



PREPARED FOR THE PLAN COMMISSION

Project Address: 6629 Mineral Point Road
Application Type: Conditional Use
Legistar File ID # [67051](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Ryan Genther, KLS Architect; 17710 Detroit Road; Lakewood, Ohio.

Contact Person: Randy Tieman, Club Champion Golf; 600 Central Avenue, Suite 390; Highland Park, Illinois.

Property Owner: David Blust, Grand Canyon Collection, LLC; 4700 Bergamot Way; Middleton.

Requested Action: Consideration of a conditional use in the Suburban Employment (SE) District for general retail to allow golf equipment sales in a multi-tenant commercial building at 6629 Mineral Point Road.

Proposal Summary: The applicant is requesting approval of a conditional use for general retail in SE zoning to allow an existing 3,300 square-foot tenant space in a one-story commercial building located at 6621-6637 Mineral Point Road to be converted into a by-appointment golf retail store. The building contains three tenant spaces, including a restaurant and financial institution; the proposed retail tenant will occupy the middle tenant space. Conversion of the tenant space into the retail use will commence as soon as all regulatory approvals have been granted, with completion and occupancy of the space anticipated ten weeks later.

Applicable Regulations & Standards: Table 28F-1 in Section 28.082(1) of the Zoning Code identifies general retail, defined as “the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts,” as a conditional use in the SE (Suburban Employment) zoning district subject to supplemental requirements in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for general retail to allow golf equipment sales in a multi-tenant commercial building at 6629 Mineral Point Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: Approximately 1.34-acres located at southeastern corner of Grand Canyon Drive and Mineral Point Road; Aldermanic District 19 (Furman); Madison Metropolitan School District.

Existing Conditions and Land Use: A one-story, approximately 9,350 square-foot multi-tenant commercial building, zoned SE (Suburban Employment District). Parking for the subject site is located south of the building, which is accessed by driveways from Grand Canyon Drive and Mineral Point Road.

Surrounding Land Uses and Zoning:

North: Clock Tower Court multi-tenant commercial center across Mineral Point Road, zoned CC (Commercial Center District).

South: One-story office building, Fire Station No. 2, zoned SE (Suburban Employment District);

West: CVS Pharmacy and Gordon Food Service store across Grand Canyon Drive, zoned CC;

East: West Towne Veterinary Center and one-story multi-tenant commercial building, zoned SE.

Adopted Land Use Plan: The 2018 Comprehensive Plan recommends the subject site and the properties located at all four corners of the Mineral Point Road-Grand Canyon Drive intersection for Community Mixed-Use (CMU). Properties to the east and south of the subject site are recommended for Employment (E).

The site and surrounding area are also located within the boundaries of the 2008 Southwest Neighborhood Plan, which provides a series of neighborhood reinvestment strategies for the area generally bounded by Mineral Point Road on the north, S Gammon Road on the west, Raymond Road on the south and S Whitney Way on the east. The plan makes no specific recommendations related to the physical development of the subject property.

The site is also within the boundaries of the forthcoming Odana Area Plan, which will guide redevelopment of the large, predominantly auto-oriented, and low-density commercial area roughly centered on Odana Road between West Towne Mall and Westgate Mall into a dense mixed-use activity center. Adoption of the plan is pending.

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

Requirements	Required	Proposed
Front Yard	5'	Existing front yard
Side Yards	5'	Existing side yard
Rear Yard	30'	Existing rear yard
Maximum Lot Coverage	75%	Existing; no change proposed
Maximum Building Height	5 stories/ 78'	Existing; no change proposed
Auto Parking	None for retail	73; existing
Accessible Parking	3	3
Bike Parking	1 per 2,000 sq. ft. of floor area (2)	(See conditions)
Loading	None	0
Building Forms	Free-standing Commercial Building	Existing; no change proposed
Other Critical Zoning Items		
Yes:	Utility Easements	
No:	Urban Design, Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, Barrier Free, Landmarks	
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit, which operates daily bus service along Mineral Point Road adjacent to this site. The site is also located on the forthcoming east-west Bus Rapid Transit route, with a stop planned at the Grand Canyon Drive intersection.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for General Retail:

- (a) Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed 5,000 square feet in floor area.
- (b) Within employment districts, general retail uses shall not 10,000 square feet in floor area, unless such uses are part of a planned multi-use site.

Previous Approval

On August 7, 2006, the Plan Commission found the standards met and approved a demolition permit to allow a one-story restaurant at 6613 Mineral Point Road to be razed and a one-story multi-tenant restaurant/retail building to be constructed, with a conditional use also approved for an outdoor eating area for a restaurant tenant in the new building. The site was redeveloped into the existing multi-tenant commercial building in the former C3L (Commercial Service & Distribution) zoning district in the 1966 Zoning Code.

Project Description, Analysis and Conclusion

The applicant is seeking approval of a conditional use to allow the center tenant space in a one-story, three-tenant commercial building located at 6629 Mineral Point Road to be converted into a golf equipment sales business. The space was previously occupied by a musical instrument sales business; the adjacent spaces in the 9,350 square-foot building are occupied by a loan agency and a restaurant. The subject site is zoned SE (Suburban Employment District), and general retail uses like the proposed golf equipment sales are conditional uses requiring Plan Commission approval.

The existing building was constructed in 2007 in a commercial zoning district under the 1966 Zoning Code. However, the property and surrounding properties to the south and east were zoned SE with the 2013 Zoning Code consistent with the Employment land use recommended for the site in the 2006 Comprehensive Plan (the site is now recommended for Community Mixed-Use (CMU) in the 2018 Plan). The prior musical instrument business became legally nonconforming upon the zoning map change; however, that business has been closed for longer than a year. In general, per Sections 28.183(9)(c) and 28.191 of the Zoning Code, any nonconforming use or conditional use that becomes and remains vacant for a continuous period of twelve (12) months loses its nonconforming status, and in this case, a new conditional use approval is required.

The Planning Division does not believe that the request to re-establish a general retail use in the center 3,300 square-foot space of the 9,350 square-foot building will negatively impact the uses, values, or enjoyment or the normal and orderly development and improvement of surrounding properties and believes that the Plan Commission can find that the conditional use standards and supplemental regulations met subject to the conditions in the 'Recommendation' section that follows. Staff feels that the proposed golf equipment sales can be found to be complementary to the employment and related uses at the heart of the SE zoning district, and that the re-establishment of a retail use in the space will not reduce the land area available for the development or expansion of employment uses consistent with the statement of purpose of the SE district.

No alder, public, or neighborhood association comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the conditional use request as submitted.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for general retail to allow golf equipment sales in a multi-tenant commercial building at 6629 Mineral Point Road subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

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

This agency reviewed this request and has recommended no conditions or approval.

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

This agency reviewed this request and has recommended no conditions or approval.

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

This agency reviewed this request and has recommended no conditions or approval.

Zoning Administrator (Contact Jacob Moskowitz, 266-4450)

1. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 2 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 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. Provide a detail of the proposed bike rack.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, 261-9835)

This agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, 261-9671)

This agency reviewed this request and has recommended no conditions of approval.

Forestry Section (Contact Bradley Hofmann, 267-4908)

This agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions of approval.