the Zoning Office of the Department of Planning and Community & Economic Development.

**Parks Division** (Contact Kay Rutledge, 266-4714)  
This agency did not submit comments for this request.

**Fire Department** (Contact Bill Sullivan, 261-9658)  
The Madison Fire Department provided a comment that the proposed parking lot has no impact on fire services.

**City Assessor's Office** (Contact Maureen Richards, 266-4845)  
This agency did not submit comments for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

26. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Metro Transit** (Contact Tim Sobota, 261-4289)  
This agency did not submit comments for this request.