



Office of the Mayor

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MEMO

DATE: September 1, 2004
TO: Members of the Urban Design Commission
FROM: Mayor Dave Cieslewicz
SUBJECT: Big Box Ordinance

I feel strongly that having a city ordinance that improves the aesthetic quality of large retail establishments is a good way to protect the beauty of our urban landscape and should be a part of our city policy. Large retail stores have an enormous impact on land use, traffic, and sense of community. Establishing an ordinance to guide the design of these retail establishments will improve the urban landscape in Madison.

I recently had the opportunity to review the suggested amendments that members of the Urban Design Commission will consider at tonight's meeting. I would like you all to know that I support these suggested changes to the ordinance. I had the opportunity yesterday evening to review these changes with Ald. Ken Golden and to discuss their merits.

By allowing for increased flexibility in design standards, as well as ways to exceed a 100,000 square foot footprint for superior design or projects that meet an environmentally higher quality, I believe this maintains the overall goals of the ordinance while providing increased flexibility for businesses and city government. These amendments are a solid step toward a workable ordinance, although I encourage further discussion between the business community, citizens and the ordinance's sponsors.

Thank you for your consideration of these changes and for your work on this proposed ordinance.

cc: Alders Golden, Konkel, Webber

CITY OF MADISON
Common Council
INTER-DEPARTMENTAL
CORRESPONDENCE
210 Martin Luther King, Jr. Blvd., Rm. 417
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DATE: November 3, 2003

TO: Nan Fey, Chair, Plan Commission
Members of the Plan Commission

FROM: Ald. Ken Golden, District 10 *KJ/d*

SUBJECT: Comments on Staff Work on Big Box

While I expect to be at your meeting on November 3rd, I wanted to write the following comments down so you can consider them in a more organized way.

- 1) I support the change reducing the trigger point to 40,000. However, since smaller places tend to populate neighborhood business districts, similar protections might be appropriate for those developments. You might want to follow up this ordinance with one specific to smaller places. It may not need to be quite so extensive but might address issues like parking.
- 2) On #18 of the staff analysis, I'm concerned about each store being required to have a separate entrance. There are certain business models that involve many vendors within a single site, such as a jewelry exchange and even some food stores. You may want to put a square foot criterion on that requirement. I'm not quite sure what to suggest.
- 3) On #19 of the staff analysis, a 35' minimum setback is established. I have two comments on that:
 - a) I think 35' should be the maximum setback for those areas that are not parking.
 - b) I think we also need to accommodate commercial developments in traditional neighborhoods that can and should be right up on the street. I'd change some of the language and consider adding something in that section.
- 4) On page 7, there are a number of items concerning parking. I have three ideas I'd like you to consider.
 - a) Establish 25% above code as the maximum. You could permit the developer to have unpaved, landscaped areas in reserve and if the developer demonstrated a persistent demand above the code maximum supply of parking, an exception on the basis of those measurements could be granted. You could also permit additional parking if structured and if it takes up a smaller footprint. Permit a higher ratio to the extent that the parking spaces are in structures. I think structures are a much better land use, and I would be willing to offer

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a more liberal parking requirement if the developer wanted to put the spaces in a structure and take up less land.

- b) If we reach the point of being confident in "green materials," additional parking should be permitted if it is constructed using those materials. That issue may have to wait for us to see it demonstrated in our climate.
- 5) I could support the change in the sidewalk width from 8' to 6' if and only if we permit 6' of unobstructed sidewalk. My own experience is that most of the sidewalk is taken up with displays and pop machines. So while the sidewalk is provided, it can't be used. I suggest adding the word "unobstructed." I'd also like the Plan Commission to consider creating a requirement for a sidewalk and terrace, much as we have on public streets. I realize that would use a little bit of land, but it would also create a seemingly more traditional frontage for the building.
- 6) I think there should be an ordinance requiring developers to make accommodations – subject to Plan Commission approval – for Metro bus stops in the interior of developments (at Metro's discretion).
- 7) One clarification: on the "no more than 50% parking in front," I fear a mistake may be in the ordinance. I intended that 50% of the frontage be building and not parking. I wanted to move the store to the street. I suggest a change if the draft does not do this.

Most of the rest of what I read seems like you're heading in the right direction. I'm in strong support of where this ordinance is going, and I look forward to its passage. Thanks for your attention.

cc: Members of the Urban Design Commission

To: Plan Commission
From: Michael F R

Subject: Problems with Big Box Ordinance
Date: 9/20/04

I am concerned that the Big Box ordinance does not achieve the goals we desire, including those set out by Alder Konkel in the Statement of Purpose for the ordinance. As it is now written, the ordinance does not necessarily "promote the efficient use of land" nor will it necessarily produce "more urban sites and building design".

