

AGENDA # IV.B.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: August 4, 2004

TITLE: Substitute Ordinance, I.D. 33543, creating new Section 33.02(4)(f), renumbering current Sections 33.02(4)(f) – (h) to Sections 33.02(4)(g) through (i) respectively, and amending Sections 33.02(4)(b), 28.04(24)(b) and 28.04(3)(d)24 of the Madison General Ordinances to create design requirements for large retail establishments.

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: August 4, 2004

ID NUMBER:

Members present were: Paul Wagner, Chair; Lou Host-Jablonski, Lisa Geer, Michael Barrett, Robert March, Todd Barnett, and Ald. Steve Holtzman.

SUMMARY:

At its meeting of August 4, 2004, the Urban Design Commission **REFERRED CONSIDERATION** of Substitute Ordinance, I.D. 33543, to create design requirements for large retail establishments. Appearing on behalf of the ordinance was William Fruhling, Principal Planner, and Rebecca Cnare, Urban Design Planner II. According to Fruhling, the current version of the Substitute Ordinance featured:

- Applicability requirements were changed to apply to any retail development with a total gross floor area of 40,000 square feet or greater.
- Applies specific design requirements to just “big box” development and other design requirements for all buildings on the zoning lot.
- Features built-in flexibility to consider alternatives to the requirements based on a determination by a “supermajority” of the Urban Design Commission and Plan Commission that the alternative provides a superior design solution.
- Any combination of buildings on the zoning lot can be counted towards the requirement that 50% of the street frontage be occupied by building façade(s) with a maximum setback of 20 feet.
- Contains provisions relevant to participation in Transportation Management Association (TMA), as a way for meeting the requirement for a Transportation Demand Management (TDM) Plan.

Also appearing on behalf of the ordinance amendment was Ald. Robbie Webber and Ald. Brenda Konkel. Ald. Webber spoke to the rationale for a supermajority, while Ald. Konkel qualified that the supermajority would be two-thirds as an expression of the Commission’s support for the superior design of the project. Following the presentation, the Urban Design Commission expressed concerns on the following:

- Consideration of the ordinance amendment requires referral for a thorough review of its provisions by members of the Commission. The amendment should provide allowances for multi-story retail in combination with office and residential development which is not penalized by the provisions of the ordinance amendment.

- The Transportation Demand Management Plan provisions should be accompanied with specific stated goals and objectives beyond merely requiring it as part of the ordinance amendment.
- Make sure that the design provisions within the ordinance amendment are fully backed up or detailed with specific illustrations of their intent for the education of developers, architects, engineers, and other design professionals.
- Specifically define required clearance for sidewalks from outdoor retail display areas; sidewalks shall be designated for pedestrian circulation and outdoor eating/dining purposes and not for display of merchandise.
- Section 33.02(4)(f)7.a. requires “at least 50% of adjacent street frontage shall be occupied by building façade(s)”, which may imply the stretching of a building to meet the requirement.

ACTION:

On a motion by Host-Jablonski, seconded by Geer, the Urban Design Commission **REFERRED CONSIDERATION** of Substitute Ordinance, I.D. 33543, to create design requirements for large retail establishments. The motion was passed on a vote of (7-0). The motion required the circulation of the most updated draft of the ordinance amendment to the Commission in advance of scheduling on a future agenda.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The Urban Design Commission abstained from ranking the ordinance amendment.

AGENDA # IV.A.

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: August 18, 2004

TITLE: Substitute Ordinance, I.D. 33543, creating new Section 33.02(4)(f), renumbering current Sections 33.02(4)(f) – (h) to Sections 33.02(4)(g) through (i) respectively, and amending Sections 33.02(4)(b), 28.04(24)(b) and 28.04(3)(d)24 of the Madison General Ordinances to create design requirements for large retail establishments.

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: August 18, 2004

ID NUMBER:

Members present were: Paul Wagner, Chair; Lou Host-Jablonski, Lisa Geer, Michael Barrett, Robert March, Todd Barnett and Bruce Woods.

