



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2917 Dairy Drive

**Application Type:** Conditional Use

**Legistar File ID #** [85409](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Lindsay Hagens/Simply Homes Madison, LLC; Simply Everyday Products, Inc.; 5117 Butterfield Drive; Madison, WI 53704

**Contact:** Svet Rouse; Rousev Engineering Solutions, LLC; Rousev Engineering Solutions, LLC; 406 Windy Peak Rd; Verona, WI 53593

**Property Owner:** Charlene Hatfield; 9685 County Road 13 SE; Delano, MN 55328

**Requested Actions:** Consideration of a conditional use in the Suburban Employment (SE) District for warehousing and storage to allow construction of a one-story, 14,595 square-foot warehousing and storage facility at 2917 Dairy Drive.

**Proposal Summary:** The applicant proposes to construct a one-story, roughly 15,000-square-foot building with four small tenant spaces (which will be available for rent to trades workers and small business operators) at the front of the building and roughly 8,000 square-feet of warehouse and storage space at the rear.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) and the Supplemental Regulations [MGO §28.151] notes that *Warehousing and Storage* is a conditional use in the Suburban Employment (SE) District.

**Review Required By:** Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Suburban Employment (SE) District for warehousing and storage to allow construction of a one-story, 14,595 square-foot warehousing and storage facility at 2917 Dairy Drive, subject to the input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The roughly 1.5-acre parcel is located on the east side of Dairy Drive, in between World Dairy Drive and Blazing Star Drive. It is also located on Alder District 16 (Currie) and the Madison Metropolitan School District.

**Existing Conditions and Zoning:** The subject site is undeveloped and is zoned Suburban Employment (SE) District.

### Surrounding Land Uses and Zoning:

North: A one-story dental laboratory building, zoned Suburban Employment (SE) District;

South: A one-story industrial building, zoned SE;

**West:** Across Dairy Drive is a two-story records storage facility, zoned SE; and

**East:** A one-story building materials retailer, zoned SE.

**Adopted Land Use Plans:** The 2023 [Comprehensive Plan](#) recommends Employment (E) uses for the subject parcel.

**Zoning Summary:** The project site is zoned Suburban Employment (SE) District:

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000	65,544
Lot Width	65 ft	200 ft
Front Yard Setback	None	60 ft
Side Yard Setback	15 ft	72 ft, 35 ft
Rear Yard Setback	30 ft	86 ft
Maximum Lot Coverage	75%	66%
Minimum Building Height	22 ft	26 ft
Maximum Building Height	5 stories/68 ft	26 ft

Site Design	Required	Proposed
Number Parking Stalls	No minimum	8
Electric Vehicle Stalls	None	None
Accessible Stalls	1	2
Loading	1	1
Number Bike Parking Stalls	2	None <i>(See Comment #29)</i>
Landscaping and Screening	Yes	Yes <i>(See Comment #30)</i>
Lighting	No	No <i>(See Comment #31)</i>
Building Form and Design	Yes	Industrial Building

Other Critical Zoning Items	
Yes:	Utility Easements
No:	Urban Design; Historic District; Floodplain; Wetlands; Adjacent to Park, TOD Overlay; Barrier Free (ILHR 69); Wellhead Protection

*Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The subject site is served by a full range of urban services, including Metro Transit, which operates daily all-day transit service along Agriculture Drive near this property - with trips at least every 45 minutes.

## Project Description

The applicant is requesting approval of a conditional use in the Suburban Employment (SE) District in order to construct a one-story, roughly 15,000-square-foot building with four small tenant spaces (which will be available for rent to trades workers and small business operators) at the front of the building (along Dairy Drive) and roughly 8,000 square-feet of warehouse and storage space at the rear. Staff notes that the warehousing/storage space will be separate from – both physically as well as operationally – the four small tenant spaces. Staff also note that the four tenant spaces are not part of the current conditional use consideration. As the tenants (and therefore the uses) which will occupy these spaces are not known at this time, Zoning is considering them a ‘white box’ for the time being. In the future, as tenants decide to rent the space, additional approvals (such as a conditional use) may need to be obtained.

As noted in the submitted materials, the business which will occupy the warehouse and storage space will receive small shipments of goods, typically via small box truck or van, and be stored in the space. When ordered, they will be mailed out via local carrier (USPS, UPS, FedEx, etc.). Customers will not be coming to the subject site.

As shown on the submitted plans, each of the four tenant spaces as well as the warehouse space will have separate entrances. The entrances to the tenant spaces (both an overhead door and man door) will be located along the north and south facades while the warehouse man doors will be located along the east (rear) façade. The warehouse space will also have a loading bay with overhead door located along the south façade. As for building materials, the exterior will be clad with a red, ribbed steel paneling and the roof with light grey ribbed steel paneling.