I see three major problems:

1. The ordinance lacks flexibility in its requirements.
2. The ordinance does not adequately address environmental impacts of Big Box development. In specific:
 - It does not change the sprawl-style development of Big Box, and its low-density use of land.
 - It does not decrease impervious surfaces created by large surface parking lots.
 - It does not significantly improve stormwater infiltration or retention.
 - It does not promote green building construction techniques to reduce resource and energy consumption.
3. The ordinance does not adequately address transportation impacts of Big Box development. In specific:
 - It does not create mixed-use development so that people may live, work and shop in locations close together.
 - It does not significantly improve pedestrian, bicycle and bus-friendly development.
 - It has a requirement for TDM (Transportation Demand Management) without providing any technical support for businesses to create a successful TDM plan.

The Plan Commission and Council will have to decide: do we want to make minor aesthetic improvements to the type of retail sprawl we currently have, or do we want to encourage new forms of development that are dense, urban, integrated, and accessible?

Some possible solutions:

1. Scrap the current ordinance and start over with a clear sense of what our priority goals are for the ordinance. The danger in doing this is that we will lose the momentum we currently have.
2. Create a point-based matrix of features we desire to see in Big Box retail, with a requirement that projects have a minimum number of features for approval, and incentives to encourage high-scoring projects. Restructuring the ordinance this way could provide the flexibility developers have been requesting.
3. Make some minor modifications to the existing ordinance, and decide to follow up with separate (overlapping) ordinances and zoning amendments that will address the issues not addressed in this ordinance.

If we take the last approach, I'd like to see these changes to the ordinance:

- Drop UDC recommended "Amendment C" regarding maximum building footprint, as it is redundant with Section 1 (Applicability).
- Change UDC recommended "Amendments F and G" on Entrances and Site Design, to continuing to encourage buildings with multiple front facades and entrances.
- Change UDC recommended "Amendment J" as follows: A new paragraph 14:
14. Superior Building Design Recommendations: All new development subject to the requirements of this ordinance shall include (one or more of) the following superior design elements:
 - i. two or more functional stories. *at least one and as many as possible of*
 - ii. customer entrances and site design guidelines (par 6 and 7) for all sides of the building that abut public or private rights-of-way.
 - iii. stormwater management and infiltration (details TBD)
 - iv. green building design/ LEED certification (details TBD)
 - v. green roof
 - vi. mixed-use development integrating office and/or residential into a retail/commercial site
 - vii. structured or underground parking
 - viii. brownfield/infill development

Date: 11/3/03
To: Plan Commission
From: Michael Forster Rothbart
Subject: Comments on Ordinance #33543 - Design of Big Box Retail

I thank Alders Golden, Konkel, Webber and Tom Powell for their work on this ordinance, and offer the following comments. My numbers refer to line item numbers in the memo of 10/31/03 from Bill Fruhling.

2. It is of utmost importance that we set a maximum size limit for the footprint of large retail establishments, if we are to have the aesthetic and environmental benefits this ordinance is meant to attain. I suggest the following clause be added to the ordinance:

1b. All new retail development with a total gross floor area (GFA) in excess of 100,000 SF shall be multi-storied, with no individual floor to exceed 100,000 SF.

7. I believe that this ordinance should include new retail developments with multiple establishments in one attached building (i.e. strip malls) and not only individual establishments.

11. Can we clarify or define what exactly "visible from a public street" means?

13. If our goal is to improve the environmental impact of Big Box retail, not just how it looks, we need to include rooftop stormwater infiltration, which is cleaner than parking lot stormwater. One way to do this would be to amend ordinance clause 7 to read as follows:

- 7.i. Parking lot stormwater infiltration plan which may include such solutions as bio-retention swales or permeable paving materials
- ii. Rooftop infiltration plan which isolates rooftop rainfall from parking lot rainfall and provides for on-site infiltration.

21. I strongly feel we need pedestrian connections (i.e. sidewalks) between adjacent retail establishments.

24. I recommend that we set a maximum coverage amount for parking lots. I recommend that we use the term Parking Area Requirements (PAR), based on the concept of FAR, and add a clause 7b.

7.b. The surface parking lot area shall not exceed 80% of the lot net developed area.

27. Clause 7a should be tiered based on the size of the parking lot. I suggest:

- exceeds minimum requirements by more than 10% = 1 or more of the following
- by more than 20% = 2 or more
- by more than 30% = 3 or more
- by more than 50% = 4 or more

37. We need to have a minimum standard for the size of central features, so a developer can't set a picnic table by a loading dock and call it an "employee outdoor amenity". I would add to clause 10a.:
of minimum size 400 square feet.

(Clause 6a) Are there cases where we would want a smaller minimum setback to provide a more urban built environment? What about side lot setbacks when there are adjacent retail establishments?
(Clause 6a) This clause does not address future residential development adjacent to big box retail. I suggest we replace the phrase "property used for residential" to "used or zoned for residential".

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