



## Report to the Plan Commission

December 17, 2012

**Legistar I.D. #28589**  
**1127 North Sherman Avenue**  
**Conditional Use Request**

Report Prepared By:  
Heather Stouder  
Planning Division Staff

**Requested Action:** Approval of the construction of a single-tenant commercial building within the parking lot of a planned commercial site, which requires conditional use review in the C2 (General Commercial) District.

**Applicable Regulations & Standards:** Section 28.12(11) provides the guidelines and standards for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses can be met, and **approve** the request.

### **Background Information**

**Applicant/Project Contact:** Mark Lane; Iconica; 901 Deming Way, Madison WI, 53717

**Property Owner:** The Alexander Company; 145 E. Badger Rd., Ste. 200; Madison, WI, 53713

**Proposal:** The applicant proposes to construct a new 5,400 square foot commercial building on an approximately 15,000 square foot property within the surface parking area of an existing multi-tenant commercial development (Northgate Shopping Center) in the C2 (General Commercial) District.

**Parcel Location:** 1127 North Sherman Avenue is located on the east side of North Sherman Avenue between Aberg Avenue and Roth Street; Aldermanic District 12 (Rhodes-Conway); Madison Metropolitan School District.

**Existing Conditions:** The subject site is nearly 15,000 square feet in size, and will become a new parcel, created as part of a related Certified Survey Map. The site is currently an asphalt parking area with approximately 57 parking stalls, and part of a 14-acre planned commercial site developed with a multi-tenant commercial building (Northgate Shopping Center).

The property has over 80,000 square feet of retail space on the southern and eastern portion of the property, an 80,000 square foot Dane County office facility on the eastern portion of the property, and an approximately 30,000 square foot multi-tenant commercial building and a 3,000 square foot commercial building on the northern portion of the property. The balance of the property, central to the site and along North Sherman Avenue, is largely utilized for surface parking and circulation.

**Surrounding Land Use and Zoning:** To the north, south, and east, commercial uses (dry-cleaning, restaurant, daycare, and multi-tenant retail building) in the C2 (General Commercial) District. To the west, across North Sherman Avenue, a bank in the C3L (Commercial Service and Distribution) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Community Mixed-Use for this area. The Northport-Warner Park-Sherman Neighborhood Plan (2008) recommends mixed-use redevelopment of this area.

**Environmental Corridor Status:** These properties are not located within a mapped environmental corridor.

**Public Utilities and Services:** The area is served by a wide range of urban services, including Metro Transit Routes 2, 22, 28, and the nearby North Transfer Point.

**Zoning Summary:** The property is in the C2 District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	Existing
Lot width	50'	Adequate
Front yard	0	Adequate
Side yards	0	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0	Less than 1.0
Building height	1 story	1 story

**Site Design**

No. Parking stalls	TBD	As shown on final plans
Accessible stalls	TBD	2
Number bike parking stalls	10% of required vehicle parking	TBD
Landscaping	Yes	Yes
Lighting	Yes	Yes

**Other Critical Zoning Items:** Urban Design (PCS Review), Utility Easements, Barrier Free (ILHR 69)  
*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

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The applicant proposes to construct a new, single-story, 5,400 square foot commercial building in the middle of the existing surface parking lot at the Northgate Shopping Center. The new building and sidewalk surrounding it will replace approximately 39 parking stalls. As proposed, construction of the building would follow a land division to create an approximately 15,000 square foot parcel in the middle of the existing parking lot, roughly 150 feet from North Sherman Avenue.

The new parcel will include the building, 18 automobile parking spaces, bicycle parking, a private sidewalk for pedestrian circulation around the building, a trash storage area behind the building, and modest foundation plantings such as perennial herbs and small shrubs. As part of the larger planned commercial site, a pedestrian connection from North Sherman Avenue is shown to traverse the parking lot, connecting with the proposed building and further to the main existing multi-tenant commercial building on the eastern edge of the property.

