



## Report to the Plan Commission

September 14, 2009

Legistar I.D. #15953  
2 S. Bedford Street  
Alteration to Approved PUD-SIP

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division Staff

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**Requested Action:** Approval of a minor alteration to an approved planned unit development – specific implementation plan for 2 S. Bedford Street to allow the addition of a drive-up service window for a proposed pharmacy, the addition of a dwelling unit and a revised dwelling unit dispersion for a mixed-use development previously approved for approximately 12,000 square feet of retail space and 82 apartments in three buildings.

**Applicable Regulations & Standards:** Section 28.07 (6)(9)4.d. provides the Plan Commission with the authority to approve alterations to planned unit developments if the changes are compatible with the plans approved by the Common Council.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **approve** a minor alteration to the approved PUD-SIP for 2 S. Bedford Street to allow the addition of a drive-up service window for a proposed pharmacy and the addition of a dwelling unit, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

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### Background Information

**Applicant & Property Owner:** Jim Meier, 2 South Bedford, LLC; 5501 Femrite Drive; Madison.

**Agent:** J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

**Proposal:** The current approval for this planned unit development calls for the existing Badger Bus/ Greyhound Terminal to be demolished and a three-building mixed-use development containing approximately 12,000 square feet of retail space and 82 apartments to be constructed. The applicant is requesting approval of an alteration to allow for drive-up service for a pharmacy tenant that will occupy retail space in the five-story building to be located at the southwesterly corner of S. Bedford Street and W. Washington Avenue. Construction of the larger development is scheduled to commence shortly, with completion about one year later. The changes to the development proposed by the subject alteration can be integrated into the development as construction proceeds.

**Parcel Location:** A 1-acre parcel located on the west side of S. Bedford Street between W. Main Street and W. Washington Avenue; Aldermanic District 4; Madison Metropolitan School District.

**Existing Conditions:** The subject site is developed with a one-story bus terminal and related surface parking, zoned M1 (Limited Manufacturing District).

**Surrounding Land Use and Zoning:**

North: U-Haul, zoned C3 (Highway Commercial District);

South: Fourth Ward Lofts (and Doris House), zoned PUD-SIP;

West: West Washington Self-Storage and Delta Warehouses, zoned M1 (Limited Manufacturing District);

East: Heartland Credit Union and Echo Tap, zoned C2 (General Commercial District).

**Adopted Land Use Plan:** The Bassett Neighborhood Master Plan specifically recommends the relocation of the intercity bus terminal to a location near the Kohl Center and a long-planned commuter rail station envisioned to be located near the arena. The existing bus terminal is identified as a potential site for mixed-use redevelopment. The neighborhood plan also includes the subject site in the Tobacco Warehouse District, which is generally recommended for comprehensive residential redevelopment with a recommended density of 40-60 units an acre. The neighborhood plan further recommends development of mixed-use residential, office, retail and entertainment uses compatible with adjoining residential uses along W. Main and S. Bedford streets.

The Comprehensive Plan includes the subject site in the City Station Mixed-Use Sub-District, which generally calls for the development of mixed-use retail, service, entertainment and office buildings with medium-density multi-unit residential components up to 40 units an acre (unless where specified in a neighborhood plan) in two- to five-story structures within the sub-district. Stand-alone office, commercial and industrial uses are also identified in this sub-district.

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

**Public Utilities and Services:** The property is served by a full range of urban services.

**Zoning Summary:** The site is zoned (unrecorded) PUD-GDP-SIP. The proposed amendment to the specific implementation plan will be reviewed in the following section.

<b>Other Critical Zoning Items</b>	
Yes:	Urban Design, Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Adjacent to Park, Landmark, Historic District
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## Previous Approval

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On July 7, 2009, the Common Council approved a request to rezone 2 S. Bedford Street from M1 (Limited Manufacturing District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of a one-story bus terminal and construction of a mixed-use building with approximately 12,000 square feet of retail space and 82 apartments, subject to conditions.

## Project Review

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The applicant is requesting Plan Commission approval of a minor alteration to a approved planned unit development for a three-building mixed-use redevelopment of the Badger Bus Terminal property located on the west side of S. Bedford Street between W. Main Street and W. Washington Avenue. The recently approved plans for the one-acre site call for the development of three interconnected

structures, including a five-story structure to be constructed on the northern half of the site adjacent to the corner of W. Washington Avenue and S. Bedford Street, which will include approximately 12,000 square feet of first floor commercial space and 48 apartment units to occupy the four floors above. Moving south, a four-story, 28-unit residential building was approved to front onto S. Bedford Street, while a three-story, 6-unit townhouse-style building was approved along W. Main Street. The three buildings will be located atop a 96-stall underground parking garage, which will occupy most of the subject site. A total of 26 surface stalls were also approved to serve the proposed development, which will have drive entrances from each of the adjoining public streets. Access to a parking area for the adjacent Delta Warehouses across the subject site was also preserved with the PUD, although in a modified configuration.

