



PREPARED FOR THE PLAN COMMISSION

Project Address: 5518-5702 Manufacturers Dr. (District 17- Ald. Baldeh)
Application Type: Conditional Use
Legistar File ID # [41248](#)
Prepared By: Jessica Vaughn, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Jay Wendt, Principal Planner

Summary

Applicant: Mary Pulvermacher, Pulvermacher Properties, LLC; 5702 Manufacturers Dr.; Madison, WI 53704
Contact: Brian Bealieu, Edge Consulting Engineers; 624 Water St.; Prairie du Sac, WI 53578
Property Owner: Pulvermacher Properties, LLC; 5702 Manufacturers Dr.; Madison, WI 53704

Requested Action: The applicant requests approval of a Conditional Use for an existing nonconforming motor freight terminal use and the construction of a new parking lot area.

Proposal Summary: The applicant is seeking approval of a Conditional Use to bring the existing nonconforming motor freight terminal use into compliance with the zoning code use standards for the IL zone district. As part of the application, the applicant is proposing the construction of a new parking lot area and landscape improvements to bring the project site into compliance with required development standards pursuant to sections 28.141, "Parking and Loading Standards" and 28.142, "Landscaping and Screening Requirements," M.G.O., respectively.

Applicable Regulations & Standards: Motor freight terminals are identified as a conditional use in the Industrial Limited (IL) zone district and are subject to the standards for Conditional Uses (Section 28.183(6), M.G.O.).

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the Conditional Use standards are met and approve the request to continue the motor freight terminal use and construct a new parking lot area at 5518-5702 Manufacturers Dr. This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: Generally, the project site is located just north of the intersection of Hanson Rd. and Manufacturers Dr. on the west side of Manufacturers Dr. The project site is comprised of three lots addressed as 5518, 5650 and 5702 Manufacturers Dr., totaling approximately 6.04 acres. Although the project site is comprised of three lots, it is considered one zoning lot for land use review and analysis purposes as the three lots function and are being developed as one unit. Note that the term 'project site' is used throughout to refer to the entire project site.

The site is in Aldermanic District 17 (Baldeh) and the DeForest School District. The subject site is also part of the larger Center for Industry and Commerce.

Existing Conditions and Land Use: Currently in operation on the project site, Pulvermacher Cartage of Wisconsin, LLC, is a motor freight terminal use. The existing motor freight terminal use is considered legal nonconforming use because it is only permitted through conditional use approval in the Industrial Limited (IL) zone district. Prior to adopting the 2008 zoning code update, the motor freight terminal uses were permitted as by-right uses in the IL zone district. Therefore, the applicant is requesting approval of a Conditional Use to bring the use into compliance with the current zoning code.

Today the project site is home to two buildings, a motor freight terminal use and a storage and fleet services building, both of which are located on the northern portion of the project site. The storage and fleet services building is a recent addition to the project site, constructed in 2015.

Currently, on-site parking is accommodated in unstriped parking stalls throughout the project site, inconsistent with Section 28.141, M.G.O. In addition, the project site does not currently comply with the landscape requirements pursuant to Section 28.142, M.G.O., specifically those related to interior parking lot landscaping and development frontage.

The southernmost portion of the project site, where the new parking lot area is proposed, is currently undeveloped.

Surrounding Land Use and Zoning:

North: Office and warehouse uses; IL zoning;

South: Vacant land owned by the City of Madison; Suburban Employment (SE) zoning;

East: Warehouse, office and manufacturing uses; IL zoning; and

West: Vacant land owned by Dane County Airport; IL zoning.

Adopted Land Use Plan: The Comprehensive Plan recommends Industrial for the project site, which is generally defined as accommodating “typical industrial and manufacturing uses, including some “nuisance” uses not appropriately located in proximity to residential or many types of non-residential activities due to noise, odor, appearance or traffic impacts for example” (City of Madison Comprehensive Plan, Pg.2-97).

Zoning Summary:

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	261,997 sq. ft.
Lot Width	75’	729.42’
Front Yard Setback	None	Existing building
Side Yard Setback	Greater of 15 feet or 20% building height	Existing building
Rear Yard Setback	30’	Existing building
Maximum Lot Coverage	75%	70.5% lot 91
Maximum Building Height	None	Existing building

Site Design	Required	Proposed
Number Parking Stalls	Motor freight terminal: As determined by Zoning Administrator	68
Accessible Stalls	Yes	3
Number Bike Parking Stalls	Motor freight terminal: 1 per 5 employees 50% short-term/50% long-term	10
Landscaping	Yes	Yes
Lighting	Yes	No
Building Forms	No	No

Other Critical Zoning Items	Yes/No
Urban Design	No
Historic District	No
Floodplain	No
Adjacent to Park	No
Barrier Free (ILHR 69)	Yes
Utility Easements	Yes
Wetlands	No
Wellhead Protection District	No

Zoning Tables prepared by: J.K.

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

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

Project Description, Analysis and Conclusion

The applicant is requesting approval of a Conditional Use application for an existing legal nonconforming motor freight terminal use to bring the use into compliance with the zoning code and to construct a new parking lot area on the southern portion of the project site. The proposed parking lot area is intended to support the existing motor freight terminal use, including providing staff parking, a total of 70 striped stalls, and a paved truck trailer storage and staging area and truck circulation throughout the project site.

Only a minimal amount of change will occur on the already developed northern portion of the project site, including landscape improvements and the siting of additional bike parking. No changes are proposed to the existing buildings.