The proposed one-story building ranges from 14 to 20 feet in height from the ground to the top of the parapet. It has a contemporary design, with a three foot base comprised of large bricks, and a variety of materials on middle and upper portions including blue EIFS, gray/blue hardi-plank siding, and corrugated silver metal panels. The main entrance is a set glass double doors located on the south side of the building, closest to the 18 parking stalls that would be serving it directly. This side of the building has three small transom windows and two larger windows near the back of the building. The "front" of the building facing North Sherman Avenue has three opaque service doors and a few small transom windows. The north side of the building, facing the access driveway, has an overhead loading door and a couple of small transom windows.

**Related Approvals** – At their December 5 meeting, the Urban Design Commission reviewed the proposal as a change to a planned commercial site. The UDC granted *initial approval* for the design, with direction to further study the building's consistency with the established design of the Northgate Shopping Center. A draft report from the December 5 UDC meeting will be included if available. The applicant will seek final approval for the design at the December 19 UDC meeting.

**Related Future Proposals** – While not part of this application, the applicant intends to submit a second conditional use request in early 2013 for the use of the proposed building for small-scale commercial food-processing in the new CC-T (Commercial Corridor-Transitional) District, where limited production and processing is a conditional use. Although the current C2 zoning does not allow for this use,

approval of the request before the Plan Commission will allow for further interior design and site preparation to begin, in order to meet a very tight development schedule

Further, plans submitted include a hashed space to the west of the proposed building, which is being contemplated for a future restaurant site. If built in the future, the restaurant building would be located roughly in front of the proposed building, and oriented to North Sherman Avenue. This building would require a subsequent conditional use application for changes to the planned commercial site.

**Evaluation and Conclusion**

**Site and Building Plans** – From a land use perspective, the addition of the commercial building is generally a consistent with adopted land use plans, which recommend Community Mixed-Use for this area. Notably, the proposed building is over 150 feet away from and not oriented toward North Sherman Avenue, which is not consistent with recommendations for street-oriented buildings in mixed-use areas. While the proposed building placement is not ideal, staff recognizes that there are long term plans for the site which would incorporate a restaurant building just west of the proposed building, much closer to North Sherman Avenue. As the proposed building is designed for employment uses, rather than retail or restaurant uses, staff believes its placement in the center portion is acceptable, especially when compared to a potential restaurant building, which would be more appropriate to locate and design to engage pedestrians along North Sherman Avenue.

Further, the addition of this building would not preclude opportunities for significant redevelopment of this area as recommended in the Northport-Warner Park-Sherman Neighborhood Plan. Actually, its placement adjacent to a driveway entrance to the shopping center is generally consistent with one of the conceptual designs for mixed-use redevelopment provided in the plan (see Concept A below).

