



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 36 West Towne Mall and 7301 Mineral Point Road
Application Type: New Retail Building – Initial/Final Approval is Requested
Legistar File ID # [59184](#)
Prepared By: Janine Glaeser, UDC Secretary and Kevin Firchow, Principal Planner

Background Information

Applicant | Contact: Ken Wittler, CBL Properties/Jeff Yersin, RASmith, Inc.

Project Description: The applicant is seeking approval of a new one-story, 83,000 square foot retail building at West Towne Mall. The existing one-story retail building will be demolished and a new one-story structure will be constructed on site. Site improvements also include new landscaping islands and site lighting.

Project Schedule:

- The Plan Commission is scheduled to review this item on March 9, 2020.

Approval Standards:

The UDC is an **advisory** body for this request. The site is located in the Commercial Center (CC) zoning district and it is part of a Large Retail Development and Planned Multi-Use Site, as defined in Madison General Ordinance. In order to approve, the proposed project must be found by the Plan Commission to meet the design standards for a **Large Retail Development pursuant to Section MGO 33.24(4)(f)** and Planned Multi-Use Sites pursuant to **Section 28.137(2)(e) and 28.137(2)(f) of the Zoning Code**. When applying the requirements, the Urban Design Commission shall consider relevant design recommendations in any element of the City's Master Plan or other adopted City plans.

Summary of Adopted Plan Recommendations:

The Comprehensive Plan (2018) recommends Regional Mixed Use (RMU) development for the subject property and surrounding areas. With a general height range between two and 12 stories, RMU areas are generally intended to be the most intensively developed areas outside of Downtown. The plan however, acknowledges that both the East and West Towne mall areas may continue to be auto-oriented malls for some time. Further, the plan states that future redevelopment that requires rezoning (which this request does not) should begin the transition to a more pedestrian/bicycle/transit friendly environment with a wider variety of uses.

Summary of Design Considerations and Recommendations

Planning staff recommends that the UDC review and provide comment based on the Large Retail Development and Planned Multi-Use Sites standards listed in **MGO Sections 28.137(2)(e), 28.137(2)(f), and 33.24(4)(f)**. The staff analysis includes five points in which UDC feedback is specifically requested.

1. Pedestrian Circulation

A primary staff question on this request relates to pedestrian circulation. The Large Retail Ordinance, originally approved in 2005 and most recently amended in 2013, includes several pedestrian circulation requirements (Subsections 7a-7f). The applicant has already met with staff and updated their UDC application to add a direct

sidewalk connection to the building entry to meet Subsection 7b and has widened the sidewalk in front of the store to eight feet, to meet Subsection 7c.

Section 33.24(4)(f)7a relates to the addition of sidewalks and states the following:

33.24(4)(f)7a. Sidewalks shall be provided along all sides of the site abutting a public or private right-of-way. Public sidewalks within the right-of-way may be used to meet this requirement.

The applicant is specifically requesting a waiver from the Plan Commission of Subsection 7a. Code states that such a waiver could be granted by the Plan Commission if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution. Staff request that the UDC comment on the waiver request in their advisory recommendation. Note that the Large Retail Statement of Purpose states the following: “In applying this ordinance to the redevelopment, expansion, or remodeling of existing sites, it is the intent of this ordinance to seek improvements, while recognizing that existing constraints will likely make full compliance with all provisions of this section difficult or infeasible.”

The right-of-way in question is the West Towne Mall ring road, which is a private drive that generally runs along the western edge of the subject site. As redevelopment and certain improvements have occurred, sidewalk has been added in various locations, generally along the western side of the ring road.

In their revised letter of intent, the applicant cites safety concerns regarding constructing this sidewalk segment on the eastern side of the ring-road where the existing sidewalk network is on the opposite side. The applicant believes that this will encourage additional pedestrian crossings along the ring road. In discussions, the applicant has further noted that sidewalk was not added on this side of the ring road, roughly 1,200 feet to the south when the Sears store was converted into its current uses. It is further noted that if constructed as required, the sidewalk would terminate over 100 feet from the nearest designated crosswalk. Please see the applicant’s materials for further information.

Note, the formal approval conditions to the Plan Commission from the Traffic Engineering Division recommend that the sidewalk be included. Metro Transit is also recommending that the applicant’s proposed sidewalk be extended to the east and an additional crosswalk be added to provide a direct connection in front of the JC Penney store, across this site.

2. Central Features and Community Spaces

Section 8 of the Large Retail Ordinance requires that for every 40,000 square feet of floor area, one central feature or community space of at least 400 square feet in area be provided. Based on an 83,000 square foot floor area, two (2) such features are required. The code includes a broad list of possible features including patio/seating areas, pedestrian plazas with benches, kiosk areas, planter walls, outdoor employee amenities, or other designed focal features. In staff’s review of the application, such areas do not appeared to be identified.

3. Site Design and Traffic Circulation

As it relates to other site design modifications, the City Traffic Engineering Division is also recommending that the applicant reduce the number of entry points from the ring road into the parking lot (along the far westerly edge of site parking area). When a reduction of access points was discussed with the applicant, they noted concerns including the resulting loss of parking. The representative for the property owner did not believe there to be a safety concern with leaving multiple access points to the ring road, similar to how they currently exist. Note, this is not a formal requirement of the large retail ordinance, but is believed by Traffic Engineering staff to be necessary to meet other approval standards, including Conditional Use Standard 6 which states that “Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.” Determination on such a standard ultimately lies with the Plan Commission.

4. Landscaping

There appears to be some discrepancies in regards to the proposed landscaping, specifically along the building. **Refer to sheets L100-102 for site landscaping and sheet C142 for building landscaping.** As noted above, the minimum width of the sidewalk in front of the building must be a minimum of eight feet.

5. Signage and Building Forms

While signage is not before the UDC at this time, Zoning staff advise that per the City's sign code, the "signable" area cannot exceed four-feet above the roof line. Based on the current drawings it appears likely that the signage would not comply with the underlying regulations. While staff does not object to having an articulated "tower" feature on the façade, noting this element highlights the entrance and provides modulation and articulation, staff has typically discouraged building forms that create "signable" areas that don't comply with code. The shape of the parapet elements and the roof form should be given careful consideration by the UDC.

Conclusion

Staff recommends that in their advisory recommendation to the Plan Commission, the UDC should address the five above points, along with any other design-related feedback related to the approval standards. Based on discussions with the applicant team and as noted in their letter of intent, they are seeking to move ahead with demolition and construction as soon as possible.

As an advisory body, the UDC can recommend approval, approval with conditions/modifications, referral, or even advise the Plan Commission to not approve. In instances where the UDC has questions regarding specific design elements, but is otherwise favorable on a proposal's basic components (such as location, height, massing, and other general site plan considerations), its longstanding practice has been to recommend "initial" approval (or "initial" approval with conditions). In that case, UDC should identify the specific details or design elements that remain in question and recommend that the Plan Commission condition their approval on those details receiving a recommendation of final UDC approval prior to final staff sign-off and permit issuance.