

PLANNING DIVISION STAFF REPORT

April 7, 2025



PREPARED FOR THE PLAN COMMISSION

Project Address: 1110 Deming Way, aka 8701 Blackhawk Rd (District 9, Alder Conklin)
Legistar File ID #: [87467](#)
Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Steve Shulfer; Sketchworks Architecture; 2501 Parmenter Street, Suite 300A, Middleton, WI 53562

Owner: Blackhawk View Investments, LLC; PO Box 44787, Madison, WI 53744

Requested Action: Consideration of four conditional uses in the Suburban Employment Center (SEC) District for indoor recreation, outdoor recreation, a restaurant-tavern, and an outdoor eating area open past 9 p.m. and with amplified sound. All to allow construction of a 31,000 square-foot indoor recreation facility with restaurant-tavern, outdoor recreation, and an outdoor eating area.

Proposal Summary: The applicant proposes to construct a one-story, 31,000 square-foot indoor pickleball facility with one outdoor pickleball court. The facility would include a restaurant-tavern with an outdoor eating area. The outdoor eating area would be open until 10 p.m. and there would be amplified sound.

Applicable Regulations & Standards: MGO Section 28.183(6) lists the standards of approval for conditional uses. MGO Section 28.151 lists the Supplemental Regulations for indoor recreation, outdoor recreation, and restaurant-taverns, and outdoor eating areas.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** a 31,000 square-foot indoor recreation facility with restaurant-tavern, outdoor recreation, and an outdoor eating area. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 120,661 square-foot (2.7-acre) parcel is at the southwest corner of Deming Way and Blackhawk Road. It is within Alder District 9 (Alder Conklin) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is vacant.

Surrounding Land Use and Zoning:

North: Across Blackhawk Road, office buildings, zoned Suburban Employment Center (SEC) District;

East: Across Deming Way, indoor swimming facility, office buildings, laboratory, zoned SEC District;

South: Office buildings, biotechnology manufacturing, zoned SEC District; and

West: Vacant site; across North Pleasant View Drive, multifamily residential, zoned Suburban Residential – Varied 2 (SR-V2) District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Employment (E) development for the property.

Zoning Summary: The property is in the Suburban Employment Center (SEC) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	43,560	120,587
Lot Width	100 ft	300 ft
Front Yard Setback	10 ft	40 ft
Side Yard Setback	10 ft	24 ft, 94 ft
Rear Yard Setback	30 ft	206 ft
Maximum Lot Coverage	75%	52%
Maximum Building Coverage	50%	24%
Minimum Building Height	22 ft	Unknown See Comment #25
Maximum Building Height	None	Unknown See Comment #25

Site Design	Required	Proposed
Number Parking Stalls	As Determined By Zoning Administrator	78
Electric Vehicle Stalls	None	None
Accessible Stalls	4	4
Loading	None	None
Number Bike Parking Stalls	5% of capacity	4 See Comment #26
Landscaping and Screening	Yes	Yes See Comment #27
Lighting	No	Yes
Building Form and Design	Yes	Industrial

Table prepared by Assistant Zoning Administrator Jacob Moskowitz

Environmental Corridor Status: This property is not 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

Project Description

The applicant proposes to construct a one-story, 31,000 square-foot building. It would be used for an indoor pickleball facility with 10 indoor courts and one outdoor court. A restaurant-tavern would occupy 2,000 square feet. An outdoor eating area would be located along Blackhawk Road. The applicant is also requesting approval for the outdoor eating area to be open past 9 p.m. and have amplified sound.

Access to the site would be off Blackhawk Road and Deming Way. The parking lot is located behind the building. The primary building entrance faces the parking lot and there are sidewalk connections from both streets. The outdoor court is located at the southwest corner of the building next to the parking lot. There would be 76 parking stalls. The applicant expects to use the street for overflow parking. Street parking is not allowed along Blackhawk Road, but it is allowed along Deming Way. The site plan shows 4 bike stalls.

Occupancy is expected to range from 75-100 people, including the restaurant-tavern. The indoor and outdoor pickleball courts would be open seven days a week from 7 a.m. to 10 p.m. The restaurant-tavern would be open 11 a.m. to 9 p.m., Tuesday through Sunday. The outdoor eating area would have the same operating hours as the pickleball courts.

