



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 5235 High Crossing Boulevard (17<sup>th</sup> Aldermanic District, Alder Baldeh)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [39078](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Property Owner:** David Walsh and Jon Lancaster, Walsh Properties, LLC; POB 1497, Madison, WI 53701

**Project Contact:** Justin Frahm, ASLA; JSD Professional Services, Inc.; 161 Horizon Dr., Ste 101, Verona, WI 53593

**Requested Action:** Approval of a conditional use for a major alteration to a planned multi-use site, and for a planned multi-use site containing more than forty thousand (40,000) square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail, hotel, or motel use.

**Proposal Summary:** The applicant proposes to construct a 10,030 square foot multi-tenant retail building as part of a planned multi-use site in the Commercial Center (CC) District.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)).

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 5235 High Crossing Boulevard. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The 2.6-acre site is located at the southern corner of High Crossing Boulevard and City View Drive; Commercial Center (CC) District; Aldermanic District 17 (Baldeh); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The current planned multi-use site has two commercial buildings on two properties: a one-story, 25,000 square foot retail building on the subject property, and a 124,000 square foot vacant retail building (formerly American TV and Appliance) immediately to the south, at 5201 High Crossing Boulevard. A large surface parking lot sits between the buildings and High Crossing Boulevard. Vehicle access to the subject property is and would remain from City View Drive, and the site can also be accessed via High Crossing Boulevard utilizing cross-access agreements with the site to the south.

### Surrounding Land Use and Zoning:

North: Across High Crossing Boulevard to the north, auto sales in the CC District

East: Across City View Drive to the east, a hotel in the CC District and multifamily residential complex in the Planned Development (PD) District.

South: Vacant land in the Suburban Employment (SE) District.

West: Across High Crossing Boulevard to the west, a movie theater in the CC District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends General Commercial uses for this area. The Nelson Neighborhood Development Plan (originally adopted in 1992 and most recently amended in 2001) recommends Commercial Retail/Service uses for this property and its surroundings.

**Zoning Summary:** The property is in the Commercial Center (CC) District.

Requirements	Required	Proposed
Front Yard Setback	100' maximum	5.6'
Side Yard Setback	One-story: 5' Two-story or higher: 6'	LS: 16.1' RS: Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20 feet	Adequate
Maximum Lot Coverage	85%	85%
Maximum Building Height	5 stories; 68'	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum	80
Accessible Stalls	Yes	4
Loading	None	None
Number Bike Parking Stalls	General Retail: 1 per 2,000 sq. ft. floor area (5)	6
Landscaping	Yes	Yes
Lighting	Yes	No
Building Forms	Yes	Yes (Free-Standing Commercial Building)

**Other Critical Zoning Items:** Urban Design, Barrier Free (ILHR 69), Utility Easements

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

**Public Utilities and Services:** This property is served by a range of urban services, including Metro Transit Route 26.

## Related Reviews and Approvals

As per MGO Section 28/137(e) the Urban Design Commission (UDC) on August 12 will review and provide an advisory recommendation on the proposal, since it is a planned multi-use site containing more than 40,000 square feet of gross floor area for which 25,000 square feet or more are designed for retail use.

## Project Description, Analysis, and Conclusion

The applicant proposes to construct a new 10,030 square foot multi-tenant commercial building at the corner of High Crossing Boulevard and City View Drive, in front of an existing 25,000 square foot retail building. The subject property is cross-connected with the property immediately to the south (5201 High Crossing Boulevard), which is the site of the recently closed 124,000 square foot "American TV and Appliance" retail building.

The proposed building would be placed between five and ten feet from High Crossing Boulevard and City View Drive, and will have a required street-facing entrance on the northwest corner of the building facing High Crossing Boulevard, along with multiple entrances facing the parking lot to the south (exact number will depend on how the flexible tenant spaces lease up over time. Construction of the building will require a reorientation of surface parking stalls and all new landscaping meeting contemporary landscaping requirements.

A proposed tavern on the eastern end of the building would have an outdoor patio space, which is permitted in the Commercial Center District. At the western end, a mattress store is proposed, and the remaining tenants in the central spaces of the building have yet to be determined. Plans show a total of 94 automobile stalls and six bicycle stalls on the eastern end of the site to serve this building and the existing 25,000 square foot building behind it.

While the colored renderings provided with the application are detailed, the elevation drawings do not specify exterior building materials. The base and ends of the building are shown as "stone/block/brick/some combination", and the types of metal panels shown on the building are not specified. Staff will require further detail in final plans submitted for review and approval, and recommends a simple palette of durable materials. The area shown as "stone/block/brick/some combination" should be a single masonry product, rather than a combination of different types of masonry. Further, any conditions of approval recommended by the Urban Design Commission should be addressed in final plans.