Overall, the improvements associated with the Conditional Use application will bring the project site into compliance with the landscape and parking standards pursuant to sections 28.141, *“Parking and Loading Standards”* and 28.142, *“Landscaping and Screening Requirements,”* M.G.O.

Motor freight terminals are permitted as a conditional use in the IL zone district. As such, they are subject to the Conditional Use review criteria pursuant to Section 28.183(6), M.G.O. Generally, the intent of Conditional Use review is to determine if a site is an appropriate location for a particular use and to evaluate the compatibility of that use with surrounding uses and development.

In this case, since the motor freight terminal is an existing use, it is considered a legal nonconforming use. Prior to the adoption of the City’s 2008 zoning code, motor freight terminal uses were permitted by-right in the IL

zone district. The 2008 zoning code update changed the allowance of motor freight terminal uses to a conditional use to ensure that evaluation, mitigation and compatibility measures were in place to address the potential nuisance impacts commonly associated with industrial uses.

The Planning Division believes the revised plans can meet the applicable standards. Given the industrial nature of the existing development, zoning and uses surrounding the project site, staff concludes that the continuation of the motor freight terminal use is compatible and consistent with its surroundings. In addition, based on the submitted information, staff does not anticipate that this use will result in significant impacts on surrounding properties. The proposed improvements associated with the conditional use application will bring the project site, in its entirety, into compliance with the landscape and parking development standards.

At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that conditional use standards are met and **approve** the Conditional Use for the continuation of a motor freight terminal use and parking lot area expansion in the IL (Industrial Limited) Zoning District at 5518-5702 Manufacturers Dr. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Jessica Vaughn, (608) 267-8733)

1. Prior to final approval and building permit issuance, the Applicant shall submit final plans for review and approval by staff, and shall include the following revisions:
 - a. Revise the Total and New Stall information documented in the Parking Summary Table on Sheet C-100 to reflect the correct number of stalls, 58 instead of 56.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
3. The applicant shall submit, prior to plan sign-off, but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (Eastside) or ttroester@cityofmadison.com (Westside). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and Section 37.09(2), M.G.O.). PDF submittals shall contain the following information:
 - 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) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
4. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
- a) SLAMM DAT files
 - b) RECARGA files
 - c) TR-55/HYDROCAD/Etc
 - d) 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. (POLICY and MGO 37.09(2)).
5. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester at ttroester@cityofmadison.com (Westside), or Jeff Benedict at jbenedict@cityofmadison.com (Eastside) final document and fee should be submitted to City Engineering.
6. The applicant shall demonstrate compliance with sections 37.07 and 37.08, M.G.O. 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 5.0 tons per acre per year.
7. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR 216 and NR 151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line at:
- <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).
8. Prior to approval, this project shall comply with Chapter 37, M.G.O. regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates.

9. Prior to approval, this project shall comply with Chapter 37, M.G.O. regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.
10. 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 Chapter 37, M.G.O.
11. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (Section 37.05(7) , M.G.O.). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
12. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
13. All work in the public right-of-way shall be performed by a City licensed contractor (subsections 16.23(9)(c)5 and 23.01, M.G.O.).
14. All damage to the pavement on Manufacturers Dr., adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

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| <p>15. The southern-most entrance into the project site is in conflict with the existing entrance on the east side of Manufacturers Dr. The applicant shall modify this entrance to minimize conflicting left turns.</p> |
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16. 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 two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
 17. 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.
 18. 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.
 19. All parking facility design shall conform to the standards as set forth in Section 10.08(6), M.G.O.
 20. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

21. The applicant shall include appropriate signage to secure one-way operation of the drive aisles.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4569)

22. Provide a calculation for lot coverage for the entire motor freight terminal facility, including the existing facility with the final plan submittal. The lot coverage maximum is 75% for the IL (Industrial Limited) zoning district.

23. Submit a complete landscape plan showing the entire site and facility including the existing site landscaping. The landscape plan and landscape worksheet shall be stamped by the registered landscape architect. Per Section 28.142(3), *Landscape Plan and Design Standards*, M.G.O. 2013, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

24. Long and short-term bicycle parking shall be provided per sections 28.141(4)(g), Table 28I-3 and 28.141(11), M.G.O. One (1) bicycle stall shall be provided per five (5) employees. 50% of bike parking shall be short-term and 50% shall be long-term. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Submit a detail of the model of bike rack to be installed.

25. Exterior lighting provided shall be in accordance with Section 10.085, M.G.O. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.

26. Per Section 28.186(4)(b), M.G.O., the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed this request and has recommended no conditions at this time.

Parks Division (Contact Kay Rutledge, (608) 266-4714)

This agency has reviewed this request and has recommended no conditions at this time.

Water Utility (Contact Dennis Cawley, (608) 261-9243)

27. Operating private wells shall be identified and permitted by the Water Utility in accordance with Section 13.21, M.G.O. 2013. All unused private wells shall be abandoned in accordance with Section 113.21, M.G.O.

28. There are water main assessments due against this parcel.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

This agency has reviewed this request and has recommended no conditions at this time.

City Engineering Review Mapping (Contact Jeff Quamme, (608) 266-4097)

29. As discussed at the Development Assistance Team Meeting of November 12, 2015, the proposed two parcels included in this development constitute a planned multi-use site with common access shown for the parking and semi truck staging/maneuvering areas. A private Common Access and Parking Easement/Agreement between the parcels within this development shall be drafted and provided for review. The document shall then be executed and recorded and copies provided prior to building permit issuance.

30. The parcels within this multi-use site are inter-dependent upon one another for storm water 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 certified survey map and recorded at the Dane County Register of Deeds (POLICY).