The primary building material is a slate grey ribbed metal panel. There are five accent materials. A charcoal grey ribbed metal panel is applied the top of the building. A light grey flat metal panel is applied horizontally below the charcoal metal panel. A blue flat metal panel is applied horizontally below the light grey metal panel on the facades facing Blackhawk Road and Deming Way. There are vertical masonry elements on each façade capped by a window. The material is a light grey burnished masonry, and the individual dimensions are 8 inches by 16 inches. A burnished masonry with the same dimensions but in a “speckled frost” color is shown at the base of the building only next the building entrance.

There are large windows at the corners of the building and the building entrance. There are two garage doors on the façade facing Blackhawk Road and one garage door on the west façade facing the parking lot. The garage doors appear to have transparent glazing. There is a canopy structure shown in the outdoor eating area. The site plan indicates that both the outdoor eating area and the outdoor pickleball courts will be fenced in. Material specifications for the garage doors, canopy structure and fencing were not provided. Per the recommended conditions of approval, the applicant shall provide the material details prior to sign-off.

The landscape plan is comprised primarily of deciduous plantings. Evergreen plantings account for 7% of the trees and shrubs on the plant list. The plantings include 7 arborvitae next to the outdoor eating area, 9 arborvitae at the southwest corner of the site, and 2 black hill spruce at the southwest corner of the site.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Employment (E) development for the property. Employment areas are recommended for corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community but may include limited retail and service establishments that primarily serve employees and users of the area.

The applicant is requesting approval of four conditional uses. The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of adopted plans. While the proposed indoor recreation facility is not a typical Employment use, staff do not believe the development will preclude this property, or nearby properties, from developing or redeveloping in accordance with adopted plans in the future.

Conditional Use Standards

The proposed development requires approval of four conditional uses in the SEC District: indoor recreation, outdoor recreation, restaurant-tavern, and an outdoor eating area open past 9 p.m. and with amplified sound.

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Approval standard 6 states, “The conditional use conforms to all applicable regulations of the district in which it is located.” Per the Zoning Code all buildings constructed within an SEC district shall be reviewed and approved by an architectural review committee. The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.

There is an active architectural review committee in this SEC District. At the time of report writing, the project plans have not been approved by the committee. The applicant will need to provide a signed approval letter from committee, as noted in Zoning's recommended conditions of approval. Changes to the projects plans that are required by the committee may require approval of an alteration to the conditional use per MGO Section 28.183(8). This could be an administrative-level minor alteration if consistent with the approval conditions and the minor alteration standards in the Zoning code.

Staff note that the architectural review committee enforces private building design standards. The committee does not review a project for consistency with the conditional use approvals standards, which is the purview of the Plan Commission.

Approval standard 8 states, "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 recommendation."

The site is located within the Suburban Employment Center (SEC) District. The statement of purpose of the District states that the District is established to recognize existing office and research parks developed in accordance with a master plan. And the District is intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The site is located in an approximately 360 acres area that is zoned SEC District, known as the Old Sauk Trails business park. The area is bound by Pleasant View Road to the west, West Old Sauk Road to the south and US 12/14 to the east.

Staff conducted a site visit of the area. The developed sites are occupied by buildings that are primarily masonry or EIFS with other secondary and accent building materials. The applicant is proposing to construct a building that is primarily comprised of metal panel. While the building is sited close to the two street frontages, the facades facing the public streets are primarily the rear facades and lack the visual interest and material composition of many surrounding buildings.

In order to meet approval standard 8, staff recommend the following conditions of approval

- The applicant shall revise the building facades to be approved administratively by the Planning Division Director. This condition is intended to increase the visual interest along the street facing facades, which could be achieved through a variety of modifications, including increasing the amount of masonry, replacing the corrugated metal panel with alternative materials, increasing the glazing, providing additional modulation in the footprint, creating more depth in the façade through material changes, or other such changes.
- The landscape plan shall be revised to add evergreen plantings along the street facing facades where possible to provide year-round screening and visual interest.

Conclusion

As part of the "due consideration" of adopted plans, staff note that while the proposed indoor recreation facility is not a typical Employment use, staff do not believe the development will preclude this property, or nearby properties, from developing or redeveloping in accordance with adopted plans in the future.