SUMMARY:

At its meeting of August 18, 2004, the Urban Design Commission **REFERRED CONSIDERATION** of Substitute Ordinance, I.D. 33543, to create design requirements for large retail establishments. Appearing on behalf of the ordinance was Brad Murphy, Planning Unit Director, and Rebecca Cnare, Urban Design Planner II. Also appearing on behalf of the ordinance amendment was Ald. Brenda Konkel. Appearing and speaking in opposition was Delora Newton of Smart Growth Madison, John Flad, Frank Maersch and Stephen P. Hoff.

Cnare presented a series of display boards which illustrated the design provisions of the ordinance amendment, the Commission heard testimony from John Flad, Frank Maersch, Stephen P. Hoff and Delora Newton, all speaking in opposition to the ordinance amendment. Their collective concerns were as follows:

- The ordinance proposes to legislate design and aesthetics.
- Projects should be reviewed on their individual merits.
- The ordinance amendment does not recognize issues with the operation and functionality of retail projects.
- The 100,000 square foot maximum floor plate size is arbitrary and subjective.
- The 20-foot setback requirement doesn't take into account issues with site location and context.
- Placing the building upon the street creates conflicts with the provision of parking at its rear in combination with dumpster and delivery service, automobile customer service access and internal storage and display.
- The requirement to move the big box to the corner or upon the street frontage with a customer entrance provided at the street will require another customer entrance at the rear of the building adjacent to surface parking, which will affect functional loading, storage and security issues.
- The proposed ordinance amendment is too prescriptive – a code for design which is too codified that will create a “sameness” in projects, will inhibit creativity, and should be treated more as a guideline and not a prescription.

- The ordinance is perceived as lacking flexibility and appears to lack feedback from retailers.
- Existing development that has buildings that are oriented to the street with a similar setback as proposed in the ordinance are fake façades and not functional with true entries at the rear of the building adjacent to surface parking.
- It is hard for retailers in suburban areas to present two front doors and still accommodate loading, storage, delivery, and garbage pickup.
- The ordinance's provision may affect maintenance and growth of business in addition to regulating office development.

Following the testimony by those appearing in opposition the Commission generally felt that the ordinance provisions were too prescriptive and required additional input from retailers. The Commission felt that a work session of a subcommittee of the Urban Design Commission was necessary to obtain additional input from the retail sector regarding the ordinance amendment at a special meeting.

ACTION:

On a motion by Barnett, seconded by Host-Jablonski, the Urban Design Commission referred consideration of Substitute Ordinance, I.D. 33543, to create design requirements for large retail establishments. The motion was passed on a vote of (6-1) with Barrett voting no. A motion by Host-Jablonski, seconded by Barnett, provided for a separate subcommittee meeting/workshop of the Urban Design Commission to obtain input from retailers, developers and design professionals on the proposed ordinance amendment to be coordinated by staff and held Wednesday August 25, 2004 at 4:15 p.m.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The Commission abstained from ranking this item.

ACTION:

On a motion by Geer, seconded by March, the Urban Design Commission **RECOMMENDED APPROVAL** of the substitute ordinance with several revisions as described within the attached memo dated September 8, 2004 to the Plan Commission, Urban Design Commission with the requirement that any development regulated by this ordinance which exceeds 40,000 square feet in size be required to have a “functional” second story. The motion was passed on a vote of (5-2). Ald. Holtzman and Host-Jablonski voted no.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 2 and 10.

URBAN DESIGN COMMISSION PROJECT RATING FOR: Substitute Ordinance, I.D. 33543

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	2
	-	-	-	-	-	-	-	10
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-

General Comments:

- Applaud intent but this seems like it won't solve the problem.
- Site plan requirements ignore functional requirements of large retail establishments that are striving to respond to market forces of customers and merchants.
- This is a good ordinance. The alders who hammered this out should be commended. Perhaps we need to add requirements for 2-story minimum, mixed-use (residential/commercial).