

CITY OF MADISON  
***INTER-DEPARTMENTAL***  
CORRESPONDENCE

DATE: October 31, 2003

TO: Madison Plan Commission

FROM: Bill Fruhling, *AICP*  
Principal Planner  
Planning Unit

SUBJECT: Report Back on Issues Related to Ordinance ID No. 33543 - Creating Design Requirements for Large Retail Establishments.

On September 15, the Plan Commission discussed the ordinance that would establish design guidelines for new retail establishments in excess of 50,000 square feet. The Commission discussed several aspects of the proposed ordinance, including comments received from the development community and those outlined in a memo from Ald. Golden.

Since September 15, Planning Unit staff has conducted additional research and met twice with Aids. Konkel and Webber and former Ald. Powell (an original sponsor of the ordinance) to discuss the issues raised and to identify appropriate potential changes to the proposed ordinance.

Attached is a table containing a list of the issues raised and a description of how they are proposed to be addressed. Revised language is suggested for those issues recommended to be addressed through changes in the proposed ordinance. Additional supporting material is also attached.

Staff recommends that the Plan Commission consider the issues outlined in the attached table and provide direction on which items should be included in a substitute resolution.

c: Urban Design Commission

## Large Retail (Big-Box) Ordinance – Proposed Changes, 03 November 2003

Comment/ Source	Notes	Proposed Ordinance Language
1) 40,000 SF trigger? <i>(Plan Commission)</i>	Change proposed - see Proposed Ordinance Language.	<p>The Common Council of the City of Madison do hereby ordain as follows:</p> <p style="text-align: center;">1. New Subdivision (f) entitled “Large Retail Developments” of Subsection (4) entitled “Powers and Duties” of Section 33.02 entitled “Urban Design Commission” of the Madison General Ordinances is created to read as follows:</p> <p>“(f) <b><u>Large Retail Developments.</u></b></p> <p>1. All new retail development with a total gross floor area (GFA) of <del>fifty thousand (50,000)</del> <b>forty thousand (40,000)</b> square feet or more shall be subject to the requirements below. Total GFA shall be calculated by adding the GFA of all buildings on a zoning lot that are part of a single establishment. When applying the requirements below, the Urban Design Commission and staff shall consider relevant design recommendations in any element of the City’s Master Plan or other adopted City plans.</p>
2) Maximum size (such as 100,000 SF)? <i>(Plan Commission)</i>	No change proposed.	
3) What does 40,000 SF, 100,000 SF, etc. look like? <i>(Plan Commission)</i>	See page 1 of attached information packet for local examples of building sizes.	
4) Should existing developments be ‘grandfathered in’? If so, How? <i>(Plan Commission)</i>	No change proposed. Existing developments/uses automatically become non-conforming when there is an ordinance change, and are ‘grandfathered in’ unless there is a change of use or exterior remodeling.	
5) What type of redevelopment should trigger the ordinance? <i>(Plan Commission)</i>	If there are <b>minor</b> exterior changes, the City has discretion on whether or not to require that the establishment be brought up to code.	
6) Should there be wavier criteria for to developers who propose something better than expected? <i>(Developers)</i>	No change proposed.	
7) How will attached and free-standing developments be treated differently/similarly? <i>(Plan Commission)</i>	The proposed requirements will apply to individual <u>establishments</u> of 40,000 SF or greater. The Zoning Ordinance defines <u>establishment</u> as: A place of business carrying on operations, which are physically separate and distinct from those of any other place located on the same zoning lot.	
8) Should the ordinance address abandoned or blighted properties? <i>(Plan Commission)</i>		
9) Purpose of this ordinance is to promote significant change. <i>(Ald. Golden)</i>		

Comment/Source	Notes	Proposed Ordinance Language
10) Change blank wall length from 100' to 75'. <i>(Plan Commission)</i>	Change proposed - see Proposed Ordinance Language. Also see pages 2-4 of attached information packet for examples of blank building facades.	2. <u>Facades and exterior walls.</u> The following requirements apply to facades that are visible from a public street or adjacent properties:
11) No requirements for materials/designs on walls not facing residential or Street. <i>(Developers)</i>	No change proposed.	a. Facades greater than <del>one hundred (100)</del> <b>seventy-five (75)</b> feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent 3% of the <b>total</b> length of the façade and extending at least 20 percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed <del>one hundred (100)</del> <b>seventy-five (75)</b> horizontal feet.
12) No requirement for windows on street facades. <i>(Developers)</i>	No change proposed. The proposed ordinance does not require windows (see section 2.b.).	b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, arcades, or other such features along no less than 60 percent of their horizontal length. c. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: i. Color change ii. Texture change iii. Material module change iv. Expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal or projecting rib. d. At least one (1) of the above elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically

