

PLANNING DIVISION STAFF REPORT

July 13, 2020

PREPARED FOR THE PLAN COMMISSION



Project Address: 8150 Excelsior Drive (District 9 – Ald. Skidmore)
Application Type: Demolition Permit
Legistar File ID # [60663](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Kirk Keller; Plunkett Raysich Architects, LLP; 2310 Crossroads Drive, #2000; Madison, WI 53718

Property Owner: GCL Investments, LLC; 8150 Excelsior Drive; Madison, WI 53717

Requested Action: The applicant requests approval of a demolition permit to raze an existing single-story commercial building and construct a new four-story office building in the Suburban Employment Center (SEC) Zoning District at 8150 Excelsior Drive. The proposal is subject to the standards for Demolition and Removal Permits.

Proposal Summary: The applicant proposes to demolish a one-story, commercial building originally constructed as a restaurant and later converted to office space. Following demolition, the applicant proposes to construct a four-story, 71,000-gross-square-foot office building with 39 underground parking stalls and 132 surface stalls. Project construction is anticipated to begin in fall 2020, with projected completion in fall 2021.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)].

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and removal are met and **approve** the request to raze a one-story commercial building and construct a new four-story office building in the Suburban Employment Center (SEC) Zoning District at 8150 Excelsior Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 116,514-square-foot (approximately 2.67-acre) subject property is located on the east side of Excelsior Drive near the Fourier Drive intersection. The site is within Old Sauk Trails Park, Aldermanic District 9 (Alder Skidmore) and the Middleton Cross Plains School District.

Existing Conditions and Land Use: The subject site includes an existing 8,313-square-foot, one-story commercial building and a surface parking lot.

Surrounding Land Use and Zoning:

North: A mix of three and two-story office buildings, zoned Suburban Employment Center (SEC);

South: A two-story hotel, zoned SEC;

East: US Highway 12; and

West: A two-story office building, zoned SEC.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Employment (E) uses for the subject site. There is no adopted neighborhood plan for the subject site.

Zoning Summary: The property is zoned Suburban Employment Center (SEC) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	43,560 sq. ft. (1 acre)	116,510 sq. ft. (2.67 acres)
Lot Width	100'	205'
Front Yard Setback	25'	200'
Side Yard Setback	15'	16', 74'
Rear Yard Setback	30'	162'
Floor Area Ratio	1.0	.76
Minimum Building Height	22'	4 storeis/58'
Maximum Building Height	None	4 stories/58'

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 205 maximum	171
Accessible Stalls	6	7
Loading	1	0 (26)
Number Bike Parking Stalls	27	17 (27)
Landscaping	Yes	Yes
Lighting	No	Yes
Building Forms	Yes	Free-standing commercial

Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services, with Madison Metro Routes 15 and 73 serving the site. There is a Madison Metro Bus Stop on the west side of Excelsior Drive, directly across from the subject site.

Project Description

The applicant proposes to demolish an existing 8,313 square-foot office building in order to construct a new 71,000-square-foot four-story office building with 39 covered parking stalls and 132 surface parking stalls all for a single tenant user (law offices). According to the City Assessor’s Office, the building proposed for demolition was constructed as a restaurant in 1995 and was later converted into office space. Photos of the existing structure can be viewed online on the City’s Legislative File Center, linked [here](#).

In regards to building placement and circulation, as proposed, the building will be setback approximately 200 feet from Excelsior Drive with four rows of surface parking between the structure and the street, with additional

vehicle parking on the north and east sides of the building. Therefore, the building will be oriented perpendicularly to Excelsior Drive, with the main pedestrian entrance on the north side of the building. The vehicle entrance to the underground parking area will be located on the east side of the building (fronting Excelsior Drive), with a secondary pedestrian entrance located on the west side of the garage door. The subject site is cross-connected with the parcel to the north via a private driveway on the north east corner of the site.

In regards to the architecture and building materials, the structure will be primarily clad with prominent windows, and will have a cultured stone base with metal wall paneling on the upper floors. The stairwell atrium located on the west side of the building will be a primary design feature and will protrude above the third floor (qualifying the building as a four-story structure per the Zoning Code). The color palate will include deep grays and blues, with dark bronze accents throughout.

Project Analysis & Conclusion

This request is subject to the standards for demolition and removal permits. In order to approve a demolition request, MGO §28.185(7) requires that the Plan Commission find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the Suburban Employment Center (SEC) Zoning District. The statement of purpose for the SEC District states:

The SEC district is established to recognize existing office and research parks developed in accordance with master plans, and to provide for the continued development of these parks in accordance with their adopted plans. Therefore, the placement of buildings, open space, internal roads and parking within these parks is allowed to remain in its current form. The district is also intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The district is not intended to apply to new office and research parks.

Furthermore, the demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. Additionally, the proposal should be compatible with adopted plans. Finally, the demolition standards state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. The City's Preservation Planner administratively reviewed this request on behalf of the Landmark's Commission and recommended to the Plan Commission that the building at 8150 Excelsior Drive has no known historic value.

The [Comprehensive Plan](#) (2018) recommends Employment (E) uses for the subject site. Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. 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. The subject site is not within any neighborhood plan areas.

