

PLANNING DIVISION STAFF REPORT

August 29, 2022

PREPARED FOR THE PLAN COMMISSION



Project Address: 4730-4802 Femrite Drive and 2730 Daniels Street (District 16 - Ald. Currie)

Application Type: Conditional Use

Legistar File ID # [72782](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Amy Niemetscheck; Certco Inc.; 5321 Verona Road; Fitchburg, WI 53711

Contact: Matt Haase; JSD Professional Services; 161 Horizon Drive; Verona, WI 53593

Requested Action: Consideration of a conditional use for an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement in order to construct a surface automobile parking lot with 36 stalls at 4730-4802 Femrite Drive and 2730 Daniels Street.

Proposal Summary: The applicant proposes to add a 36-stall surface automobile parking lot at the southern end of the subject site.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Section 28.141(6)(b)4 states that an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement requires conditional use approval.

Review Required By: Plan Commission. Additionally, this property is also within the limits of Urban Design District 1 and is currently being administratively reviewed for compliance with the applicable standards and guidelines of that district by the Urban Design Commission Secretary pursuant to Section 33.24(g)(1), MGO.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request for an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement in order to construct a surface automobile parking lot with 36 stalls at 4730-4802 Femrite Drive and 2730 Daniels Street. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 9,200-square-foot (0.21-acre) subject site is comprised of three contiguous and internally connected parcels – the 220,850-square-foot (5.1-acre) 4730 Femrite Drive parcel to the south, the adjacent 611,840-square-foot (14-acre) 4802 Femrite Drive parcel in the middle, and the 858,090-square-foot (19.7-acre) 2730 Daniels Street parcel to the north. The two Femrite Drive parcels are located on the north side of Femrite Drive, just west of the intersection with Dutch Mill Road while the Daniels Street parcel is located on the southwest side of Daniels Street, west of the intersection with Dairy Drive. The sites are located within Alder District 16 (Ald. Currie) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The 4730 Femrite Drive parcel is partially developed. The easternmost third of the parcel contains a surface automobile parking stall and two drive aisles (which provide access both to the aforementioned surface parking lot but also to the 4802 Femrite Drive parcel located to the north). The rest of the parcel is undeveloped but provides stormwater detention for the three subject parcels.

The 4802 Femrite Drive parcel is developed with a 328,512-square-foot, primarily one-story, cooler and freezer warehouse facility for Certco, a food distribution company. According to City Assessor's Office records, the building was originally constructed in 2009 and expanded twice – in 2009 and 2016. The building occupies nearly the entire site, save for a drive aisle which encircles it. Loading docks for semi trucks are located at the south end of the building.

Finally, the 2730 Daniels Street parcel is also developed with a 346,210-square-foot dry goods warehouse and distribution facility for Certco Inc. According to City Assessor's Office records the facility was originally constructed in 1988 and greatly expanded in 1996. The building, encircled by a drive aisle, sits at the south end of the site with loading docks for semi trucks located on its east and west sides.

All three parcels are zoned Industrial – Limited (IL) District and all three are interconnected and have cross access.

Surrounding Land Use and Zoning:

North: City-owned land for stormwater retention, zoned Industrial – Limited (IL) District;

East: Various warehousing and manufacturing facilities in the IL District;

South: Across Femrite Road are warehousing facilities, single-family residences, and a tavern with apartments above, all in the IL District; and

West: Various warehousing and office facilities in the IL District.

Adopted Land Use Plan: Both the [Comprehensive Plan \(2018\)](#) and [Stoughton Road Revitalization Project](#) (2008) recommends Industrial (I) uses for the subject properties.