The primary purpose of the alteration is to allow the addition of a drive-up service window to serve a CVS Pharmacy, which is proposed to occupy the first floor commercial space in the five-story building. A drive-up service window was shown serving the first floor commercial space on the plans that were presented to the Plan Commission in June. However, the Plan Commission recommended approval of the project to the Common Council without the drive-up at the request of Ald. Mike Verveer, who felt that particular element of the project had not received enough review by neighbors to proceed. At the time of the June and July approvals, a specific need for the drive-up was also not publicly known. The original PUD approval was conditioned upon the drive-thru service window being approved by the Plan Commission as an alteration to the approved SIP following a duly noticed public hearing.

The proposed drive-up service window will be located along the western side wall at the southwesterly corner of the five-story building and will be accessible from a one-way drive entrance into the site from W. Washington Avenue (the rest of the parking areas generally south of the five-story building and drive-thru will have two-way operations). The design of the surface parking area and on-site circulation responds to a condition of the June 15 Plan Commission review, which asked the applicant to work with the Traffic Engineering Division on ingress/egress for the site from W. Washington Avenue. The Traffic Engineering staff has indicated the parking and circulation pattern shown on the PUD alteration plans is acceptable. In general, the drive-up service area will have queuing for three vehicles generally outside the one-way entrance drive from W. Washington that will extend along the western wall of the building. The drive-up area will share space with a loading area to serve the first-floor commercial space, which staff views primarily as an internal operations issue for the retail tenant.

As approved earlier this summer, the first floor commercial space in the five-story building included entrances from the W. Washington Avenue and S. Bedford Street sidewalks. A residential lobby with an entrance from S. Bedford Street was also shown at the southeastern corner of the building. Plans for the proposed alteration appear to remove the entrance facing W. Washington Avenue, while preserving two of the three entrances previously shown from S. Bedford Street. A third entrance is shown along the southerly wall facing the driveway from S. Bedford Street. However, the application materials do not clarify which of these entrances will be the primary entrance to the pharmacy. Staff recommends a condition of approval requiring the applicant to maintain one of the two S. Bedford-facing entrances for use by store customers at all times the store is open for business in an effort to ensure the pedestrian orientation of the space as recommended in adopted City plans. This condition would be in addition to the June Plan Commission condition approval that required that not more than 20% of the window area for the first floor retail space(s) facing the street be covered by advertisements, products or coverings.

In addition to the proposed drive-up service window, the applicant is also requesting to add a dwelling unit to the project and to slightly reconfigure the unit dispersion throughout the project. As noted above, the approved plans for the project call for 82 apartment units, which consist of 13 studio/efficiency units, 38 one-bedroom units and 31 two-bedroom units within the three buildings.

The proposed alteration calls for a fifth floor community room approved in the original PUD to be converted into a dwelling unit and for the number and dispersion of units in two of three buildings to be modified, which will result in a total of 83 units in the project. The dispersion of units now proposed calls for 47 units to be provided in the five-story building, consisting of 34 one-bedroom units and 13 two-bedroom units. The number of units in the four-story building is proposed to increase 2 units to 30, of which 23 will be one-bedroom units, 3 will be two-bedroom units and 4 will be studio/efficiency units. The building facing W. Main Street will continue to consist of 6 two-bedroom units with the proposed alteration. The overall unit mix now calls for 57 one-bedroom dwelling units, 4 studio/efficiency units and 22 two-bedroom units.

## Analysis & Conclusion

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The Planning Division believes that the Plan Commission can find the planned unit development standards met to approve the portion of the minor alteration request that calls for the addition of a drive-up service window to serve a proposed pharmacy tenant for the approximately 12,000 square-foot commercial space located on the first floor of the five-story building that will occupy the northern half of the proposed development. Staff believes that the proposed drive-in has been properly integrated into the overall design of the mixed-use project in a fashion that should enable the first floor commercial space to be economically viable for the foreseeable future while preserving the distinct urban character and pedestrian orientation of the larger project, provided that the retail space has a direct entrance from the public sidewalk open during business hours.

In regard to the proposed changes related to the number, mix and dispersion of dwelling units in the redevelopment, the Planning Division believes that additional consideration may be warranted. During its review of the original planned unit development for the subject site, staff noted that the 82 units an acre proposed and ultimately approved for the one-acre site exceeded the maximum 60 units an acre recommended for the site in the Bassett Neighborhood Master Plan. However, staff suggested that the higher density could be justified given both the high quality design of the project and the mix of dwelling unit types proposed (13 studio/efficiency units, 38 one-bedroom units and 31 two-bedroom units, including 3 with dens that could lend themselves to being three-bedroom units). Staff believed that the mix of units proposed implemented one of the Bassett Neighborhood Master Plan's goals to create a variety of housing opportunities in the neighborhood.

However, in reviewing the alterations to the residential elements of the project, staff believes that the proposed dwelling unit mix may no longer fulfill the housing diversity goals in the Bassett Neighborhood Master Plan. While the slight increase in density for the site could be found to be acceptable, staff recommends that the applicant revise the mix of units proposed to reduce the number of one-bedroom units to be included in the PUD to an amount closer to the 38 one-bedroom units included in the previously approved plans. Ideally, the readjusted unit mix would see to both the number of studio/efficiency and two-bedroom units increase to amounts closer to the original unit mix, which staff feels would be more in keeping with the neighborhood plan's housing goals and objectives.