Comment/Source	Notes	Proposed Ordinance Language
13) How will rooftop drainage be handled? <i>(Plan Commission)</i>	No change proposed.	3. <u>Roofs.</u> a. Rooflines shall be varied with a change in height every <del>one hundred (100)</del> <b>seventy-five (75)</b> linear feet in the building length.
14) Simplify roofline requirement. <i>(Developers)</i>	No change proposed.	b. Roofs shall have no less than two (2) of the following features: i. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. The average height of parapets shall not exceed fifteen percent (15%) of the height of the supporting wall, and parapets shall not at any point exceed one third (1/3) of the supporting wall. Parapets shall feature three dimensional cornice treatment. ii. Overhanging eaves, extending no less than three (3) feet past the supporting walls. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run, and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run. iii. Three (3) or more roof slope planes, with varying lengths and designs.

Comment/Source	Notes	Proposed Ordinance Language
<p>15) No material / design requirements for backs/ sides of buildings that do not face residential properties. <i>(Developers)</i></p> <p>16) Should treatment of facades vary with abutting views? <i>(Ald. Golden)</i></p>	<p>No change proposed - See pages 2-4 of attached information packet for examples of blank building facades.</p>	<p><b>4. <u>Material and Colors.</u></b> The following requirements apply to facades that are visible from a public street or adjacent properties:</p> <ul style="list-style-type: none"> <li>a. Predominant exterior building materials shall be high quality materials, including, but not limited to brick; wood; stone; tinted and textured concrete masonry units; and exterior insulation and finish systems (EIFS), <del>but only on the lower three (3) feet of any facade</del> <b>may not be used on the lower three (3) feet of any facade.</b></li> <li>b. Façade colors shall be low-reflectance subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.</li> <li>c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.</li> <li>d. Predominant exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.</li> </ul>
<p>17) Should the ordinance allow for corporate color schemes, such as “Red Stripe” of Target. <i>(Developers)</i></p>	<p>No change proposed.</p>	

Comment/Source	Notes	Proposed Ordinance Language
<p>18) Corner entry shall not count for two sides to meet requirement. (Plan Commission)</p>	<p>Change proposed - see Proposed Ordinance Language.</p>	<p>5. <u>Customer Entrances.</u></p> <ul style="list-style-type: none"> <li>a. Each principal building on a site shall have a clearly defined, highly visible customer entrance featuring no fewer than three (3) of the following: <ul style="list-style-type: none"> <li>i. Canopies or porticos</li> <li>ii. Overhangs</li> <li>iii. Recesses / Projections</li> <li>iv. Arcades</li> <li>v. Raised corniced parapets over the door</li> <li>vi. Display windows</li> <li>vii. Peaked roof forms</li> <li>viii. Arches</li> <li>ix. Outdoor patios</li> <li>x. Architectural details, such as tile work and moldings that are integrated into the building</li> <li>xi. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting</li> </ul> </li> <li>b. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements</li> <li>c. All sides of a principal building that abut a public or private right- of-way shall feature at least one (1) customer entrance. Where a principal building directly abuts more than two (2) public or private rights-of-way, this requirement shall apply to the two (2) sides of the building that abut the most traveled rights of way providing vehicular access to the site. <b><u>A singular corner entryway shall not meet the requirement for buildings requiring two entrances.</u></b></li> </ul>

