



## Report to the Plan Commission

April 9, 2012

**Legistar I.D. #25767**  
**1902 Northport Drive**  
**Demolition Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a commercial building in the C2 (General Commercial) District.

**Applicable Regulations & Standards:** Section 28.12(12) provides the guidelines and regulations for the approval of demolitions.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds that the demolition standards can be met and **approve** the request for the demolition of a commercial building and construction of a new commercial building.

### Background Information

**Applicant:** Dave Herbeck; Commercial Horizons, Inc.; 3500 E. Destination Dr.; Appleton, WI 54915

**Project Contact:** Dan Day; D'Onofrio, Kottke & Associates, Inc.; 7530 Westward Way; Madison, WI 53717

**Property Owner:** PDQ Food Stores; PO Box 620997; Middleton, WI 53597

**Proposal:** The applicant is requesting to demolish an existing commercial building for construction of a new commercial building in the C2 (General Commercial) District.

**Parcel Location:** 1902 Northport Drive is located on the northeast corner of Northport Drive and Dryden Drive; Aldermanic District 12 (Rhodes-Conway); Madison Metropolitan School District.

**Existing Conditions:** The 1-acre parcel currently has a single-story commercial building surrounded by an asphalt surface parking lot. There are currently two access driveways: one from Dryden Drive on the west, and the other from Northport Drive in the southeast portion of the site.

### Surrounding Land Use and Zoning:

**North:** Immediately to the north, an access driveway for the UW-Clinic just east of this site. Across the driveway and Londonderry Drive, a 101-unit apartment building in the PUD-SIP (Planned Unit Development-Specific Implementation Plan) District, and Single-Family homes in the R1 (Single-family Residence) District

**East:** UW-Clinic and a bank in the C2 (General Commercial) District

**South:** Across Northport Drive, a fast food restaurant in the C2 (General Commercial) District, and the 140-unit Packers Apartments complex in the R4 (General Residence) District

**West:** Across Dryden Drive, the 190-unit Northport Apartments complex in the R4 (General Residence) District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Neighborhood Mixed-Use (NMU) for this property. The Northport Warner Park Sherman Neighborhood Plan (2009) does not have a more specific recommendation for this property.

**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, including Metro Transit Routes 21 and 22.

**Zoning Summary:** The property is in the C2 (General Commercial) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	42,731 sq. ft.
Lot width	50'	Adequate
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	10'	100' +-
Floor area ratio	3.0	Less than 1.0

**Site Design**

No. Parking stalls	23 (1 per 300 sq. ft.)	33 <i>(Please see Condition No. 25, p. 8)</i>
Accessible stalls	2	2 <i>(Please see Condition No. 28, p. 8)</i>
Loading	1 (10' x 35' area)	1 <i>(Please see Condition No. 31, p. 8)</i>
No. Bike Parking stalls	3	4 <i>(Please see Condition No. 24, p. 7)</i>
Landscaping	Yes	Yes <i>(Please see Condition No. 25, p. 8)</i>
Lighting	Yes	Yes <i>(Please see Condition No. 30, p. 8)</i>

**Other Critical Zoning Items**

Urban Design	No
Floodplain	No
Utility Easements	Yes
Wellhead Protection	No
Barrier free (ILHR 69)	Yes

*Prepared by: Pat Anderson, Assistant Zoning Administrator*

**Project Description**

**Existing Conditions**

The 1-acre parcel currently has a vacant, single-story commercial building with a drive-through window surrounded by approximately 55 surface parking stalls. The approximately 3,500 square foot building was constructed in 1982, and has operated as a few different fast food restaurants through the years. The building is in fair condition, structurally. There are currently two access driveways: one from Dryden Drive on the west, and the other from Northport Drive in the southeast portion of the site. Minimal landscaping on the site includes a tree adjacent to the access driveway from Northport Drive, and a tree just east of the existing building.

**Demolition**

As proposed, the demolition will involve removal of the building and surrounding asphalt from the site. The two existing access driveways off of Northport Drive and Dryden Drive will be removed and replaced with new driveways accessing the smaller replacement parking area.

**Site and Building Plans**

A new, single-story, single-tenant commercial building is proposed for the site, with just under 7,000 square feet of retail space. The building is positioned near the corner of Dryden Drive and Northport Drive, with a 33-stall surface parking area wrapping the east side and rear of the building. A loading area is located in the back of the building, with access to an overhead door.

