

PLANNING DIVISION STAFF REPORT

April 22, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 642 Struck Street (District 19 – Ald. Furman)
Application Type: Conditional Use
Legistar File ID #: [55024](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Eric Heise; Supreme Structures; 2906 Marketplace Drive; Madison, WI 53719

Property Owner: Huston & Tritt Madison; 622 W Main Street; Sun Prairie, WI 53590

Requested Action: Approval of a conditional use for an outdoor display area at 642 Struck Street.

Proposal Summary: The applicant is requesting conditional use approval for an outdoor display area in the CC (Commercial Center) Zoning District. This request is tied to the development of a new one-story, 8,264-square-foot commercial building, which is a permitted use in the CC District.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183], as Table 28D-2 of MGO §28.061 identifies outdoor display as a conditional use in the CC (Commercial Center) District, with Supplemental Regulations in 29.151. Outdoor display is defined as “the display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.”

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards met and **approve** a conditional use to allow outdoor display in the Commercial Center (CC) Zoning District at 642 Struck Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 32,707-square-foot (0.75-acre) subject property is located at the northwest corner of the intersection of Struck Street with Watts Road. The site is within Aldermanic District 19 (Ald. Furman) as well as the limits of the Madison Metropolitan School District.

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

Surrounding Land Use and Zoning:

North: A variety of commercial and retail uses, zoned CC (Commercial Center) District;

South: City of Madison stormwater facility, zoned SE (Suburban Employment) District; and a multi-tenant commercial building, zoned PD (Planned Development) District;

East: Planned multi-use commercial site, zoned CC District; and

West: A variety of commercial uses in the Town of Middleton.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site. The [Southwest Neighborhood Plan \(2008\)](#) makes no specific recommendations for the subject site, but in general calls for Traditional Neighborhood Development (TND) and Transit-Oriented Development (TOD) principles in redevelopment.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	32,707 sq. ft.
Lot Width	None	154'
Front Yard Setback	At least 70% of the building within 85'	31.5'
Side Yard Setback	5'	16.5', 47'
Rear Yard Setback	20'	82.7'
Maximum Lot Coverage	85%	68%
Maximum Building Height	5 stories/ 68'	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 41 maximum	21
Accessible Stalls	1	2
Loading	None	None
Number Bike Parking Stalls	4	4
Landscaping and Screening	Yes	Yes (27)
Lighting	Yes	Yes
Building Forms	Yes	Free Standing Commercial Building

Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jacob Moskowitz, 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, with Madison Metro Routes 50, 58, and 73 serving the site.

Project Description, Analysis, and Conclusion

The applicant is requesting conditional use approval for an outdoor display area in the CC (Commercial Center) Zoning District. This request is tied to the development of a new one-story, 8,264-square-foot commercial building, which is a permitted use in the CC District.

As proposed, the exterior building materials include off-white fiber cement board and batten siding, with composite wood siding and brick accents. According to the letter of intent, the hours of operation will be Monday through Friday from 9:00 AM to 6:00 PM and Saturdays from 9:00 AM to 6:00 PM. The building will have an interior showroom for product display, as well as a retail center for service and maintenance items. In terms of site circulation, vehicle access to the site is provided from both Struck Street and Watts Road. The existing Watts Road driveway also serves the commercial properties directly to the north, qualifying this development part of a planned multi-use site. These project details are permitted uses in the CC District, as the square-footage threshold for planned multi-use sites requiring conditional use approval is not met.

As part of this development, the applicant requests conditional use approval for accessory outdoor display. The applicant proposes to display patio furniture and other outdoor equipment. While the plans provided depict a grill, hot tub/spa, and fire pit as part of the outdoor display, per the Supplemental Regulations in MGO §28.151,

outdoor display shall not exceed sixteen (16) hours per day. Therefore, if the applicant chooses to display these bulkier items, they must be brought inside with the other patio furniture before the 16 hour limit has lapsed.

This request is subject to the Conditional Use Approval 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 MGO §28.183(6) are met.

