

Plan Commission Meeting Date: March 24, 2014

PLAN COMMISSION (Agenda Item 5.A. and 5.B.)

AGENDA ITEM:

Recommendation on Request by Charles DiMaggio, President, Car Connections, Inc., on Proposal to Operate a Used Auto Sales Business at DiMaggio Service Center, 901 W Broadway.

REQUESTED BY:

Charles DiMaggio, Car Connection LLC.

Case No.

2-004-2014

PERMIT/POLICY ANALYSIS STATEMENT:

Brief Description of Proposal:

The parcel at 901 W Broadway was developed in 1987 as Joe DiMaggio's Goodyear Tire Center, an auto repair and tire center. The building is approximately 5,800 sq. ft. on a 35,700 sq. ft. lot. The site is between the Wetland Conservancy and the La Petite Academy Daycare Center with frontage on West Broadway and is accessed off of Bridge Road. The property is owned by Joe and Gerri DiMaggio.

Charles DiMaggio is the president of Car Connection, Inc., a small used car business that is currently operating out of 1337 Regent Street in Madison. He has received the property owner's approval to use up to three parking stalls for displaying used cars for sale as well as office space to conduct business. Charles DiMaggio is the only employee of the business and customers would visit by appointment only.

Current Policy or Practice

The property at 901 W Broadway is zoned Community Design District (CDD). The new use by Car Connection, Inc. is a new use on the site which requires approval of a zoning permit by the Plan Commission according to Sec. 13-1-180 of the Monona Municipal Zoning Code.

Plans submitted are reviewed for compliance with the Use and Site Performance Standards of the Zoning Code, standards in the CDD Zoning District Section of the Code, Appendix A of the Code, and all other applicable sections of the Monona Municipal Code of Ordinances.

Recommendation

Approval a Zoning Permit for Car Connection Inc., for use of three parking stalls at Joe DiMaggio's Tire Center at 901 W Broadway to sell used cars, as proposed, according to Section 13-1-180 of the Monona Municipal Zoning Code is recommended with the following conditions of approval:

- 1. Sales of cars shall be restricted to only the three parking stalls indicated on the site plan submitted.**
- 2. No more than three cars may be sold on the property at any one time.**
- 3. Signage on the cars shall be restricted to the three types of signs shown in the photos submitted, including a price tag on the vehicles rear-view window, an 8" x 10" vehicle disclosure form, and a sticker on the vehicle.**
- 4. Other temporary signage and attention getting devices such as banners, balloons, flags and pennants are not allowed.**
- 5. The property owner has an outstanding balance with the City of Monona. Approval of this permit is subject to payment of all outstanding balances, and Staff will hold the final permit until notified by the Finance Director that all balances have been paid.**

Item 5.A. and 5.B. Recommendation on Request by Charles DiMaggio, President, Car Connections, Inc., on Proposal to Operate a Used Auto Sales Business at DiMaggio Service Center, 901 W Broadway.

Plan Commission Meeting March 24, 2014

Background on Site

The parcel at 901 W Broadway was developed in 1987 as Joe DiMaggio's Goodyear Tire Center, an auto repair and tire center. The building is approximately 5,800 sq. ft. on a 35,700 sq. ft. lot. The site is between the Wetland Conservancy and the La Petite Academy Daycare Center with frontage on West Broadway. The site is accessed from Bridge Road. The property is owned by Joe and Gerri DiMaggio.

Proposal

Charles DiMaggio is the president of Car Connection, Inc., a small used car business that is currently operating out of 1337 Regent Street in Madison. He has received the property owner's approval to use up to three parking stalls for displaying used cars for sale as well as office space to conduct business. Charles DiMaggio is the only employee of the business and customers would visit by appointment only.

Public Hearing Scheduled

A public hearing and prehearing conference were held on February 24, 2014. A summary of the discussion is as follows:

- Charles DiMaggio, Car Connection, Inc. said he has approval to operate on this property from the property owner of 901 W Broadway, Joe DiMaggio. He is proposing use of three stalls on the property. Joe DiMaggio, owner of DiMaggio Service Center, stated he has submitted a parking lot plan showing the three stalls reserved for Car Connection, Inc. and that there is adequate parking available on the rest of the site so that Car Connection would not interfere with the Service Center business. He said Car Connection would be allowed no more than three parking stalls and that Charles DiMaggio will be the only employee.
- Ms. Devenish asked if there will be any signage, including signs on cars for sale. Joe DiMaggio said there will be no signage except for inside car windows. Charles DiMaggio explained that the interior car window sign will include the required Department of Motor Vehicles sign which includes a sale price of the car (an 8" x 10" sheet) and a sheet that explains the cars are for sale by appointment only. Customers will not be able to test drive cars without an appointment. He said that the cars for sale will be mostly higher-end vehicles and late models.
- Mr. Homburg asked if the applicants are considering other advertising or attention getting signs such as balloons or banners. He said any approval would be accompanied with

multiple conditions to ensure the operation of the business is consistent with what was proposed and discussed. He added that the proposal might be viewed differently if it were in an industrial district; this location is at an important intersection on Broadway and could potentially change the character of the area. He added that the City once had an ordinance that prohibited the sale of vehicles on lots by persons other than the property owner in order to address aesthetic issues.