***Entrances and Openings*** – The main entrance to the building is in the southeast corner, and provides direct pedestrian access from Northport Drive, and direct access from the parking lot just east of the building. Window openings in the building are limited to storefront windows on the south and east sides surrounding the entrance, and spans of clerestory windows along the south, east, and west sides.

***Exterior Materials*** – As proposed, the building is a tri-colored split-faced CMU building with a dark grey base, medium grey middle, and lighter top, beginning at the level of the clerestory windows. While not reflected in originally submitted plans, the applicant indicates that a red metal material is proposed for the parapet of the building.

***Landscaping*** – The landscape plan includes 13 deciduous trees, with crabapples wrapping around the southeast corner of the building and larger canopy trees proposed in the parking lot. 27 evergreens include spruces and pines around the perimeter of the parking lot and arbor vitae surrounding the trash enclosure and placed near the corners of the building. A variety of shrubs is also proposed around the building foundation. Finally, a new bioretention basin in the southeast corner of the site is proposed with a variety of perennials appropriate for sunny raingarden areas.

### **Public Input**

Prior to the submittal of an application, a leader from the Berkeley Oaks Neighborhood Association expressed neighborhood concerns about the use of the site for an auto-oriented business, as well as general concerns about disruption in the neighborhood during demolition and construction activities. At the meeting, a representative from the Northside Planning Council expressed general support for the replacement of the existing vacant building with a new business. Staff is unaware of any further public input on the proposal at this time.

## **Evaluation and Conclusion**

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### **Demolition and Proposed Use**

While there are very few redeemable qualities in the existing building and site design, it is somewhat surprising to see a 30 year old building proposed for demolition. Overall, staff believes that the demolition of the existing building, removal of a portion of the existing impervious surface surrounding the building, and replacement with commercial building better-oriented to the corner of Northport Drive and Dryden Drive presents a substantial improvement at this corner, and hopes that the proposed building will outlast the existing building by several decades.

The proposed retail building is consistent with the requirements in the C2 District and generally consistent with recommendations in the Comprehensive Plan for Neighborhood Mixed-Use (NMU) areas. While buildings at least two stories tall are strongly encouraged, the narrative relating to the NMU recommendation notes that some one-story buildings are acceptable.

This particular site is within a quarter mile of over 800 residential units, and while the proposed commercial use will likely attract primarily automobile traffic, it provides a retail destination within easy biking and walking distance for many in a building that could evolve over time to support many different commercial uses.

### **Site and Building Plans**

It is worth noting that the single-story, multi-tenant building approved for this property in 2010 was unable to move forward due to lack of tenants able to pay the market rate rents. The proposed building, while smaller, is still a considerable improvement for this site. While the NMU land use recommendation would certainly support a two to three-story building and a mix of uses within it, the applicant can only

commit to a one-story building, which staff believes is acceptable at this location, and which meets all zoning requirements.

As proposed, roughly 40% of the existing surface parking stalls on the site would be removed, and the perimeter of the new, smaller parking area would be well-landscaped, exceeding zoning requirements. The building has been designed to create a pedestrian connection to Northport Drive, and the applicant changed the originally desired floor plans in order to place the main entrance on the southeast corner of the building, with storefront windows wrapping around the corner to make the entrance visible from the street.

The applicant was strongly encouraged to provide as many window openings as possible to enhance the presence of the building on Northport Drive and Dryden Drive. With the interior floor plans including tall shelving units for retail and storage, the clerestory windows proposed represent their best effort to do so, while avoiding windows blocked by retail inventory. Shrubs proposed around the foundation of the building and the crabapple trees between the building and the street should further soften the effects of the otherwise solid wall along Dryden Drive.

The submitted site plan shows a bench on the southwest portion of the private property, which was originally proposed by the applicant based on a desire by the Alder for an opportunity in this vicinity for pedestrians to sit and rest, on their way from housing to the north to Pierce's grocery and other retail just to the south. Recently, the applicant has voiced concerns about liability associated with the bench, and although they have indicated a willingness to pay for it, they would strongly prefer that it be placed in the public right-of-way.

In discussions with staff from other city agencies, Planning Division staff found that Metro Transit is not interested in assuming maintenance and liability responsibility for a *public* bench at this particular location, as it is not a major generator of transit boardings (the bus leaving this particular stop circulates around the northside neighborhood for five to ten minutes before heading back toward downtown, so the majority of people catching a bus in this vicinity are waiting on the south side of Northport Drive, rather than at this location). Further, the City does not assume liability for private infrastructure encroaching into the public right-of-way, although exceptions can be made for infrastructure such as benches and signs installed and maintained by neighborhood associations, when the neighborhood association secures an encroachment agreement.

