



## PLANNING DIVISION STAFF REPORT

January 13, 2020

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 36 West Towne Mall and 7301 Mineral Point Road (9<sup>th</sup> Aldermanic District – Ald. Skidmore)

**Application Type:** Demolition Permit and Conditional Use

**Legistar File ID #** [59075](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, Principal Planner

### Summary

**Applicant & Property Owner:** Ken Wittler; CBL Properties; 2030 Hamilton Place Boulevard, Suite 500; Chattanooga, TN 37421

**Contact Person:** Jeff Yersin; RaSmith, Inc.; 16745 W. Bluemound Road; Brookfield, WI 53005

**Requested Actions:** Consideration of a demolition permit to allow demolition of a two-story commercial building and consideration of two conditional uses – 1) for a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; 2) for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District – all to allow construction of a one-story, 83,000-square-foot commercial building at 36 West Towne Mall and 7301 Mineral Point Road.

**Proposal Summary:** The applicant is requesting approval to demolish the existing 144,600-square-foot building (formerly the Boston Store) in order to construct a one-story, roughly 83,000-square-foot Von Maur department store in the same location on the west side of the West Towne Mall. The proposed modifications span two sites: the demolition, new construction, and majority of site improvements occurring on the 36 West Towne Mall site while a sidewalk leading to the existing Metro stop located along the Mall’s inner ring road sits partially on the adjacent 7301 Mineral Point Road. The applicant is specifically requesting a waiver from the Plan Commission of Subsection 7a. M.G.O. §33.24(4)(f)2c states that such a waiver could be granted by the Plan Commission if it determines that *“unique or unusual circumstances warrant special consideration to achieve a superior design solution.”* The applicant proposes to move forward with the demolition of the existing department store in mid-to late-March, and the construction of the Von Maur store anticipated to commence in mid-summer and finish in October 2021.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Planned Multi-Use Sites [M.G.O. §28.137(2)(e) and M.G.O. §28.137(2)(f)], Large Retail Development [M.G.O. §33.24(4)(f)], and the Commercial Center (CC) zoning district [M.G.O. §28.068]. It is also subject to the approval standards for Demolition Permits [M.G.O. §28.185(7)] and Conditional Uses [M.G.O. §28.183(6)]. Table 28D-2 in §28.061 of the Zoning Code identifies general retail as a permitted use in the CC (Commercial Center) zoning district.

**Review Required By:** The Urban Design Commission and the Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and two conditional uses – 1) for a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; 2) for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District – to allow the existing department store at 36 West Towne Mall to be demolished and a new one to be constructed in its place, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this report.

**Background Information**

**Parcel Location:** The project site includes two lots, which together comprise total of 13.6 acres (591,830 square-foot) within the northwestern quadrant of the larger 133-acre West Towne Mall complex, north of the entrance from West Towne Way; Aldermanic District 9 (Ald. Skidmore); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 36 West Towne Mall site has a vacant, two-story, 144,600-square-foot building (formerly the Boston Store), which sits at the eastern end of the site. City Assessor records indicate it was constructed in 1971. The rest of the site is parking. The 7301 Mineral Point Road site is also developed with a roughly 6,000-square-foot Chili’s restaurant located at the southeast corner of the site (on the eastern (inside) side of the private West Towne Mall ring road) and a roughly 6,500-square-foot Steinhafels Mattress store located at the northwest corner of the site (on the western (outside) side of the ring road). The entire West Towne Mall is zoned CC (Commercial Center District).

**Surrounding Land Uses and Zoning:** The subject sites are located at the northwestern end of the West Towne Mall complex. Generally, the next closest retail uses to the proposed Von Maur site is the Dick’s Sporting Goods store located to the south of the 36 West Towne Mall site. For the 7301 Mineral Point Road site, the closest retail lies to the north in the form of two pads buildings – a Bonefish Grill and a Jason’s Deli. To the west is multi-tenant shopping center with a Barnes & Noble and a former Shopko space. All are zoned CC (Commercial Center District).

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) identifies the subject site and the overall West Towne Mall complex for Regional Mixed-Use (RMU).

