



PREPARED FOR THE PLAN COMMISSION

Project Address: 5225 High Crossing Boulevard (17th Aldermanic District, Ald. Baldeh)

Application Type: Conditional Use

Legistar File ID # [46628](#)

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

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Marv Miller; Greenbush Bakery; 135 Regent Street; Madison, WI 53715

Contact: Jeff Groenier; Concepts in Architecture; W125 Amidon Road; Brooklyn, WI 53521

Property Owner: Walsh Properties, LCC; 1741 Commercial Avenue; Madison, WI 53704

Requested Actions: The applicant requests conditional use approval to allow limited production and processing in a multi-tenant commercial building in CC (Commercial Center) District zoning.

Proposal Summary: The applicant seeks to convert a large retail space into one for food production and processing of Greenbush Bakery's products. The space will also include a retail component.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO § 28.183], as MGO §28.061 of the Zoning Code lists *Limited Production and Processing* as a conditional use in the CC (Commercial Center) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for *Limited Production and Processing*.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to allow limited production and processing in a multi-tenant commercial building in CC (Commercial Center) District zoning at 5225 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The roughly 74,000-square-foot (1.7-acre) parcel is located near the southeastern corner of the intersection High Crossing Boulevard and City View Drive, and is within Aldermanic District 17 (Ald. Baldeh) as well as the Sun Prairie School District.

Existing Conditions and Land Use: The subject property contains a one-story, roughly 25,000-square-foot multi-tenant retail building. The parcel is also part of planned multi-use site which in total contains three commercial buildings on the three properties – the two others being a 0.92-acre lot located to the west at the corner of High Crossing Boulevard and City View Drive (at 5251 High Crossing Boulevard) containing a 10,000-square-foot, multi-tenant retail building, and an 8.5-acre parcel located immediately to the south (at 5201 High Crossing Boulevard) containing a 124,000-square-foot vacant retail building (formerly American TV and Appliance). A large surface parking lot sits between the buildings and High Crossing Boulevard. Vehicle access to the subject property is and would remain from City View Drive, and the site can also be accessed via High Crossing Boulevard utilizing cross-access agreements with the site to the south.

Surrounding Land Use and Zoning:

North: Across City View Drive, a hotel, and across High Crossing Boulevard, auto sales, both in the CC District;

East: Across City View Drive, multifamily residential complex in the Planned Development (PD) District;

South: Vacant land in the Suburban Employment (SE) District; and

West: Across High Crossing Boulevard to the west, auto sales, a movie theater, and a private parking facility, all in the CC District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends General Commercial (GC) uses for this area. The [Nelson Neighborhood Development Plan](#) (originally adopted in 1992 and most recently amended in 2001) recommends Commercial Retail/Service uses for this property and its surroundings.

Zoning Summary: The property is zoned CC (Commercial Center)

Requirements	Required	Proposed
Front Yard Setback	85' maximum	Existing setback
Side Yard Setback	One-story: 5' Two-story or higher: 6'	Existing setback
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district.	The required rear yard setback shall be the same as the required side yard setback	Existing setback
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/ 68'	One-story existing building
Number Parking Stalls	No minimum	72 existing stalls 30 shared stalls
Accessible Stalls	Yes	Existing accessible stalls
Loading	None	Existing loading facility
Number Bike Parking Stalls	Limited production and processing: 1 per 5 employees (2)	None (See Comment #8)
Landscaping and Screening	Not required	Existing landscaping (See Comments #9 & #10)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items	Urban Design; Barrier Free (ILHR 69)	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a range of urban services, including Metro Transit Route 26.

Project Description, Analysis, and Conclusion

The applicant, Greenbush Bakery, proposes to convert a retail space into one for food production and processing (of their donuts). This proposal is subject to the approval standards for Conditional Uses.

While the entire building has an area of 24,700 square-feet, Greenbush Bakery will occupy the 4,000-square-foot tenant space located furthest to the south in the building (note: the subject tenant space is indicated on the submitted site plan (drawing C1.0) with a thin line indicating the northern edge and text reading "5225 High Crossing Blvd"). One thousand square-feet of the 4,000 is dedicated to a public-facing retail component (for walk-in sales) which will include refrigerated display cases, counters for cash registers, a small room for storage, restroom, and seating for 10-12 people with its two 4-person tables and one 2-person table. (For this location, the applicant anticipates about 70-percent of its sales will come from walk-in retail, with the rest coming from outside sales).

Behind the front-of-house retail area will be 2,000 square-feet of space for food preparation and processing. Various work tables, ovens, fryers, cooling racks, and other donut-making machinery will occupy the majority of the space. A restroom for staff, a small office, a space with dishwasher and dryer, as well as an area for packing and packaging will also be located in this central area. At the rear of the facility will be roughly 850 square-feet of space primarily for the storage of raw ingredients. There is an existing set of double-doors which lead to the rear parking area and will be used for loading.

The applicant has noted that the facility will use three fryers and one convection oven to cook the donuts and that no roasting of nuts or coffee will take place on site. To this end, new rooftop ventilation equipment will be added and will be the only external change made to the building. Details on the HVAC are required by the Zoning Administrator to ensure compliance with Zoning Code standards.

The applicant proposes to operate as follows: Monday–Thursday, 6:00 am–1:00 am; and Friday–Sunday, 6:00 am–3:00 am. Shipping and receiving will be handled via the loading dock area at the rear of the building. Roughly four to five shipments of raw ingredients per week (primarily during the weekdays and typically occurring during the late morning or early afternoon) and two to three outgoing shipments each day of finished product are anticipated. Deliveries would be handled via vans. The proposed facility will employ six to eight people. Parking for employees and customers will be accommodated in the abundance of parking stalls located in front of the tenant space.

This proposal is subject to the approval standards for Conditional Uses. 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.

Standard #16 specifically relates to the proposed use and states that, *"When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process."* Staff believes that this standard is met, given the limited delivery truck hours and the fact that the closest residential units are over 480 feet to the west from the facility. (Staff notes that a hotel is roughly 350 feet away to the north, across City View Drive).

Additionally, as noted in MGO Section 28.151, the supplemental regulations for Limited Production and Processing state: *"All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component."* Staff believes the proposed use to be compatible with its neighbors.

Based on the materials provided, staff believes the use will result in minimum impacts on surrounding properties. As adopted plans recommend this parcel for General Commercial/Retail, Staff believe the proposal (and its retail component) are consistent with these recommendations. If approved, the Plan Commission retains "continuing jurisdiction" authority, meaning that should complaints arise the Commission could take further action, requiring additional conditions or possible revocation of the conditional use should it find the approval standards cannot be met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to allow limited production and processing in a multi-tenant commercial building in CC (Commercial Center) District zoning at 5225 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

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

1. It is recommended that the proposed bakery has a separate water meter dedicated to the business because of the forthcoming restaurant class billing.

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

2. Better highlight the location of the build out on the site plan. Also provide an accurate north arrow on the floor plans for proper orientation.
3. The site plan shall be updated to represent the completed site conditions and Certified Survey Map No. 14133. (currently shown as proposed conditions)

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

4. 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.
5. 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.
6. 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.
7. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
9. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.
10. Verify whether new or replacement rooftop mechanical equipment is proposed. If rooftop mechanical equipment is proposed, submit details showing the location of the equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
11. 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.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Parks/Forestry Review (Contact Janet Schmidt, (608) 261-9688)

13. 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. 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/2013/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.