

# PLANNING DIVISION STAFF REPORT

February 20, 2017



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2920 Sherman Ave. (District 12 - Ald. Palm)  
**Application Type:** Conditional Use  
**Legistar File ID #** [45655](#)  
**Prepared By:** Jessica Vaughn, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Vern Stenman; Madison Mallards; 2920 Sherman Ave.; Madison, WI 53704

**Property Owner:** City of Madison Parks; Warner Playfield and Stadium; 210 Martin Luther King, Jr. Blvd. Room 104; Madison, WI 53703

**Contact:** Doug Larson; MODS International; 5523 W Integrity Way; Appleton, WI 53703

**Requested Action:** The applicant requests approval of a Conditional Use:

- To bring the existing stadium into compliance with the current use standards for stadium uses in the Parks and Recreation (PR) zoning district; and
- For the reconstruction of the existing "Great Dane Duck Blind" in excess of the maximum permitted height in the PR zoning district.

**Proposal Summary:** The applicant is seeking approval of a Conditional Use to bring the existing stadium use into conformance with the use standards for stadium uses in the PR zoning district. Pursuant to Section 28.091, stadium uses require Conditional Use approval.

The applicant is also requesting a Conditional Use for the reconstruction of the existing "Great Dane Duck Blind," located in the right field corner of the stadium, to allow a portion of the facility to exceed the maximum permitted height in the PR zoning district.

The proposed improvements to the stadium will not increase the overall capacity which is driven by the parking provided on site.

**Applicable Regulations & Standards:** Pursuant to Section 28.091, MGO, stadium uses require Conditional Use approval in the PR zoning district. As such, they are subject to the review and approval standards pursuant to Section 28.183(6), MGO.

Pursuant to Section 28.095, MGO, the maximum height may be exceeded with Conditional Use approval.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the Conditional Use request for the existing stadium and proposed construction in excess of the maximum permitted height for the Warner Park Playfield and Stadium located at **2920 Sherman Ave.** This recommendation is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The project site, Warner Playfield and Stadium, is located within Warner Park, generally located southwest of the intersection of Northport Drive and Sherman Avenue. Overall, the park is comprised of over 150 acres. The project site is also identified as an Environmental Corridor, wetland, and located within the wellhead protection zone for Wellhead No. 7.

The site is in Aldermanic District 12 (Palm), the Madison Metropolitan School District, and the Northport-Warner Park-Sherman Neighborhood Plan planning area.

**Existing Conditions and Land Use:** Currently the project site, Warner Playfield and Stadium, is located within the larger Warner Park. The park is host to multiple sports facilities, including, but not limited to tennis and basketball courts, soccer fields as well as the Warner Park Community Center.

The field was built in 1982 and has a rich baseball history. It has been home to the Madison Muskies, Madison Hatters, and Madison Black Wolf as well as several of the City's local high schools, including East, Lafollette, and Edgewood. Now Warner Playfield and stadium is home to the Madison Mallards Baseball Club.

The Mallards came to town in 2001 and since that time, in conjunction with the City of Madison, have built more than three million dollars in stadium improvements. In 2011, the ballpark went through a complete renovation, with a new grandstand, including stadium seats from Camden Yards home of the Baltimore Orioles. Also added that same year was the TRICOR/West Bend Club, a VIP deck behind home plate. In 2012, the club continued to re-invest in the facility when the Meriter and Physicians Plus Backyard and Great Dane Duck Blind were added. The Backyard is a 6,000-square-foot grass berm in left field with general admission grass seating. The Great Dane Duck Blind is an elevated deck in right field with tables for parties, both big and small. In 2013, a new 440-square-foot video board was added.

Over time, the existing wood deck general admission area of the stadium, known as the Great Dane Duck Blind, has deteriorated, leading to safety and maintenance issues. The Applicant is seeking to rebuild the "Duck Blind."

The existing stadium is considered a legal non-conforming use. Established in 1982, prior to the adoption of the City's current zoning code, stadium uses were identified as accessory uses. With the adoption of the City's current zoning code in 2013, stadium uses are now identified as Conditional Uses, for which a Conditional Use approval was never established.

Pursuant to Section 28.191, MGO, a nonconforming use cannot be extended or expanded. In this case, since the use is identified as a conditional use, pursuant to Section 28.091, MGO, a Conditional Use would be required for the proposed expansion. The subject Conditional Use request, if approved, would make the existing stadium use a conforming use, consistent with the use standards for the PR zoning district.