**Zoning Summary:** The subject property is zoned CC (Commercial Center) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	N/A	411,724
Lot Width	N/A	260 ft.
Front Yard Setback	None	Sufficient (Existing Mall)
Side Yard Setback	6 ft.	Sufficient (Existing Mall)
Rear Yard Setback	20 ft.	Sufficient (Existing Mall)
Maximum Lot Coverage	Existing (97%)	90%
Maximum Building Height	5 Stories/68 ft.	21 ft.
Lot Area (sq. ft.)	N/A	411,724
Lot Width	N/A	260 ft.

Site Design	Required	Proposed
Number Parking Stalls	No minimum	559
Accessible Stalls	11	12
Loading	2	2
Number Bike Parking Stalls	41	42 <i>(See Comment #27)</i>
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Free-Standing Commercial
Number Parking Stalls	No minimum	559
Accessible Stalls	11	12

<b>Other Critical Zoning Items:</b>	Urban Design (Planned Multi-Use Site); Barrier Free (ILHR 69); Utility Easements
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**Environmental Corridor Status:** The property is not located in a mapped environmental corridor.

**Public Utilities and Services:** West Towne Mall is served by a full range of urban services, including seven-day Metro Transit service which currently operates along the private mall ring road, from the extension of West Towne Way clockwise towards the Odana Road mall exit driveway. Bus stop ID #6787 is on the east side of the private mall ring road, south of the Chili's Restaurant – at the western end of the lot line shared by the two subject sites. Additional service, including proposed future Bus Rapid Transit operations, operate along Mineral Point Road - serving stops in the Westfield Road mall access/intersection area (located roughly 0.2 miles north of the proposed Von Maur department store).

## Project Description

The applicant is requesting three approvals – 1) a demolition permit to allow demolition of a two-story commercial building; 2) a conditional use for a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; and 2) a conditional use for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District.

The building proposed for demolition is a two-story, 144,600-square-foot former Boston Store, a department store on the west side of the West Towne Mall. The brick-clad store has a 99,300-square-foot ground floor and 45,300-square-foot second floor. City Assessor records state that it was constructed in 1971. [Photos](#) provided by the applicant are included in the application and the application materials do not indicate specific deficiencies with the structure. Planning Division staff have not physically inspected the property.

Once demolished, the applicant plans to construct a one-story, 83,000-square-foot, Von Maur department store in the same general location. The footprint however will be reduced, with the northern façade shifted roughly 70 feet south and the location of the western and southern facades remaining unchanged. Whereas the loading ramp was previously located at the northeast corner of the store and ran perpendicular to the northern façade, the loading ramp for the proposed store will be located just north of the store and will run perpendicular to the western façade.

The primary external entrance will remain along the western façade. The exterior cladding will consist of brick with horizontal bands of a white masonry. The white masonry will also be used to frame the main entrance. A coping band of a white EIFS material will run along the top of the building. Aside from the main entrance, groupings of three windows are proposed near the building's primary corners.

The applicant is proposing to make improvements to the parking areas. Those improvements include the installation of landscaping islands in the parking lot, new light fixtures, a substantial increase in site plantings, and the addition of sidewalks along the store's western façade as well as through the parking lot to connect to the existing Metro bus stop located along the eastern side of the Mall's inner ring road.

## Analysis and Conclusion

This proposal is subject to the standards for Planned Multi-Use Sites [M.G.O. §28.137(2)(e) and M.G.O. §28.137(2)(f)], Large Retail Development [M.G.O. §33.24(4)(f)], and the Commercial Center (CC) zoning district [M.G.O. §28.068]. It is also subject to the approval standards for Demolition Permits [M.G.O. §28.185(7)] and Conditional Uses [M.G.O. §28.183(6)]. Table 28D-2 in §28.061 of the Zoning Code identifies general retail as a permitted use in the CC (Commercial Center) zoning district.