Zoning Summary: The project site is currently zoned Industrial – Limited (IL) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	>20,000 sq. ft.
Lot Width	75'	>75'
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback	None if adjacent to property zoned IL or IG	
10' if adjacent to property zoned anything other than IL or IG	Adequate	
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	None	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Warehouse and storage: Maximum 1 per employee 74 at 4802 Femrite Dr 86 at 2730 Daniels St (160 total)	192 existing stalls 35 proposed (227 total) <i>(See Comment #14)</i>
Accessible Stalls	Yes	2
Loading	Not required	Existing loading facility

Number Bike Parking Stalls	Warehouse and storage: 1 per 5 employees (32)	Existing bike parking
Landscaping and Screening	Yes	Yes (See Comments #15 & #16)
Lighting	Yes	Yes
Building Forms	Not required	Existing building
Other Critical Zoning Items	Urban Design (UDD #1); Utility Easements; Barrier Free (ILHR 69)	

Tables prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services. Metro Transit currently provides daily hourly bus trips, all-day for the service sites with stops located 0.3 miles to the east at the intersection of Agriculture Drive and World Dairy Drive or 0.2 miles away at the intersection of Femrite Drive and Dairy Drive. Under the proposed route network redesign, the same bus stops and service orientation would remain.

Project Description

The applicant is applying for a conditional use for an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement in order to construct a surface automobile parking lot with 36 stalls at the southern end of the sites.

The applicant proposes to add a 36-stall automobile parking lot on the eastern half of the 4730 Femrite Drive parcel. The parking lot is meant to serve the roughly 328,500-square-foot cooler and freezer warehouse facility located on the 4802 Femrite Drive parcel, just to the north. As noted in the submitted materials, the parking supply shortage occurs during the overlapping shift change between 3rd and 1st shifts at this facility. There are 81 parking stalls near the 4802 Femrite Drive's employee entrance located at the southeastern corner of the building, yet during this shift change, there are 100 employees – (26) 3rd Shift employees and (74) 1st Shift employees on site at a time. While 3rd Shift ends at 6:30 am and 1st Shift starts at 7:00 am, the applicant notes that *"3rd shift employees frequently are working overtime beyond the standard hours to complete unloading/staging of inbound received products during 3rd shift for preparation of 1st operations of outbound shipping. As with many warehousing and shipping/receiving focused operations, COVID 19 introduced many challenges with delivery logistics and supply chains. These challenges have resulted in Certco requiring overtime hours for all shift's employees to ensure Certco's products are being received/delivered to/from their customers on a daily basis. With the additional required overtime hours and the shift change between the 3rd and 1st Shift, the existing parking availability that serves the 4802 Femrite Dr. is taxed and does not provide enough available parking spaces."*

While the applicant acknowledges that there are 111 stalls located on the north side of the 4802 Femrite warehouse facility, these serve the 2730 Daniels Street warehouse facility and its (86) 1st Shift employees. However these stalls are over 750 feet from the 4802 Femrite Drive's only employee entrance, located at the building's southeast corner. There is not currently a sidewalk along the east side of the 4802 Femrite facility, nor is it conducive to one given the fact that there are multiple large overhead maintenance access doors, generator and secondary power equipment, and large fire suppression holding tank located along this stretch of the building. Furthermore, the applicant notes that the adjacent drive aisle is the primary traffic route for the large trucks accessing the Daniels Street facility as well as by the employees which work within it. The applicant believes that the addition of the employee parking lot at the southern end of the site, near the 4802 Femrite facilities entrance, and on the west side of the drive aisle, will greatly reduce the number of potential pedestrian-vehicle conflicts.

In the end, per Table 28I-3 Off-Street Parking Requirements in MGO Section 28.141(4) of the Zoning Code, the total number of parking stalls required to serve the two facilities is equal to the sum of the number of employees from the largest shift at each building. This would be 86 for the Daniels Street facility plus 74 for the Femrite facility, or 160 stalls. They are proposing a total of 228 stalls (192 existing stalls plus 36 proposed with this request) which is 68 stalls or 42.5 percent above the maximum. (With 192 stalls currently on site, they are currently 32 stalls or 21.8 percent above the maximum.)

Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Section 28.141(6)(b)4 states that an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement requires conditional use approval.

Conformance with Adopted Plans

Both the [Comprehensive Plan \(2018\)](#) and [Stoughton Road Revitalization Project](#) (2008) recommends Industrial (I) uses for the subject properties.

