

PLANNING DIVISION STAFF REPORT

February 24, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 2425 East Springs Drive
Application Type: Conditional Use
Legistar File ID #: [32926](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Jeremy Kliniske; The Home Depot; 2425 East Springs Drive; Madison, WI 53704
Contact: Todd Mosher; Atwell, LLC; 1245 E. Diehl Road, Suite 100; Naperville, IL 60563
Property Owner: Home Depot USA, Inc; 2455 Paces Ferry Road NW; Atlanta, GA 30339

Requested Action: The applicant requests conditional use approval to allow for new and expanded outdoor display areas and temporary outdoor events.

Proposal Summary: The applicant proposes to formally expand their outdoor display and outdoor event areas. There would be six new areas along the front of the building, where one display area is currently approved. An existing display area within the parking lot is also proposed to be used for three seasonal events, and would be expanded beyond its existing permitted boundaries as shown on the submitted plans.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)). Site Alterations to large format retail establishments are also subject to the Large Retail Development standards of Section 33.24(4) f.

Review Required By: Plan Commission (PC). As no permanent physical changes were proposed, the Urban Design Commission Secretary reviewed this request on behalf of the Urban Design Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested conditional use at 2425 East Springs Drive for temporary outdoor displays and outdoor events. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: This parcel is located at the southeast corner of the intersection of East Springs Drive and High Crossing Boulevard. The site is within Aldermanic District 17 and within the limits of the Sun Prairie Area School District.

Existing Conditions and Land Use: The site is approximately 11.5 acres in area and the existing store measures approximately 115,200 square feet. The current site plan includes two areas in which outdoor displays are permitted, the first is adjacent to the front of the store and the second is in the parking lot. Please note, the approved outdoor display area adjacent to the building is incorrectly depicted on this proposal. The approved site plan includes five feet of clearance between the edge of the display area and the adjoining "customer drop off lane."

Surrounding Land Use and Zoning:

North: Recently approved automobile dealership, under development, and other undeveloped properties zoned CC-T (Commercial Corridor Transition District);

South: Other large-format retail, zoned CC (Commercial Center District);

East: Interstates 39-90-94 with hotel and office uses, beyond; and

West: Other large-format retail, zoned CC (Commercial Center District);

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends regional commercial uses for this site and the surrounding areas east of the interstate.

Zoning Summary: The property is zoned CC- Commercial Center District

Dimensional Requirements	Required	Proposed
Front yard setback	100' max.	N/A
Side yard setback: other cases	One-story: 5 Two-story or higher: 6	N/A
Rear yard setback	The lesser of 20% of lot depth or 20 feet	N/A
Maximum lot coverage	85%	Less than 85%
Maximum height	5 stories / 68' See (d) below	N/A
Site Design	Required	Proposed
Number parking stalls	No minimum	Existing (498)
Bike parking	1 per 2,000 sq. ft. floor area	Existing (10)
Landscaping	Yes	Existing
Lighting	Yes	Existing, no change
Accessible stalls	10	Existing (12)
Loading	2	Existing (4)
Building forms	Yes	Meets building forms
Other Critical Zoning Items	Urban Design, Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

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

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

Project Description, Analysis, and Conclusion

The applicant, The Home Depot, requests conditional use approval to formally allow for new and expanded outdoor display and temporary outdoor events. This request is subject to the Conditional Use Standards and the standards for Large Retail Developments.

Staff understands that the submitted plans generally reflect how the applicant has been operating their outdoor activities for several years. According to the Zoning Administrator, such operation does not comply with the approved site plan and enforcement actions have been taken. In response, the applicant seeks compliance by requesting approval of the expanded "temporary outdoor events" and "outdoor display" areas, as shown.

The Zoning Code lists “temporary outdoor events” and “outdoor display” as distinct accessory uses. Temporary outdoor events are defined as “a seasonal or occasional event held on the sidewalk or other location outside a building, where the principal use is non-residential.” This covers large events such as seasonal parking lot sales (e.g. pumpkin or Christmas Tree sales) or community events. For such events, the code requires that there be no permanent alterations to the site, that no single event last for more than 180 days per calendar year, and that any event lasting for 45 days receives conditional use approval. The code does not require these sales or display areas to be brought inside the principal structure nightly.

Outdoor display areas are defined as “the display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.” The supplemental regulations require that all products on display shall also be sold in the principal retail use and that outdoor display shall not exceed 16 hours per day.

The existing site plan, approved under the 1966 Zoning Code, now identifies two areas for outdoor display. Under the old code, outdoor display was permitted with no restrictions on when (or how long) items could be displayed. The first area is adjacent to the front of the store and the second is in the parking lot. As noted above in the “Background Information,” the existing display area adjacent to the front of the store is incorrectly depicted on the current plans. A five foot-wide clear area between the approved display area and “customer drop-off lane” is not shown.

