



Report to the Plan Commission

August 23, 2010

Legistar I.D. #19484
710 Ruskin Street
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for vehicle storage yard in the M1 (Limited Manufacturing) District.

Applicable Regulations & Standards: 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 finds that the conditional use standards can be met and **approve** the request for the conditional use for a vehicle storage yard.

Background Information

Applicant/Project Contact: Todd Menzel; Menzel Enterprises; 868 Progress Way; Sun Prairie

Property Owner: Donald Hornung; Hartmeyer Estates; 1005 Franconia Ct; Waunakee

Proposal: The applicant is requesting a conditional use for a vehicle storage yard in the M1 (Limited Manufacturing) District

Parcel Location: 710 Ruskin Street is located on the west side of the northern terminus of the Rusk Street segment just north of Commercial Avenue; Aldermanic District 12 (Rhodes-Conway); Madison Metropolitan School District.

Existing Conditions: The 4.6-acre parcel currently has 5 buildings with existing warehousing, auto repair, and light industrial tenants and asphalt surface parking.

Surrounding Land Use and Zoning:

North: Immediately to the north, a large green space with an auxiliary surface parking lot for Oscar Mayer Corporation, in the M1 (Limited Manufacturing) District

East: Warehousing, storage, and scrap metal wholesalers in the M1 (Limited Manufacturing) District

South: Immediately to the south, a surface parking lot associated with the Hartmeyer Ice Arena, in the M1 (Limited Manufacturing) District

West: Across the Union Pacific Railroad tracks, retail and residential uses in the Village of Maple Bluff

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Industrial Uses (I) for this property. The Northport Warner Park Sherman Neighborhood Plan (2009) recommends a long term redevelopment scenario with employment uses in new buildings located along an extended Ruskin Street.

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

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

Zoning Summary: The property is in the M1 (Limited Manufacturing) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	200,194 sq. ft. existing
Lot width	50'	Existing/adequate
Front yard	0'	Existing/adequate
Side yards	0'	Existing/adequate
Rear yard	0' or 10'	Existing/adequate

Site Design

No. Parking stalls	1 stall per 2 employees	TBD
No. Bike Parking stalls	TBD	TBD
Accessible stalls	TBD	TBD
Loading	N/A	N/A

Other Critical Zoning Items

Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	No
Adjacent to park	No

Prepared by: Matt Tucker, Zoning Administrator

Project Description

Existing Conditions

The 4.6-acre site consists of five existing storage and light industrial buildings surrounded by asphalt parking and loading areas. Since September 2009, the applicant has occupied the approximately 5,000 square-foot building in the west central portion of the site with their towing business. The certificate of occupancy at that time specified that absent conditional use approval, all towed vehicles must be stored indoors, and the surface parking area could only be used for tow trucks and employee parking. At this time, the applicant is seeking conditional use approval to store towed vehicles on the existing surface lot to the north of the building. The storage lot, which was formerly used to store school buses, is surrounded by a six foot chain link fence, topped with barbed wire.

The site plan provided shows that a building on the far western portion of the site appears to have an associated paved area encroaching onto the Union Pacific Railroad property immediately to the west. This area of the site is not associated with the applicant, but the condition will need to be addressed prior to final signoff, either through the inclusion of a barrier on the site plan to prevent this encroachment, or through the submittal of a recorded easement demonstrating that the encroachment is legal.

Further, an August 18 site visit showed that there are additional minor zoning violations on the property, all unaffiliated with the applicant's rented space and the proposed storage yard. These issues (missing fire hydrants, parking in unmarked areas, and a few others) will need to be rectified on final plans submitted for staff review and approval, and will need to be corrected on the site in the near future, subject to enforcement by the Building Inspection Division and the Fire Department.

Site Plan

Essentially, the only change to the site plan involves a solid fence proposed along the western edge of the storage yard to minimize impacts of the towing business on the rear yards of commercial and residential properties across the railroad tracks to the west. The fence, which should be six feet tall and opaque in order to accomplish this, should be noted and shown in final plans submitted for staff review

and approval. There are no new buildings, building additions, or changes to paved areas associated with the proposal.

Operations and Management

The applicant notes the intent to store between 100 and 210 towed automobiles in the asphalt surface parking area in the northwest portion of the site, until they are either picked up by their owner or disposed of (Wisconsin statutes limit the time each vehicle can be stored to a maximum of 61 days). Efforts will be made to minimize late night noise and flashing vehicle lights by ensuring that any vehicles towed late at night will be temporarily dropped off near the building, further away from properties to the west. They could then be move to a location in the storage lot on the following business day. Staff recommends that this option should be utilized between the hours of 10:00 pm and 6:00 am each day, and the applicant is in agreement with this timeframe.