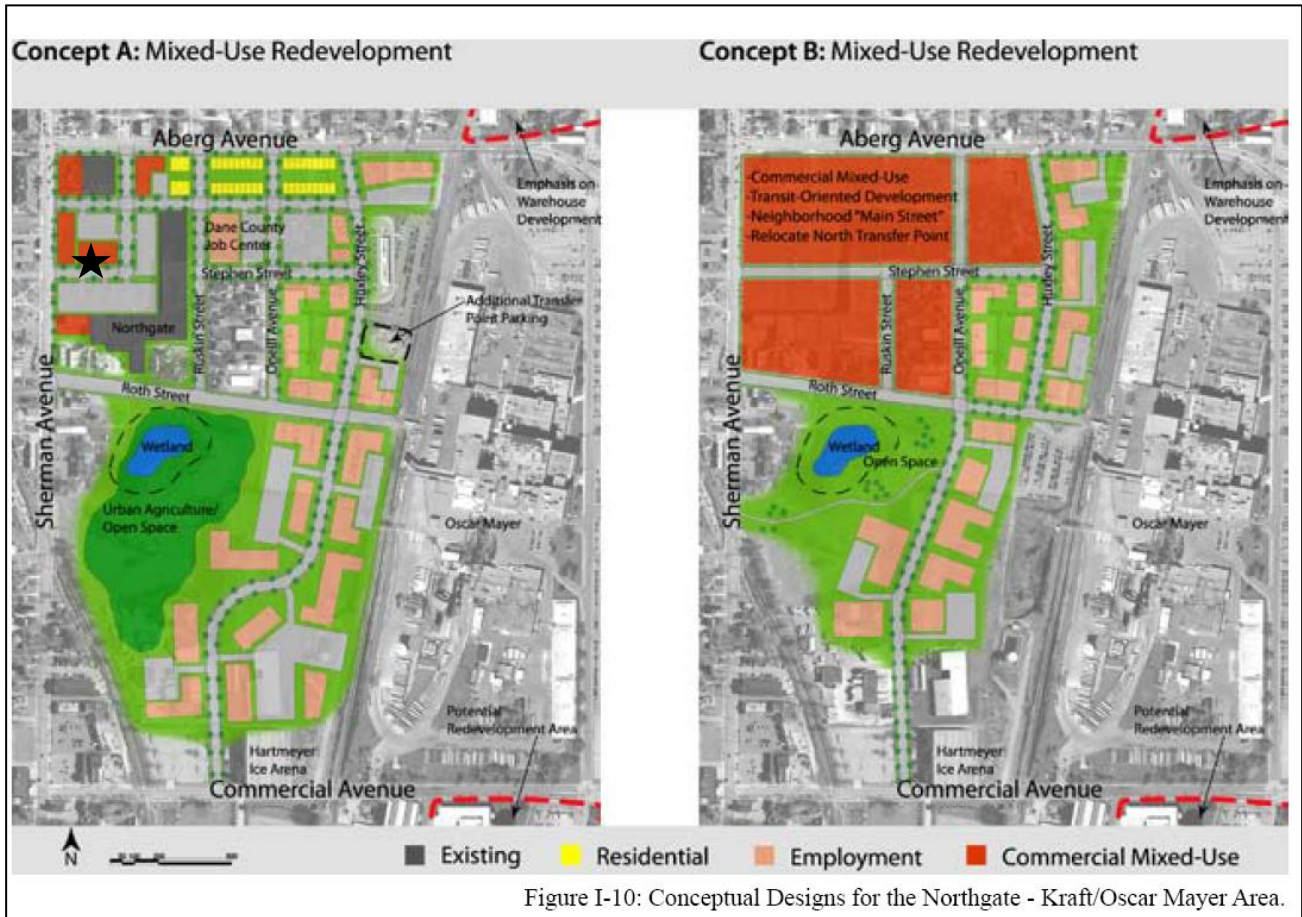


Figure I-10: Conceptual Designs for the Northgate - Kraft/Oscar Mayer Area.

Since the restaurant building shown on submitted plans may or may not be constructed in the future, staff believes that the proposed building should incorporate additional openings on the west side of the building if possible, so as not to have a perpetual blank facade facing North Sherman Avenue. Further, since the north side of the building is adjacent to the access driveway to the property, additional openings on this side of the building should be explored as well. While recognizing that future floor plans may present challenges to this issue, staff recommends as a condition of approval that the applicant work with staff on the north and west facades of the building to incorporate additional transom windows, new larger windows and potentially change one or more of the service doors on the west side of the building to glass.

On balance, staff believes that the conditional use standards can be met with this proposal, and recommends that the Plan Commission **approve** the proposal, subject to input at the public hearing and comments and conditions from reviewing agencies below.

### **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

#### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

Staff recommends that the Plan Commission find that the conditional use standards can be met, and **approve** the proposal, subject to input at the public hearing and comments and conditions from reviewing agencies below:

1. Final plans submitted for review and approval by Planning Division staff shall meet any conditions of approval recommended by the Urban Design Commission.
2. Elevations provided for review and approval by Planning Division staff shall incorporate the following revisions:
  - a) Elevations and floor plans shall be consistent with one another.
  - b) All materials shall be labeled.
  - c) The applicant shall provide additional fenestration on the north and west sides of the building on the final plans submitted for review and approval by staff.

