

PLANNING DIVISION STAFF REPORT

February 9, 2015



PREPARED FOR THE PLAN COMMISSION

Project Address: 2165 Rimrock Road
Application Type: Zoning Map Amendment
Legistar File ID # [36828](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Javanshir Javadov, German Auto, LLC; 209 Swanton Road; Madison.

Property Owner: Roger Charly; 8 N. Charter Street; Madison.

Requested Actions: Approval of a request to rezone 2165 Rimrock Road from SE (Suburban Employment District) to CC-T (Commercial Corridor–Transitional District) to convert an existing commercial building into an auto sales business.

Proposal Summary: The applicant is requesting approval to convert an existing 4,250 square-foot building built as an auto repair and auto body shop into an auto sales business. Work related to the conversion is scheduled to commence as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00153, rezoning 2165 Rimrock Road from SE to CC-T, to the Common Council with a recommendation that the request be placed on file due to its inconsistency with the land use recommended for the site in the Comprehensive Plan. In the event that the Plan Commission should recommend approval of this request, conditions from reviewing agencies are included in the final section of this report and should be made part of that approval.

Background Information

Parcel Location: The subject site is an approximately 0.44-acre (19,079 square-foot) parcel located on the east side of Rimrock Road between Rusk Avenue and the Beltline Highway; Aldermanic District 14 (Strasser); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a one-story, 4,250 square-foot auto repair and auto body shop and surface parking lot in SE (Suburban Employment District).

Surrounding Land Uses and Zoning:

North: Auto parts sales in City of Madison, zoned SE (Suburban Employment District); State of Wisconsin Department of Revenue in the Town of Madison;

South: Vacant auto sales buildings in the City, zoned SE; Beltline Highway;

West: Coyle Carpet, Gates Auto Body/ Enterprise Rental Car, Dane County Credit Union, Dane County Sheriff Ferris Center and Clarion Suites Hotel in the Town of Madison;

East: Surface parking in the City, zoned SE.

Adopted Land Use Plans: The Comprehensive Plan identifies the subject site and surrounding properties on the east side of Rimrock Road for Employment uses. The properties located to the west across Rimrock are recommended for General Commercial development.

The subject site is also located within the boundaries of the South Madison Neighborhood Plan, though that plan does not contain any specific land use, design or redevelopment recommendations for this site.

Zoning Summary: The site will be zoned CC-T (Commercial Corridor–Transitional District) with this request.

Requirements		Required	Proposed
Minimum Front Yard		0'	Existing
Side Yard		One-story: 5' Two-story: 6'	Existing
Rear Yard		The lesser of 20% of lot depth or 20'	32'
Maximum Lot Coverage		85%	80%
Maximum Building Height		5 stories and 68'	1 story, existing
Building Forms		Freestanding commercial building	Existing, complies
Automobile Parking		No minimum	8
Accessible Parking		1	1
Bicycle Parking		1 per 5 employees (2)	2; see Zoning conditions
Other Critical Zoning Items			
Yes:	Utility Easements, Barrier Free		
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Wetlands		
Prepared by: Matt Tucker, Zoning Administrator			

Environmental Corridor Status: The property is not located within a mapped environmental corridor (see Map E10).

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service on Rimrock Road.

Previous Approvals

On February 1, 2011, the Common Council approved a request to rezone 2155-2205 Rimrock Road from Temp A. (Agriculture District) and C3L (Commercial Service and Distribution District) [1966 Zoning Code] to C3L to allow demolition of five existing buildings and construction of a seven-story, 247-room hotel and conference center. The Plan Commission recommended approval of the rezoning and approved a related demolition permit for the existing buildings and conditional use for the proposed hotel development at its January 24, 2011 meeting. Four of the 6 parcels comprising the hotel site were attached to the City from the Town of Madison on November 30, 2010 following approval of an Early Attachment and Revenue Sharing Agreement between the City and Town related to the proposed hotel development. Information on the February 2011 approvals can be found [here](#).

On October 3, 2011, the Plan Commission approved an alteration to the approved conditional use for the proposed hotel to remove a floor, resulting in a six-story, 201-room hotel and conference center.

Project Description

The applicant is requesting approval of a request to rezone a 0.44-acre parcel on the east side of Rimrock Road between the Beltline and Rusk Avenue to allow an existing one-story, 4,250 square-foot building to be used for auto sales. The existing concrete block building sits perpendicular to Rimrock Road on an approximately 85-foot wide, 120-foot deep parcel that was one of four parcels annexed to the City from the Town of Madison in late 2010 as part of a six-parcel redevelopment to construct a hotel and conference center on 4.5 combined acres of land located between the State Department of Revenue building to the north and the Beltline to the south.