- Alder Holmquist stated that a photo of the disclosure as well as a description of where it would be placed would be helpful for the next hearing of this proposal.
- Mr. Homburg said he is unsure about allowing large “for sale” signs on the vehicle windows. He said he would not want the property to look like a car lot.
- Mr. Homburg said that he has never seen an issue with parking on the site, or overflow into the nearby cul-de-sac, so he does not believe the proposal to use three lots for used car sales should pose a problem. The property owner may want to consider a different location for snow storage.

Plans Submitted

The following plans were submitted:

- Narrative letter of intent from Charles DiMaggio, Car Connection Inc., dated 2/2/14;
- Site plan.
- Three photos of signage proposed to be displayed on cars that are for sale in the lot including a small decal on the rear bumper of the car, a hanging price tag on the car’s rear view mirror, and an 8” x 10” disclosure form required by the DMV.

Public Hearing Scheduled

A public hearing notice was mailed to surrounding property owners on 3/12/14.

Consistency with Zoning Ordinance, Comprehensive Plan, and Surrounding Uses

The property at 901 W Broadway is zoned Community Design District (CDD). The use of the site for DiMaggio’s Tire Center is an existing approved use. The new use by Car Connection, Inc. is a new use on the site which requires approval of a zoning permit by the Plan Commission according to Sec. 13-1-180 of the Monona Municipal Zoning Code.

Plans submitted are reviewed for compliance with the Use and Site Performance Standards of the Zoning Code, standards in the CDD Zoning District Section of the Code, Appendix A of the Code, and all other applicable sections of the Monona Municipal Code of Ordinances.

The Plan Commission should review the proposal according to these sections and determine if a used car sales operation is consistent with the CDD Zoning District, and shall review the proposal according to the Use and Site performance standards of the Zoning Ordinance, and the Quantitative Standards of Appendix A.

Site Plan

No changes are proposed to the site layout regarding driveways, access, surfaces or structures. The three stalls proposed to be used for the used car sales are located at the north end of the parking lot with visibility along W Broadway.

Parking

According to Appendix A of the Code, automotive sales, services, and repair businesses, have the following parking requirements:

- (2)Automotive sales, service and repair businesses shall provide four (4) parking spaces plus one (1) additional space for each five hundred (500) square feet of floor area over the first one thousand (1,000) square feet.

The building is approximately 5,800 sf in area which requires about 30 stalls for the Joe DiMaggio Tire Center business. The site plan submitted shows there are 35 parking stalls on site. The Charles DiMaggio Car Connection business requires 3 stalls for display of vehicles plus one employee stall and at least one customer stall, for a total of five stalls. It appears that the site will have adequate parking to accommodate the new proposed business without impacting the required parking for the current use of the site.

The consensus of the Plan Commission was that the use is consistent with the parking needed by Joe DiMaggio's Tire Center on the site, and that there have not been previous problems with overflow parking onto nearby streets.

Outstanding Debt

The Finance Director has provided information that the property owner Joe DiMaggio has outstanding payments due to the City of Monona. The applicants have been notified that the Plan Commission may approve the zoning permit for this proposal on Joe DiMaggio's property, but the City will not release a final approved permit for operation until all outstanding debts have been satisfied.

February 2, 2014

FEB - 3 2014

City of Monona
Ms. Sonja Reichertz
City Planner and Assistant ED Director
5211 Schluter Rd.
Monona, WI. 53716

RE: Car Connection, Inc.

Dear Ms. Reichertz,

My name is Charles DiMaggio and I am President of Car Connection, Inc. a small used car business. I have been in business for over 20 years in the Monona and Madison area and am in good stead with the Department of Motor Vehicles. I have also been a customer for over 20 years of Monona State Bank. I am writing to let you know that I am interested in operating my used car business at 901 West Broadway in conjunction with DiMaggio's Sales and Service, Inc. (DBA DiMaggio's Service Center).

