

PLANNING DIVISION STAFF REPORT

June 24, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 6334 Millpond Road (District 16 – Alder Currie)
Application Type: Conditional Use
Legistar File ID #: [83480](#)
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: Crystal Mundt; Schuleburg & Daughter Enterprises II, LLC; 1400 Olstad Road, Deerfield, WI 53531

Contact: Travis Leeser; Cleary Building Corporation; 190 Paoli Street, Verona, WI 53593

Owner: Leann H Starr SRVRS Trust; 18 Park Place, Madison, WI 53705

Requested Action: Consideration of a conditional use for warehousing and storage, and consideration of a conditional use for a building exceeding 25,000 square feet for an individual establishment to allow construction of two storage buildings in the Commercial Center (CC) District.

Proposal Summary: The applicant is requesting approval to construct two storage buildings at 6334 Millpond Road. The buildings would be constructed in two phases. The first building would be 28,576 square feet and the second building is expected to be 24,408 square feet.

Applicable Regulations & Standards: Standards for conditional use approvals are found in MGO Section 28.183(6).

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the approval standards for conditional uses are met and **approve** the conditional uses for warehousing and storage, and for a building exceeding 25,000 square feet for an individual establishment, all to allow construction of two storage buildings in the Commercial Center (CC) District at 6334 Millpond Road, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 154,034 square-foot (3.5 acres) parcel is located along Millpond Road, north of the intersection of Millpond Road and Savannah Drive. The site is located within Alder District 16 (Alder Currie) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is vacant. It is zoned Commercial Center (CC) District.

Surrounding Land Use and Zoning:

North: US Highway 12/18; and

East: Restaurant, gas station, zoned Commercial Center (CC) District; Yahara Hills Golf Course, zoned Parks and Recreation (PR) District; and

South: Across Mill Pond Road, vacant land and Ho-Chunk Gaming Madison Casino, zoned Planned Development (PD) District; apartment building in the Town of Blooming Grove; and

West: Storage building, Harley-Davidson dealership, hotel in the Town of Blooming Grove; Interstate 39/90.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends General Commercial (GC) development for the subject site and properties to the east along Millpond Road, Community Mixed-Use (CMU) for properties to the south and Parks and Open Space (P) for the properties to the east. The [Yahara Hills Neighborhood Development Plan](#) (2017) recommends Commercial – General Development for the subject site and properties to the east along Millpond Road, Mixed Use Community for properties to the south and Parks and Open Space for the properties to the east.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	154,034
Lot Width	None	344 ft
Front Yard Setback	5 ft	45.3 ft
Max. Front Yard Setback	100 ft	45.3 ft (A.)
Side Yard Setback	5 ft	4.8 ft (B.)
Rear Yard Setback	20 ft	58.3 ft
Maximum Lot Coverage	85%	60%
Maximum Building Height	5 stories/78 ft	1 story/23 ft

Site Design	Required	Proposed
Number Parking Stalls	No minimum	None
Electric Vehicle Stalls	None	None
Accessible Stalls	None	None
Loading	2	None (26)
Number Bike Parking Stalls	2	2
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Form and Design	Yes	Free-Standing Commercial (27)

Tables Prepared Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: Public storm sewer will need to be extended to the site. Metro Transit does not serve this area.

Project Description, Analysis, and Conclusion

Project Description

The applicant proposes to construct two storage buildings at 6334 Millpond Road. Warehousing and storage is a conditional use in the Commercial Center (CC) District. One of the proposed buildings exceeds 25,00 square feet, which is also a conditional use in the CC District.

The original plans for the project show three storage buildings. During agency review Zoning staff determined that two of the proposed buildings did not comply with the 100-foot maximum setback in the CC District. Additionally, Planning staff discussed the overall building design and landscape plan with the applicant. Staff advised the applicant to consider how the building relates to US Highway 12/18 and suggested adding materials to the north elevation facing US Highway 12/18 and evergreen plantings for year-round screening.

[Revised plans](#) were provided to staff on June 19, 2024, in response to these comments. The new materials included a conceptual site plan with a two-building solution that complies with the setbacks in the CC District. The building plans were revised to add a charcoal concrete brick veneer along the base of the north elevation. The revised plans do not include full engineering plans or a revised landscape plan. They have not been reviewed by all reviewing agencies. If the Plan Commission approves the revised plans, then they may be subject to additional review for ordinance adherence, as noted in the recommended conditions of approval.

The two buildings are oriented north-south. The western building is 28,576 square feet and setback 46.3 feet from the street. The eastern building would be 24,408 square feet and setback 48.2 feet. About half of the site is occupied by existing easements, stormwater facilities and open space.