As part of the establishment of the auto sales business on this site, the applicant will restripe the surface parking located along the north and west sides of the building to create auto parking and vehicle display areas. Two sheds located adjacent to the east wall of the building will be removed to create additional parking on that portion of the site. The property will also be brought up to current site landscaping standards as part of the conversion of the building to the auto sales use.

Analysis and Conclusion

Auto sales are a permitted use in the requested CC-T (Commercial Corridor–Transitional) district but are not allowed in the SE (Suburban Employment) zoning. The statement of purpose of the requested CC-T district states that the district 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. Comparatively, the SE district was established to encourage a broad range of employment activities, including limited industrial uses conducted within enclosed buildings, and complementary uses related to employment, with a express statement discouraging the “proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.”

The Comprehensive Plan identifies the subject site, Department of Revenue property, and other nearby properties on the east side of Rimrock Road for Employment uses. Properties to the west of the site across Rimrock Road are recommended for General Commercial uses consistent with the existing land uses present, which include a carpet warehouse, credit union, hotel, and auto body shop and rental car business located in the Town of Madison. While the Employment districts are primarily recommended for business and medical offices and research facilities and laboratories, the Comprehensive Plan identifies hotels such as the one previously approved the subject site as complimentary uses in Employment districts.

The subject site and five other parcels located between the Department of Revenue building in the Town of Madison and Beltline Highway were zoned SE upon the adoption of the new Zoning Code and map in 2013. As noted in preceding sections, the same parcels were zoned C3L (Commercial Service and Distribution District) under the 1966 Zoning Code to facilitate the now expired hotel redevelopment proposal approved for the site in 2011. In mapping the site to the SE district, Planning and Zoning staff felt that district best reflected the Employment land uses recommended for the site in the Comprehensive Plan while providing a conforming zoning district for the approved hotel project. Hotels are conditional uses in the SE district, and the bulk requirements in that district are similar to those that governed the site in C3L zoning.

Per Section 28.182(6) of the Zoning Code, zoning map amendments are legislative decisions of the Common Council following a recommendation by the Plan Commission, which shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

While the Planning Division acknowledges that the 2011 conditional use approval for the hotel has expired and would require new land use and design approvals in order to proceed, and that the predominant land use of the site and adjacent properties has historically been for auto-oriented uses, staff cannot support the requested rezoning of the subject site to the CC-T district. Although office and limited production uses consistent with the Employment land use recommendations in the Comprehensive Plan are allowed in the CC-T district, that district allows many more uses that would not be consistent with the development pattern recommended for Employment districts, including a more permissive slate of commercial/ retail/ service uses. The CC-T zoning requested for the subject site is more consistent with the General Commercial land uses recommended across Rimrock Road from the site. Given the large-scale Department of Revenue employment use present to the north of the site and the planned transition from commercial to employment moving west to east across Rimrock, staff feels that preserving the SE zoning of the site and encouraging reuse of the building or redevelopment of the property with uses allowed in that district would be more consistent with the adopted Employment land use recommendation than the commercial zoning district proposed.

Unlike a conditional use, which may be approved with an expiration date to allow an interim use of a property in anticipation of another use or development more consistent with the statement of purpose of the respective zoning district and land use recommendations, the rezoning of property cannot be so conditioned. As a result, the establishment of a zoning district inconsistent with adopted land use plans may have longer-term and farther reaching impacts on the City's ability to implement said plans.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00153, rezoning 2165 Rimrock Road from SE to CC-T, to the Common Council with a recommendation that the request be **placed on file** due to its inconsistency with the Comprehensive Plan. In the event that the Plan Commission should recommend approval of this request, that approval should be subject to input at the public hearing and the conditions from reviewing agencies:

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

1. The applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along Rimrock Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of MGO.
2. 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).
3. The site plan shall be revised 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.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

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; 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 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 the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Pat Anderson, 266-5978)

8. Provide bike parking as required per Table 28I-3 in Section 28.141 of the Zoning Code. Provide a detail of the bike rack design.
9. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
10. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code prior to sign installations.

Fire Department (Contact Bill Sullivan, 261-9658)

11. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503, as follows:
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
 - c. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.
 - d. Provide a fire lane with the minimum clear unobstructed width of 20-feet.

Water Utility (Contact Dennis Cawley, 261-9243)

12. Note: All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.