I am currently operating out of ¹³³⁷~~1234~~ Regent Street.

I have spoken with my brother and sister-in-law, Joe and Gerri DiMaggio, who are the owners of the property and they have offered me the use of up to three parking spaces for the display of my cars as well as office space to conduct business. I am only allowed a maximum of three vehicles. I have recently pared down my business and am the sole employee. I intend this business to be by "Appointment Only" and will display as such on any vehicles that are for sale. I operate as a wholesaler as well as a buyer for other dealers and as such will be available by appointment only.

When we spoke on Monday January 27, 2014 you indicated that I should write a letter and send \$120 to be heard by the City Planning Commission. From our conversation the current zoning does not exclude the used car operation, but that this would give you and the commission an opportunity to review our plan. This facility and other DiMaggio Repair facilities have served the Monona and surrounding communities for 40 years and done so proudly.

For yours and the Commission review I am attaching a current parking lot plan along with the location that I would use to display my three vehicles.

If you or any of the Commission members have questions prior to the next available meeting, please feel free to contact me at 608.698.4992. You can also reach Joe DiMaggio at 608.575.8827.

Kind Regards,

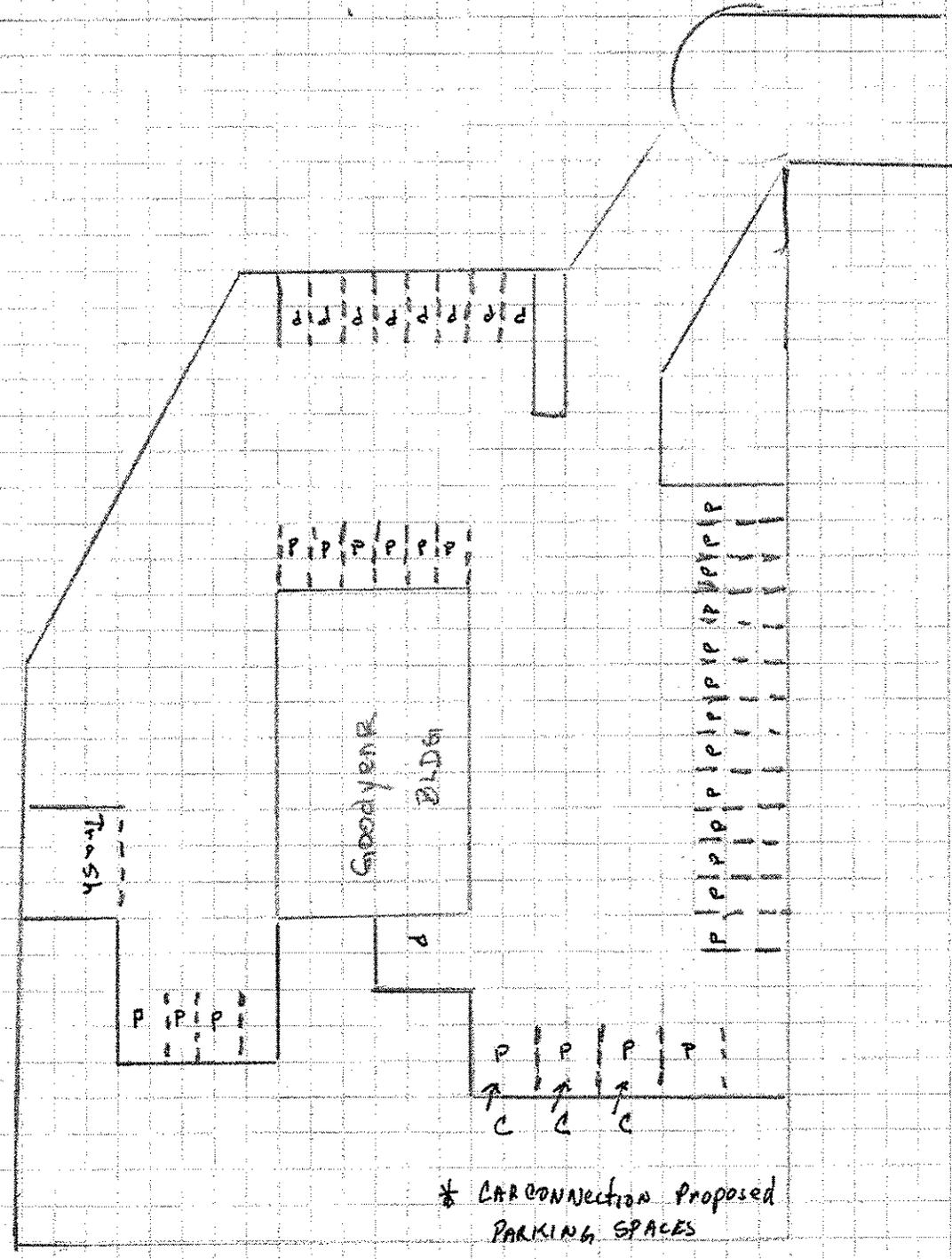
Charles DiMaggio, Pres. Car Connection, Inc.