**Surrounding Land Use and Zoning:** The project site is zoned Parks and Recreation (PR). Pursuant to Section 28.095, MGO, the PR zoning district was established to:

*"...accommodate active outdoor and indoor recreation uses and facilities such as golf courses, stadiums, swimming pools, community centers, large recreation structures, recreational complexes, and similar uses where lands are development to accommodate said recreational uses, and may also include areas for natural preservation and passive enjoyment of natural features."*

North (across Northport Drive): Residential uses (single- and multi-family units); Suburban Residential-Variied 2 (SR-V2) and Planned Development (PD) zoning;

South: Single-family residential; Suburban Residential-Variied 1 (SR-V1) zoning;

East (across Sherman Avenue): Commercial uses; Commercial Corridor-Transitional (CC-T) zoning; and

West: Lake Mendota.

**Zoning Summary:**

<b>Parks and Recreation (PR) Zoning District Summary</b>		
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	5 acres	>5 acres
Lot Width	300'	>300'
Front Yard Setback	30'	Adequate
Side Yard Setback	30'	Adequate
Rear Yard Setback	30'	Adequate
Maximum Building Height	2 stories/35'	40'-7"
<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number Parking Stalls	As determined by Zoning Administrator	1,500 existing parking stalls (See Zoning Condition No. 1)
Accessible Stalls	Yes	Existing accessible stalls (See Zoning Condition No. 1)
Loading	None	None
Number Bike Parking Stalls	As determined by Zoning Administrator	100 Existing bike parking stalls (See Zoning Condition No. 1)
Landscaping and Screening	No	Yes, existing landscaping
Lighting	Yes	Yes
Building Forms	No	Stadium facility building

<b>Other Critical Zoning Items</b>	
Yes:	Urban Design (Public Building); Floodplain; Adjacent to Park (Warner Park); Barrier Free (ILHR 69); Utility Easements; Wetlands, Wellhead Protection District
No:	N/A

*Zoning Table prepared by: Jenny Kirchgatter, Assistant Zoning Administrator*

**Adopted Land Use Plan:** The Comprehensive Plan recommends Park and Open Space (P) development for the project site. Areas identified as P districts are the recommended "...locations for public parks, some types of public and private outdoor recreational facilities, conservation areas, some stormwater management drainageways and detention areas, cemeteries, and similarly relatively extensive uses that have an open space character and are not recommended for eventual development with more intensive uses" (Pg. 2-99, Comprehensive Plan). The Comprehensive Plan recognizes recreation areas and facilities as recommended land uses in P districts.

**Adopted Neighborhood Plan:** The project site is located within the Northport-Warner Park-Sherman Neighborhood Plan (the “Plan”) planning area. The Plan identifies the enhancement of recreation opportunities and facilities, and the sustainability of green spaces as a primary goal within the Plan. While there are specific recommendations identified in the Plan that generally speak to enhancing the Warner Park’s existing amenities, including improving the parking lot areas, maintaining pedestrian connectivity around the park perimeter, improving water quality and preserving build and wildlife habitat, for example, there are no specific recommendations related to the stadium. That said the Plan does identify that the feasibility of reconstructing the stadium was explored as part of the planned improvements and investments included in the Plan.

**Previous Approvals:**

Parks Commission: At its November 16, 2016 meeting, the Board of Parks Commissioners approved the Applicant’s request to re-build the Great Dane Duck Blind.

Urban Design Commission: At its January 25, 2017 meeting, Urban Design Commission unanimously granted final approval of the reconstruction and renovation of the “Great Dane Duck Blind” located at 2920 Sherman Ave. Of the comments offered by the Commission, the Applicant should give consideration to incorporating plantings to soften the tall green wall created by the additional height. Please refer to Planning Division Condition No. 1 below. Please refer to the Urban Design Commission report attached to this memo.

**Environmental Corridor Status:** The subject site is located within a mapped environmental corridor.

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

## **Project Description**

The applicant is seeking approval of a Conditional Use to bring the existing stadium use into conformance with the use standards for stadium uses in the PR zoning district. Pursuant to Section 28.091, stadium uses require Conditional Use approval.