This would be a phased project with the western building being constructed first. The eastern building would be constructed in a future phase with no construction date specified. The applicant only provided building plans for the first building.

The building would consist of a dark grey, vertical steel panel and black steel roof. The accent materials include a charcoal concrete brick veneer on the north and south elevations, and a black, vertical steel panel along the base of the west and east elevations. The north elevation has two garage doors and a covered entry over the front window and door. The landscape plan consists primarily of deciduous trees and shrubs.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends General Commercial (GC) development for the subject site and properties to the east along Millpond Road, Community Mixed-Use (CMU) for properties to the south and Parks and Open Space (P) for the properties to the east.

The [Yahara Hills Neighborhood Development Plan](#) (2017) recommends Commercial – General Development for the subject site and properties to the east along Millpond Road, Mixed Use Community for properties to the south and Parks and Open Space for the properties to the east. The plan notes that General Commercial areas could accommodate wholesale, storage, and distribution uses. Attractive building designs and site designs are encouraged in General Commercial areas.

Staff believe the proposed storage use is generally consistent with the adopted land use recommendation, subject to the recommended conditions of approval from Zoning and the Planning Division.

Conditional Use Standards

The applicant requests consideration of a conditional use for a personal indoor storage facility. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, 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.

Standard 6 reads, “The conditional use conforms to all applicable regulations of the district in which it is located.” The Zoning Code specifies design standard for buildings in the CC District. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front facade. This includes the north façade and portions of the east façade of the proposed building. Per the recommended conditions of approval, the building design shall be revised to comply with the design standards.

Standard 8 reads, “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.”

As discussed previously, staff advised the applicant to consider how the building relates to US Highway 12/18. Staff notes that there are similar utilitarian buildings in close proximity, though the revised plans show the proposed buildings would be somewhat closer at a setback of approximately 50 feet. Nearby warehouse buildings appear to be setback at least 80-100 feet. In response to staff’s feedback, the building plans were revised to add charcoal concrete brick veneer along the base of the north elevation. To encourage year-round screening along the highway staff have further recommended that evergreen trees shall be planted between the north elevation and the highway. To ensure a higher level of design throughout the phased project staff have also recommended that additional landscaping be added to different portions of the property.

While staff appreciate the applicant’s efforts to respond to comments, the updated application materials do not provide enough information to determine whether the second phase will meet conditional use Standard 8. Staff do not have concerns with locating a second storage building on the site but do recommend that the second phase follow the procedure for a major alteration to a conditional use per MGO Section 28.183(8), as noted in the recommended conditions of approval. This would enable Plan Commission to review a detailed building design and landscape plan for the second phase.

Conclusion

Given due consideration of adopted plans staff believe the approval standards can be found met, subject to the recommended conditions of approval.

Recommendation

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

The Planning Division recommends that the Plan Commission finds the approval standards for conditional uses are met and **approve** the conditional uses for warehousing and storage, and for a building exceeding 25,000 square feet for an individual establishment, all to allow construction of two storage buildings in the Commercial Center (CC) District at 6334 Millpond Road, 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 has submitted revised plans dated June 19, 2024. These plans have not been reviewed by all reviewing agencies and may be subject to additional review for ordinance adherence.
2. As part of the first phase of development, the landscape plan shall be revised to include the following, subject to approval by the Planning Division Director or their designee:
 - a. Evergreen trees (or comparable plantings) shall be incorporated on site between the building and STH 12/18 to provide additional year-round screening of the building. The landscape architect shall work with staff to determine appropriate planting sizes with the intent that initial plantings shall begin to provide some screening, to the extent practical.
 - b. Additional landscaping and screening shall be installed to screen the long, eastern wall of the building. This vegetative screening may be installed east of the phase 2 building if determined to effectively screen the phase 1 building.
3. Approval is granted for the first phase of the project as noted on the plans. The second phase shall follow the procedure for a major alteration to the conditional use consistent with the procedures in MGO Section 28.183(8).

Engineering Division (Contact Brenda Stanley, 261-9127)

4. Public Storm sewer shall be extended to the site to serve the area. A developer's agreement shall be required. A permit to cross the gas transmission line will be required and is the responsibility of the developer to obtain.
5. The applicant shall connect to or extend public storm sewer connecting directly to a public storm structure that is either in the public sidewalk or terrace area, or inlet at the curb on the side of the street, adjacent to the development. Any storm lateral extension crossing any lanes of traffic or running longitudinally within a public street right of way for over 20ft, in order to connect to the public system, shall be considered a private storm sewer lateral and will require an approved and recorded privilege in streets agreement. (POLICY)
6. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
7. Construct sidewalk, terrace, curb & gutter and pavement to a plan as approved by City Engineer
8. 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))
9. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

10. 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.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
12. 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.

13. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
14. 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.
15. Record a deed restriction to restrict construction of building openings on all structures to be a minimum of 867.00.
16. 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.

17. 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 2, 5, 10, 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.

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.

18. 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 tstroester@cityofmadison.com (West).

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

19. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be 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.
20. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

21. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
22. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
23. "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.
24. 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.
25. The applicant shall construct sidewalk along their frontage according to plan approved by City Engineer.

Zoning (Contact Jacob Moskowitz, 266-4560)

26. Plans show the future phase buildings outside of the 100 ft maximum front yard setback. Revise the plans to either remove the buildings from this approval or modify their location to within 100 ft of the front property line.

27. Plans show the building within the required 5 ft side yard setback. Revise the plans to show at least 5 ft from the building wall to any part of the property line.

28. Required loading facilities shall comply with MGO Section 28.141(13). Provide 2 10' x 50' loading areas with 14' vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
29. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front facade. This includes the north façade and portions of the east façade.
30. New buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the facade. This can be achieved through combinations of including but not limited to the following:
 - a. Facade Modulation. Stepping back or extending forward a portion of the facade.
 - b. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).
 - c. Division into storefronts, with separate display windows and entrances.
 - d. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.
 - e. Arcades, awnings, and window bays at intervals equal to the articulation interval.
31. 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).

Forestry (Contact Jeffrey Heinecke, 266-4890)

32. City Forestry will issue a street tree removal permit for 3 Honeylocust trees with diameters of 16", 17", and 15" due to poor form. There locations are as followed: 1 tree west of proposed driveway and 2 trees east of the driveway. The Contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and site plan.
33. Terraced Excavation For Street Tree Planting: This includes all work necessary to excavate areas within grass terraces to an appropriate depth suitable for new tree plantings. All work shall be in accordance with article 201 of the standard specifications. The contractor shall coordinate with the engineer and forestry representative to select the appropriate locations for tree plantings to be completed.

Once the locations marked, the contractor shall excavate the terrace area to a suitable depth for new tree plantings, approximately twenty (20) inches to twenty-four (24) inches. The terrace shall be excavated to a minimum length of twenty (20) feet, but that may be reduced by the construction engineer to fit site constraints as necessary. The width of the terrace shall also be excavated to as close to the sidewalk/path and curb as js reasonable. While performing the excavation, the contractor shall take care to not undermine or damage the adjacent curb or sidewalk if damaged during the excavation process, the contractor shall replace curb or sidewalk/path at their cost.

Once the area js excavated, the contractor shall backfill the excavated area with regular topsoil), and the surface shall be restored with seed and erosion mat.

34. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

Water Utility (Contact Jeff Belshaw, 261-9835)

35. Proposed water valve should not be located in the sidewalk or curb and gutter.

36. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Timothy Sobota, 261-4289)

37. Metro Transit operates daily all-day transit service along Commercial Avenue and Packers Avenue near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and

Saturdays). Additional service operates along East Johnson Street - with trips at least every 60 minutes (every 30 minutes or less on weekdays).

38. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 97 Weekday & 65 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Engineering Division – Mapping Section (Contact Julius Smith, 264-9276)

39. Upon approval of the proposed Catch Basin and Storm Sewer Pipe lying within the 30' City of Madison Easement for Sanitary Sewer and Water Main per Doc No. 1848256, a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities and requirements in conjunction with the proposed improvements. Coordinate with Jule Smith at jsmith4@cityofmadison.com

40. Coordinate and request from the utility companies serving this area the easements required to serve this development.
41. The Owner on the application is not the current owner of record for the property. Provide the recorded conveyance of the parcel to the Owner noted on the application prior to final site plan sign off.
42. Confirm with Madison Gas & Electric the grade changes proposed within the their easement area per document 1856671

Additionally confirm and coordinate proposed grading at existing utility pole and guywire located on site and consider granting formal agreement for existing pole and wires.

43. Since this is a phased project, provide the boundary limits for the pavement for each phase.
44. The proposed 333 ft building has an address of 6334 Millpond Rd. The proposed 202 ft building has an address of 6346 Millpond Rd. The proposed 121 ft building has an address of 6358 Millpond Rd.
45. The site plan shall reflect the proper street addresses of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Parking Utility (Contact Trent Schultz, 246-5806)

46. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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