Public Input

On August 16, staff had a phone conversation with a tenant on a neighboring property, who expressed concerns that a fire hydrant shown on the site plan had not been installed years ago as it was supposed to have been in conjunction with approval for a new building on the site. The gentleman also expressed concerns about additional traffic that could be generated by the outdoor vehicle storage yard, which is the subject of this proposal. Staff agrees that the conditional use requested would likely increase the amount of traffic into and out of this site, as it represents an expansion of an existing towing business. However, staff does not believe that additional traffic at this location will unduly affect nearby tenants and property owners, nor the public infrastructure in the area.

On August 17, the owner of commercial property across the railroad tracks to the west, in the Village of Maple Bluff, called to express concern about approving additional development or activity on the site. Staff believes that the incorporation of an opaque fence, as well as limited hours of operation in the actual storage yard should protect properties to the west from negative impacts, especially with the approximately 100 foot railroad right-of-way between the properties.

Evaluation and Conclusion

The Northport-Warner Park-Sherman Neighborhood Plan (2009) suggests long term redevelopment of this property with a more urban form of industrial employment uses oriented along an extended Ruskin Street. In the present, staff believe that the use of an existing surface parking area for the storage of towed vehicles is appropriate for this M1 site, noting that the use would not preclude redevelopment in the future. The site, with its existing large surface parking area sitting nearly vacant, provides an efficient location for the storage of vehicles towed from across the City.

Importantly, the opaque fencing required along the western portion of the site will improve the relationship between this property and the private properties across the railroad to the west. Further, by ensuring that operational activities within the storage lot itself are limited to the hours of 6:00 am to 10:00 pm, negative impact on nearby properties will be minimized. Compliance with zoning requirements elsewhere on the site, while unrelated to this particular tenant, is very important, and will be enforced by staff from the Building Inspection Division in the near future.

Planning Division staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

Planning Division (Contact Heather Stouder, 266-5874)

1. Between the hours of 10:00pm and 6:00am, towed vehicles shall be temporarily placed near the building just south of the storage yard, so as to minimize the effects of noise and lights on nearby residential properties to the west.
2. The applicant shall provide details on the screening proposed along the western property line for staff review and approval when final plans are submitted. The screening shall be opaque, and approximately six feet tall.

The following conditions have been submitted by reviewing agencies:

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

3. Ruskin Street” is currently incorrectly labeled on this plan. The public right-of-way for Ruskin Street ends coterminous with the easterly prolongation of the south property line of this site. For clarification reasons, remove the Ruskin Street label from the private ingress-egress lease area and place within the public right-of-way portion to the south.
4. 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.
5. The applicant shall submit, prior to plan sign-off, 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:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words “unplatted”
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

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

6. 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, adjacent driveway approaches to lots on either side and across the street, 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'.
7. The applicant shall prevent encroachment onto adjacent land areas with barriers of some type or provide a copy of the easement, which shall be noted on the face of the revised plans.
8. 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)

9. Submitted plans show a graveled or paved area west of the fenced in area, south of the building addressed 714 Ruskin. The ordinance requires this area to be paved and striped, if being used for parking. If the area is being used for storage, it must be enclosed with fencing and delineated as storage on the site plan. This area also appears to encroach into the railroad right of way.
10. Bike parking shall comply with MGO Section 28.11. Provide an additional two bike parking stalls in a safe and convenient location on an impervious surface for the storage yard. Lockable enclosed lockers or racks or equivalent structures in and upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location.
- NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
11. Zoning staff recently visited the site, and notes that the site layout, parking, and some aspects of outdoor storage do not appear consistent with approved plans on-file. No Official Notice has been prepared in this regard to date. The owner of the site is aware of the issues and will be working with staff to resolve any outstanding issues. Site compliance will be addressed as part of Conditional Use signoff.

Fire Department (Contact Bill Sullivan, 261-9658)

12. The Madison Fire Department does not object to this proposal, provided the project complies with all applicable fire codes and ordinances. As per the previously approved plan on-file for this site, all three fire hydrants shown on the property shall be installed.

Water Utility (Contact Dennis Cawley, 261-9243)

13. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Real Estate (Contact Jeff Ekola, 267-8719)

14. The property owner shall remove paving improvements from the railroad right-of-way unless the property owner can demonstrate that he has license/lease from the railroad company (Union Pacific) granting the right to have the paving/driveway in the railroad right-of-way.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.