### **Conformance with Adopted Plans**

The 2018 [Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) for the subject sites and surrounding areas. With a general height range between two and 12 stories, RMU areas are generally intended to be the most intensively developed areas outside of the Downtown. The plan describes RMU as including *“existing and planned high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region. [...] As regional destinations for retail and jobs, RMU areas should be well connected with the adjoining street network and be transit-oriented. Areas should provide an urban environment characterized by a pedestrian friendly public street network, buildings placed close to the sidewalk and street, and should provide pedestrian amenities, such as decorative paving, lighting, plazas, benches, and landscaping.”*

The plan however, acknowledges that both the East and West Towne mall areas may continue to be auto-oriented malls for some time. Further, the plan states that future redevelopment that requires rezoning (which this request does not) should begin the transition to a more pedestrian/bicycle/transit friendly environment with a wider variety of uses. Staff believe that the redevelopment of a one-story department store which will be accompanied by a number of site improvements such as the installation of landscaping islands in the parking lot, new light fixtures, a substantial increase in site plantings, and the addition of sidewalks in order to connect it to the existing sidewalk network around the Mall as well as to the nearest Metro bus stop – could be found to be compatible with the recommendations of the [Comprehensive Plan](#).

### **Demolition Permit Standards**

In order to approve a demolition, the Plan Commission must find that both the requested demolition or removal and the proposed use are compatible with the purpose of the demolition section and the intent and purpose expressed in the Commercial Center (CC) District. The purpose of the Demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings. These standards further state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed use should be compatible with the [Comprehensive Plan](#) and any adopted neighborhood plans.

As noted above, the Planning Division believes the proposal could be found to be compatible with adopted plans. For these same reasons, Staff also believe it to be compatible with the Commercial Center (CC) District’s Statement of Purpose (Section 28.068(1)) which states, *“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 are 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 of adopted neighborhood, corridor or special area plans.”*

Finally, these standards also state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. As noted in her March 9 report, the City's Historic Preservation Planner reviewed the proposed demolition and found that the building located at 36 West Towne Mall has no known historic value. A copy of the City's Historic Preservation Planner's staff report is included at the end of this report.

The Planning Division believes the demolition standards could be found met.

### **Conditional Use Standards**

This proposal requires conditional use consideration both for 1) a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; and 2) for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District. The language also specifically notes that the Urban Design Commission shall review such projects for conformity to the design standards in M.G.O. §33.24(4)(f) and shall report its findings to the Plan Commission.

In regards to conditional use approval standards, 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 M.G.O. §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.

Staff notes two primary considerations regarding the conditional use standards.

Conditional Use Approval Standard #5 requires that, "*Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.*" On a related point, Approval Standard #6 requires that, "*Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*"

Staff note that Traffic Engineering is recommending that the number of drive aisle access points between the subject site and the ring road be reduced from six to two. This improvement is recommended in concert with the inclusion of a sidewalk as discussed below.

In regards to building aesthetics, Conditional Use Approval Standard #9 states that for new construction, 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.*" Staff note that the Urban Design Commission (UDC) reviewed this request and, at their February 24, 2020 meeting, gave the project a recommendation of initial approval with the following conditions:

- The applicant add two *Central Features and Community Spaces* on the subject site as required by M.G.O. §33.24(4)(f)8. – Consider options such as the area to the north of the proposed loading dock;
- The applicant shall explore adding additional landscaping to screen the loading dock area;
- The applicant shall explore different ways to arrange the landscaping around the site and parking lot (especially the trees) and do so in a more playful manner;
- The applicant shall look into adding more windows to the building.

With the initial approval recommendation (and associated conditions) from the Urban Design Commission, and the requirement for the applicant to return for final approval from the UDC before final sign off, Staff believe this Standard could be found met.

