



Report to the Plan Commission

July 23, 2012

Legistar ID #27805
2101-2115 East Springs Drive
Conditional Use – Planned Commercial Site

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use to allow construction of a 99,995 square foot retail building with two pad sites.

- **Please Note**, this is a re-approval request of a proposal originally approved by the Plan Commission in 2009.

Applicable Regulations & Standards: Section 28.04(23)(b) requires that commercial sites containing more than 40,000 square feet of gross floor area where 25,000 square feet of gross floor area is intended for retail use shall be subject to the procedure for approving a conditional use in Sec. 28.12(11). All new retail establishments with a total of 40,000 square feet of gross floor area are also subject to the “Large Format Retail Establishment” provisions of Sec. 33.24(4)(f). Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use to allow construction of a 99,725 square foot retail building with two pad sites subject to input at the public hearing and the conditions recommended by reviewing agencies.

Background Information

Applicant / Contact: Alan Theobald; Iconica 901 Deming Way; Madison, WI 53717

Property Owner: Madison East Store, LLC; W231 N1013 CTH F; Waukesha, WI 53186

Proposal: The following is a re-submittal of previously approved plans. The applicant proposes to construct a 99,995 square foot retail building with two (2) pad sites. The larger building is proposed as a Steinhafels furniture store. Construction of the Steinhafels is scheduled to commence in 2013 with completion scheduled for 2014. Tenants for the pad sites have not been identified and the construction schedule is not known.

Parcel Location: The subject site is approximately 14.5 acres in area on the south side of East Springs Drive, between Starkweather Creek and Bowl-a-Vard Lanes. The site is located in Aldermanic District 17; Sun Prairie School District.

Existing Conditions: The site is currently undeveloped.

Surrounding Land Use and Zoning:

North: Large Format Retail; zoned C3 (Highway Commercial District);

South: Wisconsin and Southern rail line. Beyond the rail line is a multi-unit apartment building, zoned PUD-SIP (Planned Unit Development - Specific Implementation Plan);

West: Starkweather Creek / the adjacent property is owned by City of Madison Stormwater Utility and zoned C (Conservancy); and

East: Bowling Alley; zoned C3 (Highway Commercial District).

Adopted Land Use Plan: The Comprehensive Plan recommends regional commercial uses for this site.

Environmental Corridor Status: The subject site is adjacent to, but not within a mapped environmental corridor. City Engineering has requested further information on potential wetland areas in this area. See their recommended condition of approval for further information.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	633,506 sq. ft.
Lot width	50'	adequate
Usable open space	n/a	n/a
Front yard	0'	18' bldg #3
Side yards	0'	35' bldg #2
Rear yard	10'	69' bldg #1
Floor area ratio	2.0	adequate
Building height	---	1 story
Number parking stalls	421 total Bldg #1 - 333 Bldg #2 - 33 Bldg #3 - 55	378 Bldg #1 - 273 Bldg #2 - 39 Bldg #3 - 66
Accessible stalls	13 min. Bldg #1 - 8 Bldg #2 - 2 Bldg #3 - 3	13 Bldg #1 - 7 Bldg #2 - 3 Bldg #3 - 3
Loading	Bldg #1: 3 - 10' x 50' each Bldg #2: 1 - 10' x 35' each Bldg #3: 2 - 10' x 35' each	Bldg #1 - 3 Bldg #2 - 1 Bldg #3 - 2
Number bike parking stalls	36 min. Bldg #1 - 26 Bldg #2 - 6 Bldg #3 - 4	40 Bldg #1 - 28 Bldg #2 - 4 Bldg #3 - 8
Landscaping	as shown	adequate
Lighting	Yes	

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Analysis, Evaluation, and Conclusion

Previous Approvals and Project History

On May 4, 2009, the Plan Commission conditionally approved a conditional use for a Steinhafels Furniture Store and two future pad sites. Construction of that project never commenced. The applicant received extensions for that approval, which expired earlier this year. The Zoning Code allows a conditional use approval to be extended up to 36 months. To proceed with the project, a new application must be submitted.

The submitted plans match those approved by the Urban Design Commission (UDC) and Plan Commission in 2009. As such, the plans were not re-forwarded for a second advisory opinion. The original reports of the UDC are attached.