**Conditional Use Standards** - Most of the conditional use standards are clearly met or can be met with the proposal, but in order to meet Standards 7 and 9, slight revisions may be required.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as all conditions of approval, specifically Zoning comments related to landscaping, lighting, and lot coverage, are fully addressed.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

*Statement of Purpose for Commercial Center (CC) District*

*The CC District is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that area equally conducive to pedestrian, bicycle, transit, and motor vehicle activity. The district is also intended to:*

- a) Improve the quality of landscaping, site design and urban design within commercial centers.*
- b) Encourage diversification of land use in commercial centers.*
- c) Encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.*
- d) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.*

Staff believes that this standard can be met. Landscaping for the site must meet all zoning requirements, and building materials proposed for the new building must be fully detailed in final plans, and should fit within a simple palette of durable materials. Specific conditions of approval recommended by the Urban Design Commission should be addressed in final plans submitted for staff review and approval.

**Conclusion-** The proposed multi-tenant commercial building with orientation to High Crossing Boulevard will provide an active screen to a large surface parking lot, and will be a positive addition to this part of the larger commercial area. Staff believes that all conditional use standards can be met with the proposal, but that further attention needs to be paid to the design details to ensure that Standard No. 9 is met. A report from the Urban Design Commission will be provided to the Plan Commission for review in advance of the Plan Commission meeting to summarize any further recommended conditions of approval.

## Recommendation

### **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 at 5235 High Crossing Boulevard. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### **Planning Division** (Contact Heather Stouder, 266-5974)

1. Final elevations shall include a detailed materials schedule, and shall reflect conditions of approval recommended by the Urban Design Commission.
2. Final plans shall be revised so that the proposed floor plan with patio space is consistent with the site and landscape plans.

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

3. The existing sanitary sewer located within a public easement near the corner of High Crossing and City View Drive will need to be relocated to accommodate the proposed building as shown on the Conditional Use Application. This work will require a developer's agreement. The new sanitary sewer will be relocated into the High Crossing Blvd public right of way.
4. Portion(s) of a public utility easement and all of a sanitary sewer easement are to be released per the site plan. The easements shall be released by separate documents prepared by City Office of Real Estate Services. Applicant must prepare metes and bounds legal descriptions and scale map exhibits for the portions to be released and provide to Engineering Land Records Coordinator Jeff Quamme for review. Upon approval of the exhibits and payment of the required \$500 administration fee (check payable to City of Madison Treasurer) to cover staff time and recording costs, Engineering will create the necessary Office of Real Estate Services (ORES) Project. ORES staff will then administer the release document(s) and record with the Dane County Register of Deeds. The releases are required to be completed and recorded prior to recording of the pending CSM. Acknowledgement of the release and document number shall be noted on the face of the pending CSM.
5. The address of the proposed building is 5251 High Crossing Blvd. Individual addresses will be assigned when the addressing plan PDF is created.
6. The joint Easement and Maintenance Agreement per Doc No. 2542988 shall be modified as needed due to the modifications of the easement area that are planned. This amendment shall be recorded and referenced on the face of the pending Certified Survey Map.
7. The original CSM indicates that there is to be a mutual agreement between the lots within this total development. A current recorded easement has not been provided. An easement/agreement shall be drafted and recorded addressing access and parking between all of the lots prior to building permit issuance.
8. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

9. The proposed lots within this development are dependent on each other for overland and subsurface stormwater drainage. A private Storm Sewer/Drainage Easement/Agreement for all lots within this development shall be drafted, executed and recorded prior to building permit issuance.
10. Submit a PDF floor plan to Lori Zenchenko (Lzenchenko@cityofmadison.com); so that a preliminary tenant space addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
11. The construction of this building 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 (MGO 16.23(9)c).
12. The approval of this Conditional Use or PUD 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 (MGO 16.23(9)(d)(6)).
13. 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).
14. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system (POLICY).
15. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5 and MGO 23.01).
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
17. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas

- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)

18. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

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

19. 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.
20. 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.
21. 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.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

23. Existing street tree shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
24. Please reference ID# 15138 when contacting the Parks Division about this project.

**Water Utility** (Contact Dennis Cawley, 266-4651)

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

**Zoning** (Contact Jenny Kirchgatter, 266-4429)

26. This project is designed as a planned multi-use site. Pursuant to section 28.137(2)(a) A planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
27. Submit an overall site plan showing the entire planned multi-use site including the property to the south at 5201 High Crossing Blvd.
28. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
29. Provide the lot coverage calculation as defined in section 28.211 with the final plan set. The maximum lot coverage is 85%.
30. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
31. Submit the landscape plan stamped by the registered landscape architect with the final plan submittal. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
32. Install a landscape island with the west row of parking stalls. A planting island shall be located at least every twelve (12) contiguous stalls where there is no break.
33. The trash enclosure area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure screening.
34. The number of bicycle parking stalls proposed (6) is adequate for general retail and service business uses. The number of required bicycle parking stalls will be re-evaluated as the individual tenant spaces are filled. Provide a detail of the model of bike rack to be installed.
35. An outdoor patio is identified on the site plan at the north end of the building. An outdoor eating area associated with a food and beverage establishment is a permitted use in the Commercial Center district. The outdoor patio shall meet the applicable supplement requirements of Section 28.151. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Unit. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
36. Submit a rooftop plan showing the location of any rooftop mechanical equipment. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Section 28.060(2)(f). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
37. Provide details showing that the primary street façade meets the door and window opening requirements of section 28.060(2)(d). Note that at least fifty percent (50%) of windows on the primary street façade shall have the lower sill within three (3) feet of grade.