Comment/Source	Notes	Proposed Ordinance Language
19) More landscaping requirements? What are existing requirements? ( <i>Plan Commission</i> )	Change proposed - see Proposed Ordinance Language to clarify the intent of this section.	6. <u>Site Design.</u> a. The minimum setback for any building façade shall be thirty-five (35) feet from the property line. Where a façade abuts property used for residential purposes, an earthen berm no less than six (6) feet in height shall be provided. The berm shall be planted, at a minimum, with a double row of evergreen (or a combination of evergreen and deciduous) trees at intervals of fifteen (15) feet on center, or in clusters or clumps.
20) Berm size is too high. 4 feet would still create a good buffer. ( <i>Developers</i> )	No change proposed - See page 5 of attached information packet for sketch diagrams that show both berm conditions.	b. One (1) street tree shall be planted every thirty (30) feet along that part of the perimeter of the parcel that abuts a public right of way. c. <b><u>The requirements of subsections a and b, above, shall be in addition to other applicable landscape requirements.</u></b>

Comments/Source	Notes	Proposed Ordinance Language
21) Require connections between parking lots? <i>(Plan Commission)</i>	No change proposed - this can be handled as a Traffic Engineering condition on a case-by-case basis.	<p><b>7. <u>Parking Lots.</u></b> No more than 50 percent (50%) of the off-street parking area for the entire property shall be located between the front façade of the principal building(s) and the primary abutting street.</p> <p><b><u>Any provided parking exceeding the minimum requirements by more than ten-percent (10%) shall include one (1) or more of the following to sufficiently offset the negative environmental effects of additional paved surfaces:</u></b></p> <ul style="list-style-type: none"> <li><b><u>i. Stormwater infiltration plan which may include such solutions as bio-retention swales, or permeable paving materials.</u></b></li> <li><b><u>ii. Additional designated landscaped areas.</u></b></li> <li><b><u>iii. Transportation Demand Management Plan focusing on employees.</u></b></li> <li><b><u>iv. Structured parking.</u></b></li> </ul> <p>a. b. The design and appearance of parking structures must complement the structures they serve and minimize their utilitarian appearance by using design treatments such as colonnades, arcades, awnings, and street furniture or other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, lighting, and signage shall be part of all garage facades.</p>
22) Change the amount of parking allowed in front of the building from 50% to 70%. <i>(Developers)</i>	No change proposed.	
23) What are the current parking requirements vs. what is actually being built? <i>(Plan Commission)</i>	See page 1 of attached information packet for local examples of existing parking conditions.	
24) Should there be a requirement regarding the maximum number of parking spaces allowed? <i>(Plan Commission)</i>	Change proposed – see proposed ordinance language that is provided for the purpose of further discussion by the Plan Commission.	
25) Should there be additional requirements for parking lot landscaping? What is the existing required by zoning? <i>(Plan Commission)</i>	No change proposed, except as would possibly apply to parking in excess of 10% of the minimum requirement (see proposed ordinance language).	
26) Should a certain percentage of the site and/or parking areas be required to be permeable? <i>(Plan Commission)</i>	No change proposed, except as would possibly apply to parking in excess of 10% of the minimum requirement (see proposed ordinance language). City Engineering has expressed some concerns related to the effectiveness of permeable parking surfaces in northern climates and maintenance.	
27) Should there be some sort of tiered approach to parking? <i>(Plan Commission)</i>	No change proposed, except as would possibly apply to parking in excess of 10% of the minimum requirement (see proposed ordinance language).	
28) Should there be requirements/bonuses for underground or structured parking? <i>(Plan Commission)</i>		
29) What are the economics of structured parking? <i>(Plan Commission)</i>		



Comment/Source	Notes	Proposed Ordinance Language
<p>30) Should there be regulations regarding the use of parking lots for seasonal displays? (i.e. Christmas tree lots, greenhouses)? <i>(Plan Commission)</i></p>	<p>Change proposed. Currently these are handled as minor alterations to the conditional use. The proposed ordinance language emphasizes the need to address pedestrian/vehicular conflicts during this review.</p> <p>See proposed ordinance language that is provided for the purpose of further discussion by the Plan Commission.</p>	<p>8. <u>Outdoor Storage, Trash Collection, Loading Areas and Mechanical Equipment.</u></p> <p>a. Areas for outdoor storage, truck parking, trash collection or compaction loading, or other such uses shall not be visible from public or private abutting rights-of-way.</p> <p>b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public or private street, public sidewalk, or internal pedestrian way.</p> <p>c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection (i.e. dumpsters), trash compaction, and other service functions shall be incorporated into the overall design of the building and the use of screening landscaping so that the visual and acoustic impact of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials shall not be different from or inferior to the principal materials of the building and landscape.</p>
<p>31) Should there be requirements regarding storage in parking lots? <i>(Plan Commission)</i></p>	<p>No change proposed – this is already addressed in the Zoning Ordinance.</p>	<p>b. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the colors and materials of the covering shall conform to those used as predominant materials and colors on the building(s).</p> <p>i. <u>In addition to designated seasonal display sales areas as described above, parking spaces adjacent to these areas shall be designed to accommodate over-flow of seasonal goods. These parking spaces shall be designed to mitigate additional pedestrian and vehicular conflict associated with outdoor sales areas, through the use of additional landscaping, and special paving materials.</u></p>