At this point, the placement of a bench near this intersection is still being discussed, and could be initiated by either the Berkeley Oaks Neighborhood Association (north of Northport Drive), the Sherman Neighborhood Association (south of Northport Drive), or both. The applicant has indicated that they would prefer to remove the bench from the site plan and agree instead support the neighborhood association(s) with the purchase of a bench to be placed in the public right-of-way, if they should pursue it in the future. Staff agrees that this is the best way to proceed, but recommends that the Plan Commission *not* make this a condition of approval for the demolition being requested, since it will be completely disassociated with the subject property. Instead, the neighborhood association(s) can take initiative to work out the details for placement of a bench, and work with the applicant in the near future on a partnership to implement it.

Planning Division staff recommends that the Plan Commission finds that the demolition 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

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

The Planning Division recommends that the Plan Commission find that the demolition 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. Final plans submitted for staff review and approval may omit the bench proposed in the southwest corner of the site.
2. Final elevations submitted for staff review and approval shall include labels for all materials.

### *The following conditions have been submitted by reviewing agencies:*

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

3. Coordinate with the alder and city agencies the location and ownership of the proposed bench as shown on site plans adjacent to Northport Drive.
4. Provide an access easement through the proposed parking lot for maintenance and repairs of the existing sanitary sewer location along the perimeter of the property.
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
6. **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees (MGO 16.23(9)(d)(6)).
7. 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).
8. 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).
9. All damage to the pavement on Northport Drive and Dryden Drive, 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).
10. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY and MGO 10.29).
11. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.

12. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- Control 40% TSS (20 micron particle) off of new paved surfaces.
  - Provide oil & grease control from the first 1/2" of runoff from parking areas.
  - 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 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff

13. 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:

- Building Footprints
- Internal Walkway Areas
- Internal Site Parking Areas
- Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- Right-of-Way lines (public and private)
- All Underlying Lot lines or parcel lines if unplatted
- Lot numbers or the words "unplatted"
- Lot/Plat dimensions
- 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](mailto: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)).

14. 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:

- Building footprints.
- Internal walkway areas.
- Internal site parking areas.
- Lot lines and right-of-way lines.
- Street names.
- Stormwater Management Facilities.
- Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

15. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- SLAMM DAT files.
- RECARGA files.
- TR-55/HYDROCAD/Etc.
- 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)).

16. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)).
17. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY).
18. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (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))

Note: Permit applications for Nos. 6, 16, and 17 are available on line at:  
<http://www.cityofmadison.com/engineering/permits.cfm>.

**Traffic Engineering Division** (Contact Bryan Walker, 267-8754)

19. The applicant shall be responsible for securing all proper permits and approvals from any municipality or government unit having jurisdiction with the project. In particular, the applicant shall contact David Kreitzmann, Wisconsin Department of Transportation (608-516-6497), with site plans sets for review and approval. The applicant shall return a set of site plans or letter with WDOT-approved copies to the City of Madison Traffic Engineering Division.
20. The proposed sign located at the intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting property lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
21. The applicant shall show truck ingress & egress movements into the loading zoning from the public right of way when plans are submitted for approval.
22. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
23. 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)

24. Bike parking shall comply with MGO Section 28.11. Provide 4 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide detail of bike rack to be installed.

25. Parking lot plans with greater than twenty (20) stalls shall comply with MGO Section 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. All plant materials in islands shall be protected from vehicles by concrete curbs.
26. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
27. MGO Sec. 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
28. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(6)(m) which includes all applicable State accessibility requirements, including but not limited to:
  - a) Provide a minimum of two (2) accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
  - c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, and Chapter 33, Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
30. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixtures, with the final plan submittal.
31. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.

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

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| 32. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities at 608-246-4587. |
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**Water Utility** (Contact Dennis Cawley, 261-9243)

33. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
34. This property is not in a City of Madison 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.

**Metro Transit** (Contact Tim Sobota, 261-4289)

35. Metro Transit operates daily transit service along Northport Drive through the Dryden Drive intersection. Bus stop ID#5164 is adjacent the proposed project site, with the signed bus stop zone encompassing the area immediately east of the Dryden Drive intersection.
36. Metro Transit would generally support the proposed bench identified on the landscape plan, but the proposed change in property use would not prompt Metro Transit to affirmatively comment that such an improvement be imposed as a condition of approval.