Additionally, the subject site is located with Old Sauk Trails Office Park, which has its own development guidelines and covenants for new buildings within the park. The Old Sauk Trails Park Review Board (OSTPRB) sent a letter to the applicant on June 17, 2020 stating that the board reviewed and approved the proposal. OSTPRB provided comments related to signage, building placement, and the location of surface parking. That letter is included in the Plan Commission materials.

In keeping with the OSTPRB findings, staff notes that there is a large amount of surface parking in front of the building, as well as to the side and rear. In regards to the City's Zoning Code, the Suburban Employment Center (SEC) District is quite permissive in regards to building form and placement and the amount of surface parking to serve employment users. However, if the amount or location of parking conflicts with the covenants in the office park, no building permits will be issued until the proposal conforms to all the OSTPRB covenant standards. Staff also notes that the SEC District only applies to existing office parks, and does not anticipate any new SEC District areas within the City.

Given the Old Sauk Trails context of office and hotel uses, staff believes that the proposed building is in keeping with the surrounding pattern of development. The Planning Division also believes that this proposal conforms to the Employment recommendation in the City's [Comprehensive Plan](#) (2018). While the site design elements, including the surface parking, would not be allowed in other zoning districts, staff believes that this proposal is consistent with the intent and unique requirements of the SEC District, which was written especially to reflect Old Sauk Trails and American Center office parks. Staff further note that this Zoning District is limited within the City and that no new SEC Districts are planned nor anticipated.

At the time of report writing, staff was unaware of any concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal are met and **approve** the request to demolish an existing single-story office building and construct a new four-story office building at 8150 Excelsior Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The plans call for a 6" valve to be installed on sanitary sewer lateral. If the intent is to install a cleanout, the cleanout should be installed on private property and not in the terrace. Remove note for 6" valve.
2. This building and parking lot currently flood during extreme storm events (estimated to be in excess of the 10 year event). This area is part of a watershed study. The applicant shall work with City Engineering to set the first floor elevation at an elevation that will protect the building during the estimated 100-year flood event.
3. The parking stalls on the east end of the site extend into the existing public stormwater drainage easement. This encroachment will need to be approved by the Storm Utility and if so approved Consent to Occupy Easement agreement completed with City Real Estate. It is recommended that the site be reconfigured to remove these parking stalls from the stormwater drainage easement, as drainage improvements are likely in this area following the watershed drainage study that is currently underway.
4. 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>.

5. 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))
6. 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.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
8. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
9. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances. (POLICY).
10. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
11. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
12. 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, or Daniel Olivares (east) at 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>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be

discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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.

13. 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: Reduce the peak flow discharge from this site by 15% during a 10-year design event, and reduce the volumetric discharge during the 10-year event by 5%

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

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.

14. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.

Traffic Engineering Division (Contact Sean Malloy (608) 266-5987)

15. 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.

16. 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.
17. 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.
18. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
19. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
20. 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.
21. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768) (ascheib@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
22. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
23. 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.
24. "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.
25. The applicant shall work with Traffic Engineering on creating a better pedestrian connection to the Excelsior Drive sidewalk.

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

26. Required loading facilities shall comply with MGO Section 28.141(13). Provide 1 10' x 50' loading areas with 14' vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
27. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11).

Provide a minimum of 27 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious 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 two (2) feet by six (6) feet with a five (5) foot wide access area.

28. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
29. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
30. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

31. The lack of an exit stair next to the elevator lobby will limit the owner's and future tenant's ability to meet security concerns.
32. A documented cross access easement with the adjoining property will be required in order to consider any fire apparatus access on the neighboring property including factoring in the private hydrant on the neighboring property. Additionally, the measurement from the private hydrant must follow the fire apparatus access, manually pulling 5 inch diameter hose across the parking lot and green space is not an acceptable design approach.
33. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608)712-6277.

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

34. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

35. Metro Transit operates daily all-day transit service along Excelsior Drive in the Fourier Drive intersection, just west of this property frontage.

Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

36. Upon approval of the proposed parking lot improvements lying within the City of Madison 100' Wide Easement for Storm Drainage per Doc No.1318126 (Old Sauk Trails Park), a Consent to Occupy Easement document shall be drafted and recorded by City of Madison Office of Real Estate Services defining responsibilities and requirements in conjunction with the proposed improvements. Coordinate with Jeff Quamme at jrquamme@cityofmadison.com
37. If this office building will be a multi-tenant building, all interior suite addresses will need to be approved. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet 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 application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.
38. This parcel is subject to and benefits from an Easement Agreement per Doc No. 3515670 for cross access and shared parking between this parcel and the parcel adjacent to the north. This plan modifies the pedestrian and vehicular access location(s) and parking configuration. Provide either a recorded amendment to the agreement or a new recorded agreement setting forth conditions reflective of the redevelopment of this site.
39. This parcel is subject to and benefits from an Easement Agreement per Doc No. 3515670 for cross access and shared parking between this parcel and the parcel adjacent to the north. This plan modifies the pedestrian and vehicular access location(s) and parking configuration. Provide either a recorded amendment to the agreement or a new recorded agreement setting forth conditions reflective of the redevelopment of this site.
40. The site plan shall show the ATC easement per document No 4849338 adjacent to the Beltline.
41. Applicant is solely responsible to coordinate and obtain any required permissions for the parking lot improvements within the utility easements as shown on the plan.
42. The address of 8150 Excelsior Dr will be retired with the demolition of the existing building. The address of the new proposed building is 8148 Excelsior Dr. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.