Under this proposal, six (6) new areas adjacent in front of building are proposed to allow for “temporary outdoor events” and “outdoor display.” The existing parking lot display area would be seasonally expanded as a “temporary outdoor event” area. Below is a summary of the proposed activities:

Summary of Proposed Temporary Outdoor Events:

- **Parking Lot Area (Including Proposed Expanded Area) and 4 Identified Areas In Front of the Building:** (*March 15- August 1*) The applicant proposes sales related to the spring/summer planting season.
- **Parking Lot Area (Including Proposed Expanded Area) and Areas Adjacent to North End of the Building:** (*September 1-January 1*) The applicant proposes seasonal sales including Fall, Halloween, and Holiday seasons.
- **2 Areas Adjacent to South End of the Store:** (April 15-October 15). The applicant proposes seasonal sales related to fencing.

Summary of Proposed Outdoor Display Areas:

- **All 6 Areas Adjacent to the Front of the Store** are proposed to be utilized for outdoor display when not being utilized for temporary outdoor events. The letter of intent acknowledges that such display materials will be brought into the store nightly, in compliance with applicable standards.

This development was approved prior to the Large Retail Development standards being created. However, subsequent site plan alterations, such as this, shall comply with the requirements to the “extent possible.” As proposed, the event/display areas adjacent to the building do not conform to the pedestrian circulation standards. Those standards require that “sidewalks at least eight (8) feet in width shall be provided along the full length of the building façade featuring a customer entrance and along any façade abutting parking areas and shall provide at least eight (8) feet in width clear from any merchandise, vending or other obstructions.” While the front of the building now includes sidewalk, some of the proposed customer display areas directly abut the

customer drop-off lane and leave no clear zone to walk or look at display items. The ordinance states that the Plan Commission may waive this requirement if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.

No permanent physical changes to the site are proposed. Plans show that a temporary metal fence is proposed along the perimeter of the parking lot area. The applicant also proposes to include a fabric screen along the street side of this enclosure. From an aesthetic standpoint, staff does not believe this will have much of an impact considering that this portion of the parking lot is already well elevated above the sidewalk and includes a permanent decorative fence behind the existing retaining wall for much of the area. Staff does not believe the mesh insert along the inside of the temporary fence is necessary or would result in an aesthetic improvement from the street. As no permanent physical changes are proposed, the Urban Design Commission (UDC) Secretary reviewed the Plans on behalf of the UDC. His recommendation was that the plans comply with the Large Retail Standards, specifically, the standard related to maintaining an eight foot clear path.

With adjustments to the plan to provide for additional clear zones for better pedestrian circulation, the Planning Division believes the applicable standards can be met. At the time of report writing, staff was not aware of any objections to this proposal. The conditional use requests for the various areas largely represent the formalization of longstanding outdoor sales and storage areas that have been used by the applicant for a number of years, and will provide Zoning staff with contemporary plans to enforce going forward if needed. At the time of report writing, staff was not aware of any objections to this proposal.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requested conditional use at 2425 East Springs Drive for temporary outdoor displays and outdoor events. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Kevin Firchow 267-1150)

1. That the "approved display area" adjacent to the front of the store be revised to reflect the existing site plan. The approved plan provides just over 5 feet of clear sidewalk between the edge of the display area and the edge of the "customer drop-off lane."
2. That the plans be revised and the temporary outdoor event and outdoor display areas be revised to comply with Section 33.34(4)(f)7 which requires an eight (8) foot-wide clear path along the length of the front of the building. This excludes the existing display area that was previously approved with a five (5) foot clear path. Details shall be approved by Planning, Zoning, and the Traffic Engineering Division.

That per Section 33.24(4)(f)(2)c. The Plan Commission may waive or modify this condition if it determines that unique or unusual circumstances warrant special consideration to achieve a superior design solution.

3. That the fabric screening enclosure is not included along the street side of the parking lot temporary outdoor event/existing display area.

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

This agency submitted a report with no recommended conditions of approval.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

4. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
5. The applicant shall maintain 10' vision triangle at all ingress and egresses.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Pat Anderson, 266-5978)

7. A temporary use permit shall be required for each temporary outdoor event. These shall be renewed annually for each event. Work with Pat Anderson in Zoning for application requirements.
8. Previous approved plans provided outdoor display without limitation on time of display (24 hours per day was allowed). The current zoning code limits outdoor display not to exceed 16 hours per day. Existing outdoor display areas approved under the 1999 site plan may remain without a daily time limit. Any new outdoor display areas shall be limited to display for no more than 16 hours per day. Clearly identify pre-existing outdoor display areas (no time limit) and proposed new outdoor display areas limited to 16 hours per day on the final submitted site plan.
9. No material or items, including sheds, trailers or similar items for sale and or display, shall be placed in the parking lot outside of designated outdoor display or temporary outdoor event areas.
10. Meet all Supplemental regulations pursuant to Section 28.151, (Outdoor display and Temporary Outdoor Events).
11. 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 prior to sign installations. Banners, pennants, temporary signs, portable signs etc. are not approved as a part of this project.

12. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. If any exterior lighting is to be installed, provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.

Fire Department (Contact Bill Sullivan, 261-9658)

13. Develop an annual training program that requires store managers and assistant managers to review permitted storage locations and arrangements based on approved documents for both exterior and interior operations.

Water Utility (Contact Dennis Cawley, 266-4651)

14. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Division (Kay Rutledge, 266-4816)

This agency did not submit comments for this request.