Comment/Source	Notes	Proposed Ordinance Language
<p>32) 8 ft sidewalk + 6 ft planting = 14 feet, which is too much. (Developers)</p> <p>33) Width of all sidewalks is too much. (Developers)</p>	<p>Change proposed - see Proposed Ordinance Language</p>	<p>9. <u>Pedestrian Circulation.</u></p> <p>a. Sidewalks at least <del>eight (8)</del> <b>six (6)</b> feet in width shall be provided along all sides of the site abutting a public or private right-of-way.</p> <p>b. Continuous internal pedestrian walkways at least <del>eight (8)</del> <b>six (6)</b> feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal 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 fifty percent (50%) of their length. These areas shall include trees, shrubs, benches, flower beds, ground covers, or other such materials.</p>
<p>34) No pavers for crossing roadway at intersections and pedestrian crossings. (Developers)</p>	<p>No change proposed.</p>	<p>c. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building facade featuring a customer entrance, and along any façade abutting public parking areas. These sidewalks shall be located at least six (6) feet from the facade to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.</p>
<p>35) Will there be a distinction in materials, or texture at crosswalks? (Ald. Webber)</p>	<p>Changed Proposed – see Proposed Ordinance Language.</p>	<p>d. Internal pedestrian walkways provided in conformance with 2. above shall have weather protection features, such as awnings or arcades within thirty (30) feet of all customer entrances and shall be constructed parallel to the façade of the building but need not extend into driving aisles or parking areas.</p> <p>e. All internal pedestrian walkways <b>and crosswalks</b> shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Walkway materials shall be of durable, low-maintenance surface materials, such as pavers, bricks, or scored concrete. Signs shall be installed to designate pedestrian walkways.</p> <p>f. Sidewalks shall connect transit stops on or off-site as well as to nearby residential neighborhoods.</p> <p>g. Sidewalks shall be provided along the full length of any side of a building adjoining a parking lot.</p>

Comment/Source	Notes	Proposed Ordinance Language
36) Should "Free Speech Zones" be considered? (Plan Commission)	No change proposed.	10. <u>Central Features and Community Spaces.</u>
37) Should the "central features" requirement be based on GFA, (i.e. 2 per 40,000 GFA), instead of two total? (Plan Commission)	Change proposed - see Proposed Ordinance Language.	a. At least <del>two (2)</del> <b>one (1)</b> of the following community and public spaces shall be provided <b><u>per 20,000 GFA of building. A minimum of 2 per establishment in required.</u></b>
38) Should [outdoor] employee amenities/ break areas be required? (Plan Commission)	Change proposed - see Proposed Ordinance Language.	<ul style="list-style-type: none"> <li>i. Patio / seating area</li> <li>ii. Pedestrian plaza with benches</li> <li>iii. Transportation center</li> <li>iv. Window shopping walkway</li> <li>v. Outdoor playground area</li> <li>vi. Kiosk area</li> <li>vi. Water feature</li> <li>vii. Planter walls</li> <li>viii. Other deliberately shaped area and/or focal feature or amenity that adequately enhances the community and public spaces.</li> <li>ix. <b><u>Outdoor employee amenities, such as a break area.</u></b></li> </ul>
		<ul style="list-style-type: none"> <li>b. All of the above shall have direct access to the public sidewalk network and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.</li> </ul>