#### ***The following conditions have been submitted by reviewing agencies:***

##### **City Engineering Division** (Contact Janet Dailey, 261-9688)

3. The proposed building as shown on site plans submitted is located on the shopping center property 0810-313-0303-5 which is addressed to 1127 N. Sherman Avenue. Revise site plan and corresponding application materials accordingly to identify the correct address.
4. The new building shall be assigned and use the address of 1219 N. Sherman Avenue.
5. The property owner has chosen to allow a prior Certified Survey Map (CSM) approval to expire but has expressed interest in a future CSM submittal with a different configuration. The Engineering Division and Assessor Office both strongly support the submittal, approval and recording of a new CSM to clarify property land records for what today is a very complex site.
6. Provide a traffic control plan which shows staging of sanitary sewer in two stages, allowing two way traffic on Sherman Avenue at all times.
7. The proposed storm sewer appears to connect to private storm sewer on an adjacent privately owned lot. Provide evidence of a private agreement or easement that allows for this connection.

8. The proposed building is in an area being actively investigated for tetrachloroethylene contamination. Proof of coordination and cooperation with Tim Walden of the WDNR is required.
9. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
10. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
11. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
12. All damage to the pavement on North Sherman Avenue adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
13. 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 7.5-tons per acre per year.
14. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
- Building Footprints
  - Internal Walkway Areas
  - Internal Site Parking Areas
  - Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - Right-of-Way lines (public and private)
  - All Underlying Lot lines or parcel lines if unplatted
  - Lot numbers or the words "unplatted"
  - Lot/Plat dimensions
  - Street names
- All other levels (contours, elevations, etc) are not to be included with this file submittal.
- NOTE: Email file transmissions preferred [zenchenko@cityofmadison.com](mailto:zenchenko@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).
15. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). 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:
- Building footprints.
  - Internal walkway areas.

- c) Internal site parking areas.
  - d) Lot lines and right-of-way lines.
  - e) Street names.
  - f) Stormwater Management Facilities.
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
16. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) 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)).
17. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Tim Troester at 608-267-1195 with question regarding this requirement.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

18. The site is being developed as part of a Planned Commercial Site. Per Sec. 28.04(23) a Planned Commercial Site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development or approval of the Plan Commission.
19. For parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. NOTE: The landscape points worksheets has been changed regarding point value of landscape elements. Please get a new copy from us. The required trees to not count toward the point total.
20. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.
21. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Code. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
22. Bike parking shall comply with MGO Section 28.11. Provide a minimum of two bike parking spaces in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of the proposed bike rack.
23. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6(m) which includes all applicable State accessibility requirements, including but not limited to:
- a) Provide the minimum accessible stalls striped per State requirements. A van accessible stall shall be 8' wide with an 8' striped out area adjacent.
  - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

**Fire Department** (Contact Bill Sullivan, 266-4420)

24. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 261-9243)

25. The Madison Water Utility shall be notified to remove the water meters prior to demolition.

26. This property is not in a wellhead protection district.

27. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Traffic Engineering** (Contact Dan McCormick, 267-1969)

28. The site plan shall reflect the previously noted and coordinated plan with the property and district alderperson to reserve / dedicate a ten (10) ft left turn lane and pedestrian crossing median on N. Sherman Avenue.

29. The site shall clearly show a pedestrian connection from the site front door to the public sidewalk.

30. The applicant will need to demonstrate how the truck service will ingress and egress the site.

31. Any legal cross access easements and encumbrances on the site and lot shall be shown, and documents provided.

32. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

33. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

34. The applicant shall be required to provide any necessary easements for the installation of street lights, traffic signals, including control box, loops, hand-holes, markings and signing.

35. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible. If the internal street is to be public the developer shall provide an upfront capital fee for the annual upkeep and maintenance, to be determined by the Traffic Engineer.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.