Current Request

The applicant requests approval to construct a planned commercial site with a 99,995 square foot retail building and two pad sites for future retail development. Conditional use approval is required as this is both a planned commercial site and a retail building in excess of 40,000 square feet. This development is subject to the "Large-Format Retail Establishment Ordinance" provisions of Sec. 33.25(4)(f). As a clarification, only the Steinhafels building is proposed for construction at this time. The two smaller buildings and associated site improvements depicted on the site plan would be subject to future reviews by the Urban Design Commission and conditional use approval from the Plan Commission.

Project Review

The building proposed for construction would be a Steinhafels furniture store. The structure would be located at the back of the development site, away from the East Springs Drive frontage. In total, the proposed planned commercial site will ultimately include three (3) lots. A Certified Survey Map (CSM) to complete this land division was previously approved, but never recorded. Staff understands a new CSM application will be submitted.

The site would be accessed from East Springs Drive through two driveways. The access proposed for this phase is located along the northeast property line, shared with the adjacent bowling alley. A planned future drive roughly bisects the site and terminates at the Steinhafels building. Several pedestrian connections are proposed across the site; however, most of these accommodations occur across the future pad sites and are not proposed as part of this initial phase. These connections include both formal paved sidewalks and crushed stoned paths, as shown on the site plan.

The Steinhafels building is one-story in height. The customer entrances and two of the building corners are marked with taller tower features. The building has two front facades. The "north" facade (as labeled in the applicant's plans) features the building's main entrance and fronts the primary surface parking lot. This facade is highly visible from Interstates 39/90/94. The "west" facade is visible from East Springs Drive and includes a secondary customer entrance. Both elevations are well articulated, include a high percentage of storefront windows, and are consistent with the large format retail facade standards. Primary building materials include a cast stone base, brick veneer, and various colors of EIFS integrated within the facade. The less visible "east" facade fronts the Wisconsin and Southern rail line and includes brick veneered piers, a cast stone base, awnings, and spandrel glazing. The "south" facade fronts Starkweather Creek, and also has limited visibility. Existing vegetation along the creek

would presumably screen portions of this building wall. This facade is divided into several smaller bays and includes the same cast stone base found on other building sides. The facade is largely clad in EIFS, though portions of the EIFS would simulate the brick patterns shown on the more prominent facades.

This phase of the project includes 274 parking stalls. Approximately 49 stalls, including those closest to Starkweather Creek would utilize a pervious pavement. The total parking count equals 2.7 stalls per 1,000 SF GFA (square feet of gross floor area) for the Steinhafels development. This is less than the 3.33 / 1,000 SF GFA required in the zoning code. In considering the entire site plan, 378 stalls are provided among the three development sites. Therefore, a formal parking reduction is not necessary for the purpose of approving this particular site plan. Staff emphasize, however, the actual parking counts and design details will likely change when the actual developments on the pad sites are proposed.

Proposed Project Phasing

The applicant has provided a supplemental graphic indicating the proposed project phasing. As stated above, the buildings shown on the outer pad sites are not proposed for construction at this time. Future development on the pad sites will require Urban Design Commission review and Plan Commission conditional use approval. Such submittals may include alterations to this site plan, though the Large Format Retail Establishment standards will still apply.

Staff believe a phased approach can be used to meet the Large Format Retail Establishment development standards. The Plan Commission has previously approved as phased projects in which the initial phase was not entirely consistent with these standards.

The phasing plan, however, provides no pedestrian connections between East Springs Drive and the Steinhafels development during this first phase. Staff recommend that pedestrian connections be implemented as part of this development phase. Further discussion on this item is included in the below section, under the review of conformance to the Large-Format Retail Establishment Ordinance.

Conformance to the Large-Format Retail Establishment Ordinance

The purpose of the Large-Format Retail Establishment ordinance is to provide standards for retail developments of 40,000 square feet or more of gross floor area either as one building or in multiple buildings on a single zoning lot. The standards are intended to “[promote] the efficient use of land and [preserve] and [enhance] the urban fabric through a more urban site and building design,” and include specifications for building placement, the treatment of exterior walls and facades, roofs, entrance locations, parking lots, outdoor storage and loading areas, pedestrian circulation, and central features.

Planning Division staff have reviewed this proposal against the “Large-Format” standards. When the entire planned commercial site plan is considered, including the future pad sites, the site plan is largely consistent with the ordinance. Exceptions are noted below. Without the future phase improvements, elements of the proposed first phase of development would not be consistent with these standards. Staff’s primary concern regarding the current phasing plan is that no direct pedestrian access would be provided to the Steinhafels building before the pad sites develop. Section 33.24(4)(f)11 of the Large Format Ordinance requires that “Continuous internal pedestrian walkways at least six (6) 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.”