### **Large Retail Development Standards**

The following is a discussion of the various design elements of M.G.O. §33.24(4)(f), which apply to Large Retail Developments defined as all new retail development that is on a single zoning lot and has a total floor area of 40,000 square-feet or more. Staff believe the requirements are met with the following exceptions:

#### Transportation Demand Management (33.24(4)(f)6b)

The size of the proposed building (over 40,000 square-feet) along with the fact that it will eventually have over 100 full-time employees (or FTEs), requires the applicant to submit a Transportation Demand Management (TDM) plan for city review. The purpose is to identify specific methods which will be used by Von Maur to reduce the number of daily single-occupancy automobile trips to the site by employees. The specified TDM requirements under this section are prescriptive as to what is required. TDM options can include such things as employer-subsidized Metro bus passes, secured bicycle parking, and showers and lockers. These options must be available to all employees, and the plan must be updated at least every two years. The plan will need to be reviewed by a City Traffic Engineer in concert with the Planning Division Director before final sign-off. At the time of report writing, Staff has discussed this with the applicant team and understands additional information will be forthcoming.

#### Pedestrian Circulation (33.24(4)(f)7a, 7b, and 7f)

There are discussion points under this subsection. Standard 7a relates to the addition of sidewalks and states the following:

**33.24(4)(f)7a.** *Sidewalks shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.*

**The applicant is specifically requesting a waiver from the Plan Commission of Subsection 7a. M.G.O. §33.24(4)(f)2c states that such a waiver could be granted by the Plan Commission if it determines that “unique or unusual circumstances warrant special consideration to achieve a superior design solution.”**

Staff also note that the Statement of Purpose of Large Retail Development notes the following: *“In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.”*

The right-of-way in question is the West Towne Mall ring road, which is a private drive that generally runs along the western edge of the subject site. City Traffic Engineering is recommending a condition of approval which would require the applicant to construct the sidewalk along the entirety of the site’s ring road frontage.

Pertaining specifically to the west side of the West Towne Mall, as redevelopment and improvements have occurred over the past decade and a half, while sidewalks have been added along various frontages of the ring road, those on this side of the mall have all been located along the western (i.e. outer) side of the ring road. There currently exists a roughly 500-foot span of frontage along the west side of the ring road with no sidewalk.

This gap lies directly across the ring road from the subject site's roughly 390-foot road frontage. With the nearest pedestrian sidewalk located to the southwest of the subject site, at the southwest corner of the intersection of the ring road and West Towne Way, Staff note that even if the applicant installed a sidewalk along the entirety of their frontage, there would still be a roughly 100-foot gap in the sidewalk network and without a striped crosswalk to allow safety passage across the inner ring road to access it.

In their revised letter of intent, the applicant cites safety concerns regarding constructing this sidewalk segment on the eastern side of the ring road where the existing sidewalk network is on the opposite side. The applicant is concerned with pedestrians having to make unnecessary crossings. In discussions, the applicant has further noted that sidewalk was not added on this side of the ring road, roughly 1,200 feet to the south when the Sears store was converted into its current uses. Please see the applicant's materials for further information.

The Planning Division asks the Plan Commission to consider whether or not the installation of the sidewalk in this area of the West Towne Mall constitutes a "unique or unusual circumstance" that warrants "special consideration to achieve a superior design solution", as required for the waiver by M.G.O. §33.24(4)(f)2c. Should the Plan Commission find that standards are met to grant a waiver, staff requests that specific findings, including any site-specific considerations are noted.

Staff note that the Urban Design Commission, at their meeting on February 26, as part of their motion recommending initial approval for the proposal, recommended support for the granting of this waiver.

The second discussion point pertains to both Section 7b and 7f, which state:

**33.24(4)(f)7b.** *Continuous internal pedestrian walkways at least six feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points. Walkways shall have adjoining landscaped areas along at least 50 percent of their length. These areas shall include trees, shrubs, benches, flowerbeds, ground covers, or other such materials.*

**33.24(4)(f)7f.** *Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.*

The applicant is providing a six-foot-wide sidewalk with striped crosswalks from the area just north of the new loading docks westward to the existing Metro bus stop on the east side of the ring road. The applicant is also adding the necessary adjoining landscaping as required.

As part of their approval conditions, Metro Transit is recommending that the applicant add additional sidewalks and a crosswalk in order to connect to the existing sidewalk which runs along the western façade of the JC Penney department store, located just to the north of the proposed Von Maur store.