Please use our home address for all mail correspondence
4713 Nora Lane
Madison, WI 53711

FEB - 3 2014

Current
35 PARKING SPACES 9' WIDE



BROADWAY

Not to Scale

Photos of Proposed Signage to Display on Used Cars for Sale

Submitted by Charles DiMaggio, Car Connection, LLC
February 28, 2014



31482

WISCONSIN BUYERS GUIDE MV2872 53010

Information on this guide is based on what the dealership can find using reasonable care. You may learn more by following the suggestions on the back.

2009 TOYOTA SCION TC
VIN: JTKDE167490275874
CAR CONNECTION, INC

Engine: Size 2.4 No. Cyl. 4
Drive Type: FWD RWD 4WD
Transmission: Automatic Manual S
Fuel: Gas

VEHICLE HISTORY
Check all that apply:
 Personal use
 Business use
 Lease use
 Rental use
 Demonstrator use
 Executive use
 Other: _____
 History and use not known

TITLE BRANDS
Title will have these brands:
 Retail salvage
 Transferred to insurance co. - damage claim paid
 Flood damaged
 Manufacturer buyback
 Other: _____
 Previously titled in: _____

USED VEHICLE GENERAL CONDITION
 Cooling System: YES NO
 Cooling antifreeze safe to 25°F
 System problem: YES NO
 Drive Train: Shifting problem
 Abnormal noise or vibration
 Visible cracks or damage to cases or housings
Electrical System: Charging system problem
 Starting system problem
 Ignition system problem
Engine: Signs of excessive oil consumption
 Abnormal noise
 Signs of cracked block or head, or blown head gasket
 Electrical control module problem
 Misfire or backfires
 Idle improperly, stalls, diesels
 Brakes misalign, rattle, or cracked
 Does NOT include timing belt
 Changed from manufacturer specification
Fluid: Fluid levels low
 Known or visible leaks, excluding minor seepage
Gauges and Warning Devices: Gauge or device problem
 Indicate a system problem
 Dash lights and gauge lights problem
Repaired Damage: Corrective welds or other evidence of repair to strut tower, floor pan, frame or suspension

VEHICLE EQUIPMENT REG
To safely and legally operate this vehicle, the items listed below must be in proper working order. TRANS 303, Wis. Adm. Code.
 Not Legal: Brake System
 Parking Brake
 Service Brakes
 Bumpers
 Doors, Hoods and Trunk Lid
 Emission Equipment
 Dealership (inspection does not pass state inspection test when) _____
 Legal: Exhaust System
 Fenders, Firewall and Floor Pan
 Frame or Structural Portion of U
 Fuel System
 Horn
 Lights
 Restraint Devices and Seats -
 Speedometer and Odometer
 Steering Components
 Suspension
 Tires and Wheels
 Windshield, Windows and Mirror
 Windshield Defroster, Wipers and

ODOMETER READING
Odometer information will be on your title.
 ODOMETER READ: 090773
 miles when vehicle was acquired. To the best of dealership's knowledge the reading was:
 Actual
 In excess of mechanical limits
 Not actual - WARNING ODOMETER DISCREPANCY
 EXEMPT from odometer disclosure because vehicle is 10 or more model years old. Reading is not required.

WARRANTY & SERVICE CONTRACT INFORMATION
 Refer to separate document for coverages and exclusions.
 IMPORTANT: Ask for all promises in writing. Spoken promises are difficult to enforce. Warranty terms may be negotiable. Terms agreed to on the purchase contract are final.
 Manufacturer Warranty Information (Dealer is not a party to any manufacturer's warranty)
 Original Manufacturer Warranty (either new or remaining)
 Expiration: _____ (date) _____ (miles), whichever comes first.
 Deductible: _____ Transfer fee: _____
 Original Manufacturer Warranty EXPIRED or NOT KNOWN
 Original Manufacturer Warranty CANCELLED due to history
 LIMITED EXTENDED WARRANTY/SERVICE CONTRACT provided by: Manufacturer Warranty company Dealership
 Duration: _____ (months) _____ (miles), whichever comes first.
 Deductible: _____

Explain all items marked "YES" or "Not Legal"