To address this concern, staff recommend that the applicant establish a direct sidewalk connection between East Springs Drive and the Steinhafels building during this first phase of development. Based on the site plan submitted, multiple connections would ultimately be provided, though their location may change somewhat due to the conceptual nature of the future development phases. Staff recommend the applicant work with Planning Division staff to identify feasible option(s) during this development phase.

City Traffic Engineering has recommended that the applicant dedicate a twenty (20)-foot wide bike easement connecting East Springs Drive to the south property boundary. The details of that easement would be subject to review by Traffic Engineering. Upon construction, this path would connect East Springs Drive to a future City path running parallel to the back property line. The timeline for installing the City path is unknown.

When considering the future pad sites, the proposal is not entirely consistent with street frontage standards. Approximately 40 percent of the East Springs Drive frontage has building frontage within 75 feet of East Springs Drive. This does not meet the site design standards in Section 8b. However, the Urban Design Commission (UDC) reviewed the original proposal and granted final approval on April 22, 2009, finding this was a superior design solution. Section 33.24(4)(f)2c states "The Plan Commission may waive one or more of the requirements in Par. 3 through 14 if it determines that unique or unusual circumstances warrant special design consideration to achieve a superior design solution." The reports of the Urban Design Commission are attached. If the Plan Commission concurs, it could approve the site plan as shown. If such a determination is not made, the Plan Commission will need to require the site plan be amended to provide ordinance compliance. Staff note that City Traffic Engineering is recommending the applicant dedicate 10 feet of area along the East Springs frontage, potentially impacting the frontage calculations.

Finally, staff note that based on the information previously provided, a TDM (Traffic Demand Management) study would not be required, as Steinhafels would employ less than 100 full-time employees.

Conformance with the Comprehensive Plan

This proposal is consistent with the Comprehensive Plan's recommendation for regional commercial uses. This recommendation includes free-standing "big box" stores. Additionally, the plan recommends "design and development standards are recommended that would make developments within existing regional commercial districts more attractive, engaging, and accessible places."

Starkweather Creek Considerations

The subject site is adjacent to the Starkweather Creek and impacts on the Creek are an important overall consideration. During the 2009 application, the applicant worked closely with the Friends of Starkweather Creek (FSC) on the design of this project, and their original letter of support is attached. No additional comments were received for this re-submittal. The location of the building, surface parking, and the inclusion of pervious paving are measures proposed by the applicant to address run-off concerns.

Conclusion

The Planning Division believes that the conditional use standards can be met. The plan appears to be nearly identical to the plans approved in 2008. Construction never commenced and that original approval has since expired. Considering the surrounding context and Comprehensive Plan recommendations, large format retail is an appropriate use in this area. The proposed building has well-articulated facades and the site plan includes several amenities that would make this an attractive large-format retail development. The Urban Design Commission granted final approval of this plan in 2009. Additionally, the applicant has taken efforts to address environmental concerns and worked closely with the Friends of Starkweather Creek when developing the original application in 2009.

The proposed site plan will be implemented in two (or more) phases and only the Steinhafels development will occur at this time. Development at the future pad sites would require separate UDC review and Plan Commission approval. The plan presented for the entire site is largely consistent with the Large Format Retail Establishment standards, with the exceptions noted in this report. Staff do not object to the applicant's phasing plan, but recommend that pedestrian connections be established during the first phase of development.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use to allow construction of a 99,725 square foot retail building with two pad sites subject to input at the public hearing, the following Planning Division conditions, and the conditions recommended by reviewing agencies.

1. That with this approval, the Plan Commission has determined that unique or unusual circumstances warrant special consideration to achieve a superior design solution in order to approve the proposed site plan in which the building placement along East Springs Drive is not entirely consistent with the site design standards of Section 33.24(4)(f)8. Please note, the Urban Design Commission (UDC) reviewed the original proposal and granted final approval on April 22, 2009, finding the proposed site plan was a superior design solution. Note, please see page 5 of this report for further information.
2. That as part of the first phase of development, the applicant provides a direct sidewalk connection(s) between East Springs Drive and the Steinhafels building, in compliance with the requirements of Section 33.02(4)(f)11. This detail shall be shown as part of plans approved for final sign-off. The applicant shall work with Planning Division staff to identify potential options to meet this condition, understanding that an interim solution may need to be developed, due to the conceptual nature of the pad site plans. An interim site plan may need to be prepared and approved by City reviewing agencies.