Staff believe that the conditional use approval standards can be found met subject to the recommended conditions of approval. In order to meet approval standard 8, Planning staff have recommended a condition of

approval that would require revisions to the building design and landscaping to create more visual interest along the street facing façades.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** a 31,000 square-foot indoor recreation facility with restaurant-tavern, outdoor recreation, and an outdoor eating area. All recommendations are 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 Lisa McNabola, 243-0554)

1. The applicant shall revise the street facing building facades along Deming Way and Blackhawk Road to increase the visual interest along these street-facing elevations. This can be achieved through a variety of ways including increasing the amount of masonry, replacing the corrugated metal panel with alternative materials, increasing the glazing, providing additional modulation in the footprint, creating more depth in the façade through material changes, or other such changes. These revisions can be approved administratively by the Planning Division Director. In order to promote coordination, the applicant is encouraged to meet with staff to discuss modifications prior to receiving final approval from the architectural review board.
2. The landscape plan shall be revised to add evergreen plantings along the street facing facades where possible to provide year-round screening and visual interest.
3. The applicant shall provide specifications for the garage doors, canopy structure and fencing to be approved administratively by the Planning Division Director.

Engineering Division (Contact Brenda Stanley, 261-9127)

4. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at www.cityofmadison.com/engineering/permits/excavation-in-the-right-of-way-permit. As a condition of the permit a deposit to cover estimated City expenses will be required.
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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))
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. 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 NR216 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: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

10. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
11. This area is within a watershed study for flood mitigation and has a known flooding risk. The minimum opening elevations for structures proposed by this application shall have a low entrance elevation that is a minimum of 2' above the adjacent sidewalk elevation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
12. Include calculations in the stormwater management report that show how a 500-year storm event, as identified in Madison General Ordinance Chapter 37, would be handled by the proposed site design. These calculations are required to show that the proposed building does not flood during this design storm event using the site grades proposed.
13. Record a deed restriction on Lot 0 to restrict construction of building openings on all structures to be a minimum of 991.0
14. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control New Development: Detain the 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

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.

16. 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 (East) or ttroester@cityofmadison.com (West).

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

17. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.

18. 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.
19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
21. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
22. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
23. Applicant shall submit for review a Waste Removal Plan. This shall include vehicular turning movements, times, vehicle size, use of loading zones and all related steps to remove trash from its location.
24. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
25. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
26. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

Zoning (Contact Jacob Moskowitz, 266-4560)

27. Provide building elevations drawn to scale. Show the height of the proposed building on the elevations. The minimum height is 22 ft measured to the cornice.
28. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of 5% of building capacity in short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.

29. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. 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.
30. Submit a detail of the trash enclosure. The trash enclosure 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.
31. As proposed, the new rooftop mechanical equipment will not be visible to view. Upon installation, if the new rooftop mechanical equipment is visible, screening will be required per Section 28.142(9)(d).
32. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
33. 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.
34. Submit building elevations with materials and colors labeled.
35. Provide a copy of the signed approval letter from the Old Sauk Trails Architectural Review Committee.

Forestry (Contact Zachary Eckberg, zeckberg@cityofmadison.com)

36. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Water Utility (Contact Jeff Belshaw, 261-9835)

37. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

- 38. Metro Transit operates daily all-day transit service along Excelsior & Fourier nearest this property - with trips at least every 30 minutes.
- 39. There are no eligible trips towards US Green Building Council/LEED Quality Access to Transit points, due to the closest Metro Transit bus stops with regularly scheduled service being at least one half mile walking distance.

Engineering Mapping (Contact Jeffrey Quamme, 266-4097)

- 40. If required by Traffic Engineering, grant a Public Sidewalk to the City. Coordinate the Real Estate project, if needed, with Jeff Quamme (jrquamme@cityofmadison.com) Provide map exhibit, legal description and administrative fees as required at that time.
- 41. This plan has significant slope grading for the impoundment of storm water during storm events, private storm sewer and a significant amount landscaping within the existing 12' Wide Public Utility Easement along the north and east sides of this site. Provide documentation of coordination with the utilities acknowledging the proposed grading, landscaping, and storm sewer within the easement area.
- 42. Clearly show and label the 12' wide Public Utility Easement along the north and east sides of this site.
- 43. The address of the proposed facility is 8701 Blackhawk Rd. Update all sheets and title/side bars accordingly. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Parking Utility (Contact Trent Schultz, 246-5806)

- 44. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department, Parks Division.