While the [Comprehensive Plan \(2018\)](#) recommends Employment (E) uses for the subject site, staff notes that the one-story retail building is a permitted use in the CC Zoning District. Therefore, if no outdoor display was proposed, this item would not require Plan Commission approval. Furthermore, the Planning Division believes that this request can meet the Conditional Use Approval Standards. Staff does not believe that the addition of an outdoor display area will impede the normal and orderly development of the Watts Road commercial area.

At the time of report writing, staff was not aware of any concerns on this request.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the standards met and **approve** a conditional use to allow accessory outdoor display in the Commercial Center (CC) Zoning District at 642 Struck Street. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

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

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. This site is subject to the Upper Badger Mill Drainage Impact District, fees shall be paid before building permits are issued.
2. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
3. 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. (POLICY)
4. This development contains facilities of MMSD. Prior to approval, applicant shall provide evidence that MMSD has reviewed and approved the proposed land division (Policy)
5. (Comment from MMSD) The owner may want to consider a deeper than standard frostwall (say 6'-8') on the west side of the building. This would reduce the chance of wall undermining if MMSD ever had to excavate. This would be at the Owner's discretion and for their protection. MMSD would not insist on it or pay any additional costs for it.

6. 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 either: bstanley@cityofmadison.com (East) or tstroester@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.

7. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))PDF submittals shall contain the following information:
- 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) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
- a) SLAMM DAT files
 - b) RECARGA files
 - c) TR-55/HYDROCAD/Etc
 - d) 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 (POLICY and Section 37.09(2), MGO).

9. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City
10. 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.
11. 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)
12. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates.
13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls.
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of the Madison General Ordinances.
15. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
16. 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.
17. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6))This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

18. A recorded access easement over the property lying to the north of this site shall be provided prior to final sign off.
19. A Consent to Occupy Agreement shall be required for the proposed stormwater management facilities and pavement improvements within the Public Storm Sewer, Watermain and Utility Easement areas per Document No's 2660574, 4120507 and 5205445. Provide an accurate map exhibit showing the proposed facilities, the easements and dimensions to Jeff Quamme. Upon review of the exhibit, a \$500 administrative shall be provided for the Real Estate Project set up for the drafting and administering of the agreement.
20. The MMSD easement location is determined by the actual pipe centerline. Applicant shall verify sewer location (survey locate MMSD MH12-162 and MH 12-163 (330' north)) to determine the easement location. Both manholes appear to be center opening with no steps, so basing the pipe location on the center of the manhole castings should be pretty close for determination of the center of the easement. The proposed building location may need to be adjusted to stay outside of the MMSD easement if both manholes have not been field located.
21. The improvements proposed within the MMSD Easement per Doc No 2660574 shall require confirmation of MMSD approving the improvements to be constructed within the easement area.
22. Applicant shall dedicate a public sidewalk easement for the existing sidewalk that is within the southerly portion of this property. Provide map exhibit and legal description 1 foot behind the existing walk to Jeff Quamme (jrquamme@cityofmadison.com) and he will set up the Real Estate project to administer the easement.

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

23. 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.
24. 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.
25. 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.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
27. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

28. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
29. The applicant shall provide a clearly defined 5' walkway 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.
30. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
31. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
32. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Zoning (Contact Jacob Moskowitz, (608) 266-4560)

33. Submit a landscape plan and landscape worksheet stamped by a 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.
34. Per Sec. 28.151: Outdoor display shall not exceed sixteen (16) hours per day. All items must be taken inside for at least 8 hours per day.

Parks/Forestry Division (Contact Brad Hofmann, (608) 267-4908)

35. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
36. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

37. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –
38. Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.

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

39. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
40. Developer shall abandon existing 1-IN copper water lateral at the corporation stop to the water main when connecting the proposed 6-IN lateral. Both existing 1-IN and 1.5-IN curb boxes shall be abandoned in terrace, with the curb stops remaining in the "off" position.