The applicant is also requesting a Conditional Use for the reconstruction of the existing “Great Dane Duck Blind,” located in the right field corner of the stadium, to allow a portion of the facility to exceed the maximum permitted height in the PR zoning district. The requested reconstruction includes:

- Demolition and reconstruction of the existing at-grade “Duck Blind” general admission wood deck area with standing room and picnic seating. The new general admission area will be comprised of shipping container flooring and treated plywood, and will provide a combination of bar stool seating and fixed stadium-style seating;
- The addition of four levels of indoor conditioned space, to be known as the “Great Dane Duck Blind Suites.” The suites will be comprised of metal shipping container construction and roughly 3,520 sq. ft. The proposed construction will exceed the maximum height permitted in the PR zoning district (two stories/35’) at four stories/40’-7”.
- The new suites will provide both indoor and outdoor seating as well as private event space for both game day and non-game day events. Non-game day events will be held year-round during the week and on weekends.

The proposed improvements to the stadium will not increase the overall capacity which is driven by the parking provided on site.

## Analysis and Conclusion

This proposal is subject to the standards for Conditional Use pursuant to Section 28.183(6), MGO. Generally, the intent of a Conditional Use review is to determine if a particular site is an appropriate location for a proposed use, to evaluate the compatibility of that use with surrounding uses and development, and to mitigate potential nuisance impacts to surrounding properties.

In order to approve the Conditional Use request, Plan Commission must find that the proposed Conditional Use approval standards pursuant to Section 28.183(6), MGO, including those related to mitigating nuisance impacts, and consistency and compatibility with the existing development, and additional height have been met.

Planning Division staff believes that the proposed Conditional Use requests can meet the approval standards, including:

- The proposed stadium expansion will provide an enhancement to the existing facility by providing improved accommodations for visitors to the stadium, consistent with the goals and policies as identified in the City's Comprehensive Plan and adopted neighborhood development plan. The Conditional Use request seeks to maintain the existing stadium use and bring it into compliance with the use standards for the zoning district (Standards No.'s 1-2, 4-5).
- Given that the existing use will be maintained, the existing capacity will not be increased and the nature of park facilities being, daily, year-round activity centers, Planning Division staff anticipates that the proposal will maintain consistency and compatibility with the current operating characteristics and that new adverse impacts are not anticipated (Standard No. 3).
- Given the location of the stadium within the larger Warner Park, the proposed additional height, being located nearest the park entrance located off of Northport Drive and significantly setback from the street will have minimal impacts to the surrounding properties. As a result of the additional height, a blank wall facing the park entrance would result. As part of the Urban Design Commission recommendation and the Planning Division conditions, consideration should be given to minimizing the appearance of the blank wall by incorporating plantings to soften the tall green wall created by the additional height. Please refer to Planning Division Condition No. 1 below (Standard No. 12).

At the time of report writing no public comment had been received.

## Recommendation

### Planning Division Recommendation (Contact Jessica Vaughn, (608) 267-8733)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Use are met and **approve** the Conditional Use request for the existing stadium and proposed construction in excess of the maximum permitted height for the Warner Park Playfield and Stadium located at **2920 Sherman Ave**. This recommendation is subject to the 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 Jessica Vaughn, (608) 267-8733)

1. The Applicant shall work with Planning Division staff and the Urban Design Commission Secretary to incorporate landscape along the west elevation of the proposed building to provide relief to the blank wall.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9137)

1. The Applicant shall submit, prior to plan sign-off, but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

2. 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 5.0 tons per acre per year.
3. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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 (NOTIFICATION).
4. The Applicant shall 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).

**Traffic Engineering Division** (Contact Eric Halvorson, (608) 266-6527)

1. 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; 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.
2. 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.
3. 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
4. All parking facility design shall conform to MGO standards, as set in Section 10.08(6), MGO.

**Zoning** (Jenny Kirchgatter, Assistant Zoning Administrator, (608) 266-4429)

1. Provide a parking lot and bicycle parking summary for the existing stadium facilities, including the numbers of vehicle stalls, accessible stalls, and bicycle stalls.

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

1. An automatic fire sprinkler system shall be provided beneath all roofs that exceed 4-ft in width. Additionally, the fire sprinkler system shall include any areas beneath bleachers where people will be allowed to congregate, or storage, cooking, or sales will occur.

**Parks Division** (Contact Janet Schmidt, (608) 266-4714)

1. NOTE: this project received approval before the Board of Park Commissioners on 11/16/16. Parks Division will be required to sign-off on this Conditional Use.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

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

**Metro Transit** (Contact Timothy Sobota, (608) 261-4289)

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

**City Engineering Review Mapping** (Contact Jeff Quamme, (608) 266-4097)

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