Comments/Source	Notes	Proposed Ordinance Language
39) Should there be additional noise requirements? ( <i>Plan Commission</i> )	No change proposed.	<p>11. <u>Delivery/Loading Options.</u></p> <p>No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB or less, as measured at the lot line of any adjoining property.</p>
40) Remove window requirement. for small retail establishments. ( <i>Developers</i> )	No change proposed.	<p>12. <u>Smaller Retail Establishments.</u> Where principal buildings contain additional separately-owned, <b><u>or franchised</u></b>, establishments that occupy less than twenty-five thousand (25,000) square feet of GFA and have separate exterior customer entrances the following shall apply:</p> <ul style="list-style-type: none"> <li>a. The street-level façade of such establishments shall be transparent between three (3) feet and eight (8) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade.</li> <li>b. Windows shall be recessed and should include visually prominent sills, shutters, or other forms of framing.”</li> </ul>

Comments	Notes	Proposed Ordinance Language
		<p>2. Current Subdivisions (f) through (h) of Subsection (4) entitled "Powers and Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances are renumbered to Subdivisions (g) through (i), respectively.</p> <p>3. Subdivision (b) entitled "Planned Developments" of Subsection (4) entitled "Powers and Duties" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:</p> <p>“(b) <u>Planned Developments</u>. The Urban Design Commission shall review the design of all proposed developments which are considered planned developments under provisions of the Zoning Ordinance. In exercising this power, the commission shall be bound by the provisions of Sec. 28.07(4), (5) and (6), <u>Sec. 33.02(4)(f)</u> and Sec. 28.12(10)(k) and shall report its findings to the City Plan Commission and Common Council.”</p>

Comments/Source	Notes	Proposed Ordinance Language
<p>41) Change Conditional Use trigger from 50,000 GFA to 40,000 GFA to reflect the proposed change in this ordinance. (staff)</p>	<p>Change proposed - see Proposed Ordinance Language.</p>	<p>4. Subdivision (b) entitled "General Regulations" of Subsection (24) entitled "Planned Commercial Site" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:</p> <p>"(b) <u>General Regulations</u>: A planned commercial site created after October 6, 1998 shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development, or approval of the Plan Commission. Every planned commercial site shall front on a public street. In every planned commercial site containing more than <del>fifty thousand (50,000)</del> <b>forty thousand (40,000)</b> square feet of gross floor area and where <del>twenty-five thousand (25,000)</del> square feet of gross floor area is designed or intended for retail use or for hotel or motel use, the Urban Design Commission shall review said site and make a recommendation to the Plan Commission regarding all development within the site. <u>All new retail establishments with a total gross floor area (GFA) of <del>than fifty thousand (50,000)</del> <b>forty thousand (40,000)</b> square feet or more that are part of a planned commercial site are subject to the provisions of Sec. 33.02(4)(f).</u>; and <del>The Urban Design Commission and the Plan Commission shall retain continuing jurisdiction over the entire site.</del>"</p>

Comments/Source	Notes	Proposed Ordinance Language
		<p>5. Paragraph 24. of Subdivision (d) entitled “Conditional Uses” of Subsection (3) entitled “C2 General Commercial District” of Section 28.09 entitled “Commercial Districts” of the Madison General Ordinances is amended to read as follows:</p> <p>“24. Any new construction of a building or buildings on a zoning lot or an addition to an existing building or buildings which results in the total square footage of all buildings on the zoning lot exceeding than <del>fifty thousand (50,000)</del> <b>forty thousand (40,000)</b> square feet in gross floor area and where <u>twenty-five thousand (25,000)</u> square feet or more of the gross floor area is designed or intended for retail use or for a hotel or motel use. This conditional use and the one hereafter are established to allow consideration of the potential impacts of the proposed conditional use on the transportation system and on the policy objectives for transportation and land use, including noise, air quality and appearance. In addition to the requirements of Section 28.12(11), “Conditional Uses,” the applicant shall provide an analysis in accordance with the guidelines established by the City Department of Transportation of the proposed development’s impacts on the transportation system and associated recommended solutions to the Plan Commission. The Urban Design Commission shall review the design and appearance of the proposed conditional use and provide recommendations to the Plan Commission. <u>If a new retail establishment under this section has a gross floor area (GFA) of <del>fifty thousand (50,000)</del> <b>forty thousand (40,000)</b> square feet or more, the requirements in Sec. 33.02(4)(f) shall apply.</u>”</p>