3. That the proposed bike path be designed and installed per applicable ordinance requirements and the approved recommendations of the Urban Design Commission, Traffic Engineering, and other reviewing agencies. The bike path shall be installed when requested by the City Traffic Engineer.

The following conditions have been submitted by reviewing agencies:

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

4. The prior Certified Survey Map (CSM) application from March 2009 with a conditional approval letter dated June 2, 2009 shall be completed, and/or re-approved as necessary, and CSM recorded with the Register of Deeds prior to issuance of building permits.
5. The city of Madison requires the new Address-Parcel-Owner (APO) data be created post-CSM and populated within city databases so that all permits are then issued under the current and correct APO data.
6. Provide additional drainage design data relative to the 54" diameter storm culvert from IH 90/94 that discharged adjacent to this parcel in the NE corner. Provide data prepared by a professional engineering to show that the culver discharge will not flood the proposed development during storm events up to and including the 100 year event.
7. Provide a CADD file (Microstation compatible) of the wetland delineation boundary and a PDF of the wetland report.
8. Applicant shall be aware that all three lots already have sanitary sewer laterals stubbed out of East Springs Drive to serve the development.
9. The Applicant shall provide soil borings that indicate the depth to the water table. If construction or permanent dewatering is anticipated the Applicant shall submit a plan outlining how they will minimize impacts to the adjacent spring.
10. Due to the proximity of the adjacent spring, minimal use of salt for winter deicing is strongly recommended.
11. This project has previously been approved through the Board of Public Works and a Development agreement has been drafted and provided to the Applicant outlining the conditions of approval from the previous submittal. The City will need to update the agreement to modify any requirements that have changed since the original agreement was drafted. Prior to approval, the Development Agreement and all related requirements must be met prior to sign-off of the plans.
12. The Applicant shall provide copies of valid (non-expired) permits from Wisconsin DNR and any necessary permits or correspondence from Army Corp of Engineers to ensure all permitting has been completed.
13. Per the previous conditions of approval, the Applicant shall dedicate a 20ft wide public ped/bike easement and a 15ft wide temporary grading easement to the city. The Developer shall be required to grade the site to meet the design grades for the future path installation.

14. Per the previous conditions of approval, the Applicant shall dedicate 10ft of right of way adjacent to East Springs Drive and construct improvements to facilitate the widening of the roadway. This may require storm sewer reconstruction on East Springs Drive.
15. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
16. 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)
17. 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)
18. All damage to the pavement on East Springs 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)
19. 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.
20. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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.
21. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
22. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: a) Detain the 2 & 10-year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; d) Provide oil & grease control from the first 1/2" of runoff from parking areas; and e) 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.
23. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included

with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

24. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
25. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
26. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>
27. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>
28. 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.
29. The site plan shall be revised 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.

Traffic Engineering Division

Comments were not provided in time to be included within this report.

Zoning Administrator (Contact Pat Anderson, 266-5978)

30. Meet all applicable State accessible requirements, including but not limited to:
 - a. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - b. 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.

31. Show and dimension three 10' x 50' loading areas on the site for building #1 as well as the proposed loading area's for the other 2 future buildings, (two for bldg#2 and one for bldg #3). The loading berths shall be exclusive of aisle and maneuvering space, and shall have a vertical Clearance of at least fourteen (14) feet.
32. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Signage must be approved by the Urban Design Commission and Zoning Sign permits must be issued by the Zoning Section of the Department of Planning and Development prior to signage installations.
33. Provide 36 bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan disbursed among the retail center. A minimum of seven of the stalls shall be conveniently located at the proposed 16,000 sq. ft. bldg and four stalls conveniently located at the proposed 10,000 sq. ft. bldg. Racks shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices
34. Parking lot plans with greater than twenty (20) stalls, 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. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
35. A reciprocal land use agreement or a cross access easement agreements shall be approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds.

Fire Department (Contact Scott Strassburg, 261-9843)

36. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
37. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
 - a. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
 - b. Provide a minimum unobstructed width of 26-feet for at least 20-feet on each side of the fire hydrant.
 - c. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

Water Utility (Contact Dennis Cawley, 261-9243)

38. The owner shall utilize the existing 8" water service lateral rather than excavate in the street right-of-way for a new water service lateral.

39. This property is not in a Wellhead Protection District. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. The Water Utility will not need to sign off the final plans, nor need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit a response to this request.