As for the site plan, the majority will be paved as a drive aisle will loop around the building. Delivery trucks will enter the site via the south curb cut, back up to the loading bay before continuing counter-clockwise around the building, and exiting via the northern entrance. Eight surface automobile parking stalls will be located near the southwest corner of the building and a retention basin will be located along the west façade. Finally, the trash enclosure will be located at the southeast corner of the building.

## Analysis & Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28F-1 in MGO Section 28.082(1) and the Supplemental Regulations [MGO §28.151] notes that *Warehousing and Storage* is a conditional use in the Suburban Employment (SE) District.

### Conformance with Adopted Plans

The subject parcel and other nearby properties are recommended for Employment (E) uses by the 2023 [Comprehensive Plan](#). On Page 25, the Comprehensive Plan notes that Employment (E) areas “*include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area. While there are no fixed limits on size of an establishment or development intensity within E areas, all uses should be compatible with the density and scale of surrounding development. The intensity of development may vary significantly depending on the location and surrounding context.*”

While staff believe that a warehousing facility may not be appropriate in all areas recommended for employment, on balance, the proposed use at this location is believed to be consistent with the surrounding context given the other large warehousing and storage buildings to the immediate east, west and south of the subject property. Furthermore, Staff believe that the proposed warehousing and storage use could be found compatible with the Comprehensive Plan’s Employment recommendation given that building’s warehousing and storage component will occupy just the rear, roughly 50 percent of the building which will have limited visibility from Dairy Drive, while the four tenant spaces will be located at the front of the building and have high visibility from Dairy Drive. As noted above, the four tenant spaces are not part of the current conditional use consideration. In the future as tenants decide to rent the space, additional approvals (such as a conditional use) may need to be obtained.

### Conditional Use Standards

The Conditional Use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Staff believes the Plan Commission can find the conditional use standards of approval are met. Staff does not believe that construction of this building and its proposed uses would impede the normal and orderly development of the surrounding properties. At the time of report writing, staff is also not aware of any evidence that the use will be detrimental to or endanger the public health, safety, or general welfare or would impair or diminish the uses, values and enjoyment of the surrounding properties.

Staff is not aware of public comments for or against the request as of the writing of this report.

## Recommendation

### **Planning Division Recommendation** (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the conditional use in the Suburban Employment (SE) District for warehousing and storage to allow construction of a one-story, 14,595 square-foot warehousing and storage facility at 2917 Dairy Drive, subject to the input at the public hearing and the following conditions from reviewing agencies:

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

### **City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
2. 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. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. This property is subject to Sanitary Connection charges for the Broadway Interceptor (\$7.00/1000 sf) District.
4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
5. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
6. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

7. Revise the site plan 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)
8. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
9. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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.

10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control New Development: Detain the 2, 5, 10, 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

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.

11. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division–Mapping Section** (Contact Jeff Quamme, 266-4097)

12. Label the 10' Easement on the east side of the Lot as 10' Wide Public Utility Easement on sheet C1.0
13. Label the easements on the north, west and south sides of the Lots as Public Drainage and Storm Water Management Easements on sheet C1.0
14. Correct the Lot 1 label on the civil plans to the correct lot number of Lot 39.
15. Correct the length of curve at the southwest corner of the Lot to 28.47'.
16. The proposed building will have a mix of street addresses and street addresses with suite numbers. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning.

The final approved Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering.

Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

**Traffic Engineering Review** (Contact Luke Peters, (608) 266-6543)

17. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
18. 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.
19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

21. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign 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.
22. 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.
23. The applicant shall provide a clearly defined 5' walkway, from the front door to the public sidewalk, 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. Work with Traffic Engineering to provide an ADA route from the front doors to the public sidewalk, as this is not shown on the current plans.
24. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
25. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
26. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
27. Applicant shall work with Traffic Engineering to narrow driveways as much as possible.

**Parking Review** (Contact Trent W Schultz, (608) 246-5806)

28. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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

29. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of 2 short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious 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. Submit a detail showing the model of bike rack to be installed.
30. Submit the landscape plan and landscape worksheet stamped by the 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.

31. Exterior lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 29.36 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
32. Submit a detail of the trash enclosure. The trash enclosure 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.
33. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Review** (Contact Matt Hamilton, (608) 266-4457)

34. The 2024 International Fire Code has been adopted and will apply to this building.
35. Fire sprinkler or fire alarm systems may be required if there is high-piled storage in the building. Reference the IFC including chapter 32 of it. Note, the definition in IFC of high piled storage is storage of class I-IV commodities greater than 12' high and / or High Hazard (generally plastics) greater than 6' high. Reference the IFC for further information.
36. Provide documentation of fire access including hose lays, etc to the building.

**Water Utility Review** (Contact Jeff Belshaw, (608) 261-9835)

37. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Forestry Review** (Contact Jeffrey Heinecke, (608) 266-4890)

Comments from Forestry were not received by the time this Staff report was posted.

**The following agency has reviewed this request and has recommended no conditions of approval:**

The Planning Division; The Parks Division; Metro Transit; and the Parks Division