The Urban Design Commission reviewed the proposed alterations and granted final approval of the overall planned unit development with alterations on August 19, 2009 (see attached report).

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission **approve** a minor alteration to the approved PUD-SIP for 2 S. Bedford Street to allow the addition of a drive-up service window for a proposed pharmacy, the addition of a dwelling unit and a revised dwelling unit dispersion, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. The applicant shall comply with all conditions of the July 14, 2009 conditional approval letter for this planned unit development not otherwise modified with this proposed alteration.
2. That not more than 20% of the window area for the first floor retail space(s) facing the street be covered by advertisements, products or coverings.
3. That one of the two entrances to the first floor retail space from the S. Bedford Street sidewalk be open for ingress and egress by store customers at all times the retail space is open for business.
4. That the applicant work with the Planning Division to revise the mix of units to reduce the number of one-bedroom units from 57 units to an amount closer to the 38 such units included in the previously approved PUD. The readjusted unit mix should include an increase to both the number of studio/efficiency and two-bedroom units in the final PUD to amounts closer to the original unit mix of 13 studio/efficiency units, 38 one-bedroom units and 31 two-bedroom units.

The following conditions have been submitted by reviewing agencies:

**City Engineering Division** (Contact Janet Dailey, 261-9688)

5. Each building shall have a separate sanitary sewer lateral.
6. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
7. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
8. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the Wisconsin Department of Natural Resources is required.
9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces, provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and 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. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
11. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
12. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
13. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
14. 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.
15. Prior to approval of the project, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
16. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
17. The site plan shall be revised 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.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

18. A condition of approval shall be that no residential parking permits shall be issued for 2 S. Bedford Street, as would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 2 S. Bedford Street a copy of the lease noting the above condition in the lease when submitting plans for City approval.
19. The applicant shall provide one contiguous plan for 2 S. Bedford Street and 612 W. Main Street properties for the facility showing the following: All the facility's, existing and proposed buildings, existing and proposed layouts of parking lots, loading areas, trees, signs, the sidewalk along the northerly property line, easements and approaches.
20. When site plans are submitted for approval, the developer shall provide a recorded copy of the reciprocal land agreement for passage over, upon, across and through the facilities and ingress and egress for each building, loading and parking site. This land agreement for vehicular and pedestrian access shall be a perpetual, non-exclusive, unimpeded or unobstructed land agreement for the lots in the commercial site.
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 the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) 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 applicant shall modify the truck loading area as follows: the sidewalk shall continue from W. Washington Avenue and connect to the sidewalk onto S. Bedford Street. The loading area shall have a driveway approach apron for the loading area separating the sidewalk from the loading area.
23. The applicant shall indicate the type of bicycle racks to be installed both inside and outside.
24. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
25. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
26. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement, which states that on a corner lot, no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.

27. The applicant shall design the underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall. The "One Size Fits All" stall maybe used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular spaces and including the back up area, when designing underground parking areas. The applicant may need to remove parking for back area with columns and parking that is in a 23-foot drive aisle preventing the vehicle to turn.
28. The underground drive aisles for two-way operation shall be a minimum 18 feet in width according to MGO 10.08(6)(a)4. The applicant may need to remove parking for two-way traffic with columns and parking reducing drive aisles below 18 feet.
29. "Stop" and "No Left Turn" signs shall be installed at a height of 7 feet to the bottom of the first sign at the driveway aisle from the adjacent property to left turn prohibit turns into the one-way operation. "Stop" signs shall be installed at a height of 7 feet at driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
30. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
31. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

32. Meet applicable building codes, including accessible requirements.
33. Provide 82 bike parking stalls (83 if the additional unit is approved) in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Show the stalls on the plans.
34. Per the previous PUD approval, provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
35. Show addresses of tenant spaces on the building of the final site plan.
36. Meet all applicable State accessible requirements, including but not limited to:
  - a.) Provide a minimum of 4 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.



- b.) Provide a minimum of 2 accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side for the surface parking.
- c.) Show signage at the head of the stalls.
- d.) The stalls shall be as near the elevator as possible.

37. The Zoning Section of the Department of Planning and Community and Economic Development must issue sign permits prior to sign installations.

38. Lighting is required. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).

39. Parking lot plans with greater than 20 stalls: Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

**Parks Division** (Contact Tom Maglio, 266-6518)

40. The developer shall pay approximately \$163,430.10 for park dedication and development fees for 82 multi-family units previously approved. If an 83<sup>rd</sup> unit is approved, the developer shall pay \$165,423.15 in park fees. The developer must select a method for payment of park fees before signoff on the rezoning.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency submitted a response with no new conditions of approval for this project.

**Water Utility** (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no new conditions of approval for this project.

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

This agency did not submit a response for this project.