Note, Metro Bus stop ID #6787 – which the applicant is propose to serve with the sidewalk connection, as noted above – is one of the stops currently being considered to be removed from service. The existing stops, located to the north of the Mall, at the intersection of Mineral Point Road and S. Westfield Road, would serve the Von Maur. While the City's Bus Rapid Transit route is still being finalized, these stops could potentially be *the* BRT stops for the West Town Mall.

Central Features and Community Spaces (33.24(4)(f)8a)

Section 8 of the Large Retail Ordinance requires that for every 40,000 square-feet of floor area, one central feature or community space of at least 400 square-feet in area be provided. Based on an 83,000-square-foot floor area, two (2) such features are required. The code includes a broad list of possible features including patio/seating areas, pedestrian plazas with benches, kiosk areas, planter walls, outdoor employee amenities, or other designed focal features.

The applicant will be required to add two central features/community spaces on the site. Designs for these features will require Urban Design Commission review and approval before final sign off. Therefore, Staff believe the Plan Commission can find this requirement met.

**Public Input**

At the time of report writing, Staff has received one public comment which expressed support for a Von Maur at the proposed location but raised questions of plan consistency and was of the opinion that the existing building should be renovated and reused. This comment is included in the Plan Commission’s packet of materials.

Staff also note that in conversations with Staff, the Alder for the district, Ald. Skidmore, has expressed strong support for the project and has specifically noted his strong support that the waiver from providing the sidewalk along the ring road be granted by the Plan Commission.

**Conclusion**

Staff believe that the approval standards for demolitions and conditional uses can be found met. The Large Retail Development Standards should be carefully considered including the waiver request discussed in this report.

**Recommendation**

**Planning Division Recommendation** (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and two conditional uses – 1) for a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use; 2) for a multi-tenant building exceeding 40,000 square-feet of floor area in the Commercial Center (CC) District – to allow the existing department store at 36 West Towne Mall to be demolished and a new one to be constructed in its place, and subject to input at the public hearing and the conditions from reviewing agencies.

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

**Planning Division**

1. The applicant shall submit a final Transportation Demand Management (TDM) Plan as required in M.G.O. §33.24(4)(f)6b that shall be reviewed and approved by the City Traffic Engineer and the Planning Division Director before final sign off.



**Urban Design Commission** (Contact Janine Glaeser, 243-0455)

2. The applicant shall receive a recommendation of final approval from Urban Design Commission prior to final staff sign-off by addressing the issues identified by the UDC when initial approval was obtained. The action of the UDC shall be appealable to the Plan Commission.
  - The applicant add two Central Features and Community Spaces on the subject site as required by M.G.O. §33.24(4)(f)8. – Consider options such as the area to the north of the proposed loading dock;
  - The applicant shall explore adding additional landscaping to screen the loading dock area;
  - The applicant shall explore different ways to arrange the landscaping around the site and parking lot (especially the trees) and do so in a more playful manner;
  - The applicant shall look into adding more windows to the building.

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

**City Engineering Division** (Contact Tim Troester, (608) 267-1995)

3. The City has televised a portion of the 78" public storm sewer that is located beneath the existing building. After the building is constructed the applicant shall televise the storm sewer main to determine if any damage or failures resulted from the building construction. If repairs are necessary the applicant shall be responsible for making all the necessary improvements.
4. 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. (M.G.O. 16.23(9)(d)(4))
5. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (M.G.O. CH 35.02(14))
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 plan to show the location of all rain gutter down spout discharge locations. (POLICY)
11. Provide additional detail how the enclosed depression(s) created by the loading dock will be served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
12. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
13. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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.

14. 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 M.G.O. 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

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

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.

15. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Lori Zenchenko, (608) 266-5952)

17. All sheets of the site plan shall show the limits of all of the Public Storm Sewer, Sanitary Sewer and Watermain Easements to allow correlation of location of all new proposed improvements with the easements, particularly the underground storm water management / detention facilities.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

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| <ol style="list-style-type: none"><li>18. The applicant shall work with Traffic Engineering to provide improved access control to the private ring road. The developer shall be limited to a maximum of two access points on their frontage.</li><li>19. The applicant shall be responsible for constructing a sidewalk along their frontage of the private ring road.</li></ol> |
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20. 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; 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.
21. 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.
22. 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.
23. All parking facility design shall conform to M.G.O. standards, as set in section 10.08(6).
24. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
25. 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.
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 Administrator** (Contact Jacob Moskowitz, (608) 266-4560)

27. Provide a detail of the proposed bike racks
28. 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
29. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
30. 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 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. Sec. 31.07(2)(b)1. states that in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area.

31. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
32. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
33. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
34. Show the parcel at 7301 Mineral Point Road on your plans, including the added sidewalk.

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

35. MFD does not object provided the project complies with all applicable building and fire codes and Madison General Ordinances. Particularly, IBC Section 402-Covered Malls.
36. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at [pripp@cityofmadison.com](mailto:pripp@cityofmadison.com) or (608) 712-6277.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

37. Proposed valve and hydrant relocations shall be valve and hydrant replacements. Designate on the Utility Plan that the removed hydrants shall be salvaged and returned to Madison Water Utility. All water system improvements shall be done in accordance with the requirements of the City of Madison Standard Specifications for Public Works Construction (current edition).
38. 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, (608) 261-4289)

39. As identified on the plans submitted for review, the applicant shall install and maintain an accessible pedestrian walkway along the north property line/parking lot area - connecting between the store frontage area and the existing sidewalk network and Metro Transit bus stop zone located on the east side of private mall ring road, south of the Chilis restaurant.

40. The applicant shall install and maintain an accessible pedestrian walkway along the north and east property line areas - connecting between the store frontage area and the existing sidewalk area outside the JC Penney entrance (generally east of the proposed bike racks, and then north across the remaining loading dock area, up to the existing sidewalk on the JC Penney parcel).

41. The applicant shall include the location of these pedestrian amenities on the final documents filed with their permit application so that Metro Transit may review the design.

42. Metro Transit currently operates transit service along the private mall ring road, from the extension of West Towne Way clockwise towards the Odana Road mall exit driveway. Bus stop ID #6787 is on the east side of the private mall ring road, south of the Chilis Restaurant. Additional service, including proposed Bus Rapid Transit operations, operate along Mineral Point Road - serving stops in the Westfield Road mall access/intersection area.

**Parks Division** (Contact Sarah Lerner, (608) 261-4281)

The agency reviewed this request and has recommended no conditions of approval.

**Forestry Division** (Contact Brad Hofmann, (608) 267-4908)

The agency reviewed this request and has recommended no conditions of approval.

# PLANNING DIVISION STAFF REPORT

March 9, 2020



PREPARED FOR THE PLAN COMMISSION

**Legistar File ID # [59075](#)** Staff Report on Historic Value of 66 West Towne Mall Proposed for Demolition

**Prepared By:** Heather Bailey, Preservation Planner, Planning Division

**Date Prepared:** March 3, 2020

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## **Background**

At its February 17, 2020, meeting, the Landmarks Commission provided their advisory recommendation on the historic value of 66 West Towne Mall. Staff recently became aware that the applicant had entered an incorrect address and had meant to propose demolition of 36 West Towne Mall. The Landmarks Commission had made a recommendation that the property at 66 West Towne Mall had no known historic significance as there was no evidence of it being architecturally or historically significant.

The part of the building complex at 36 West Towne Mall does not have a city preservation file or state site file. It does not appear to be architecturally significant or retain enough historic integrity to convey any historic associations from when it was constructed in 1971.

While it has been our practice to have the Landmarks Commission provide the advisory recommendation, the code allows for a report from the Preservation Planner:

MGO 28.185(7)(a)(4): "The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission."

As the Landmarks Commission did not have any agenda items, they cancelled their March 2 meeting, which would delay their review of the proposed demolition at 36 West Towne Mall. So that the proposed redevelopment at 36 West Towne Mall can move forward in a timely manner, the City's historic preservation planner is providing this report on the historic value of the property proposed for demolition.

## **Staff Recommendation**

Staff believes that the property at 36 West Towne Mall has no known historic value.