Conditional Use Standards

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 M.G.O. §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

MGO Section 28.141(6)(c) states that approval of surface parking exceeding the maximum shall be granted only after considering the following:

1. *Documentation regarding the actual parking demand for the proposed use.*
2. *The impact of the proposed use on the parking and roadway facilities in the surrounding area.*
3. *Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.*
4. *The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.*
5. *Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.*
6. *Whether the proposed use is new or is an alteration, addition or expansion of an existing use.*

Regarding Consideration #1, Staff believe the applicant has adequately documented the demand, as described in the submitted documents.

Regarding Consideration #2, Staff do not believe the proposed parking lot will have any effect on the parking and roadway facilities in the surrounding area as the cars are already coming to the site, there are just not adequate stalls on site to accommodate them.

Regarding Consideration #4, the 4730 Femrite Drive facility is well served by Metro Transit on Route 31. The nearest bus stop location to Certco is at the intersection of Dutch Mill Road and Femrite Drive, which is approximately 1000 feet from the staff entry point. Route 31 has a regular operating route schedule during weekdays, stopping on the hour beginning near 6:30 am and ending at 10:30 pm. Certco has Metro's Route 31 map and schedule posted in the employee breakroom to inform employees of the alternate transportation mode available to them.

Another alternate mode of transportation available to Certco employees is biking. Both Femrite Drive and Dutch Mill Road have bike lane accommodations and Certco has on-site secure bike racks for employees to use during the seasons when biking is appropriate.

Regarding Consideration #5, while not described in this report, Staff note that the applicant is also proposing to construct a large bioretention basin southeast of the proposed parking lot. They are also proposing to add landscaping, including a number of Red Oak and Linden Trees, around the proposed parking lot.

Regarding Consideration #6, Staff note that this is an existing use which has proven to have inadequate parking on a daily basis for the existing employees.

With the recommended conditions of approval from agencies, Staff believe that Plan Commission can find the conditional use standards and additional considerations listed under MGO Section 28.141(6)(c) met.

Public Input

At the time of report writing, staff have not received any public comments regarding this request.

Conclusion

Staff believe this proposal is compatible with adopted plan recommendations and can be found to meet the conditional use approval standards as well as the considerations listed in MGO Section 28.141(6)(c). The applicant believes that, given the documented need for 3rd Shift employees to regularly work overtime, the sheer scale of the two warehouse facilities, the resulting large distance from the existing available parking stalls on site and the employee entrance of the 4802 Femrite Drive facility, and number of potential pedestrian-vehicle conflicts that could arise were a walkway added along the east side of the facility, the need for an additional 36-stall parking lot is justified. As discussed in this report, with the comments recommended by reviewing agencies, staff believes the Conditional Use approval standards and additional considerations listed under MGO Section 28.141(6)(c) can be found met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, cwells@cityofmadison.com)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request for an increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement in order to construct a surface automobile parking lot with 36 stalls at 4730-4802 Femrite Drive and 2730 Daniels Street. This request is subject to the input at the public hearing and the following conditions:

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

City Engineering Division - Main Office Review (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
2. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
3. 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.
4. 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>.
5. 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.
6. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
7. 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.

8. 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.

9. 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 ttroester@cityofmadison.com (West).

City Engineering Division–Mapping Section Review (Contact Julius Smith, (608) 264-9276)

10. The previously provided declaration of easement for these parking lot improvements on this lot to serve the lot to the north. This document shall be executed and recorded prior to building permit issuance.

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

11. 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.
12. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
13. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

14. Per MGO Section 28.141(4)(a) Number of Employees, where number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees will not change unless new construction or expansion is proposed. The current number of employees on the maximum working shift is 160 employees combined at 4802 Femrite Dr and 2730 Daniels St.
15. Include the overall site plan and overall landscape plan with the final site plan verification submittal.
16. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
17. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

The Parks Division, Fire Department, Parks Division, Metro, Forestry and Water Utility have reviewed this request and have recommended no conditions of approval.