



Report to the Plan Commission

July 9, 2012

Legistar ID # 26932

1422 Northport Drive

Demolition and Conditional Use Request

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval to demolish a commercial building to allow the construction of a one-story credit union with a drive-through facility.

Applicable Regulations & Standards: Section 28.12(11) provides the guidelines and standards for the approval of conditional uses. Section 28.12(12) provides the guidelines and standards for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and conditional uses can be met and **approve** the applicant's request to demolish a vacant restaurant for the purpose of constructing a credit union with a drive-through facility at 1422 Northport Drive. This recommendation is subject to input at the public hearing and the recommended conditions from the Planning Division and other reviewing agencies.

Background Information

Applicant / Property Owner: Brad McClain; UW Credit Union; 3500 University Ave; Madison, WI 53705

Contact: David Ewanowski; KEE Architecture, Inc.; 621 Williamson St.; Madison, WI 53703

Proposal: The applicant proposes to demolish a small, vacant restaurant building for the construction of a one-story building with a drive-through facility to be utilized as a credit union on property in the C1 (Limited Commercial) and C2 (General Commercial) District.

Parcel Location: The 2.5-acre property is located on the north side of Northport Drive between Mandrake Road and Troy Drive; Aldermanic District 18 (Weier); Madison Metropolitan School District.

Existing Conditions: The front portion of the property, zoned C1 and C2 (Neighborhood and General Commercial, respectively), is developed with a 1,300 square foot restaurant building surrounded by an asphalt parking area and driveway. The rear 1.5-acres, zoned C1 (Limited Commercial) is undeveloped, following the 2008 demolition of a Brennan's food store on the site. The rear 65 feet of the property is subject to a private easement requiring that it remain a landscaped buffer until 2019, when the easement expires.

Surrounding Land Use and Zoning:

North: Single-family homes facing Drewry Lane to the north, in the R1 (Single-family Residence) District.

East: A one-story multi-tenant commercial building with a PDQ convenience store and fuel sales in the C2 (General Commercial) District. 128-unit apartment complex in the R4 (General Residence) District.

South: Across Northport Drive to the south, a gasoline station in the C1 (Limited Commercial) District, the intersection of Troy Drive and Northport Drive, and the City of Madison's Warner Park, in the C (Conservancy) District; and

West: A one-story multi-tenant office building in the C1 (Limited Commercial) District.

Adopted Land Use Plans: The Comprehensive Plan (2006) recommends Neighborhood Mixed-Use for this area. The Northport-Sherman-Warner Park Neighborhood Plan includes some conceptual redevelopment recommendations for the surrounding site.

Environmental Corridor Status: These properties are not located within a mapped environmental corridor.

Public Utilities and Services: The area is served by a wide range of urban services, including Metro Transit Routes 21 and 22 along Northport Drive.

Zoning Summary: The property is in the C1 and C2 zoning districts

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	108,317 sq. ft.
Lot width	50'	237.56'
Front yard	0	Adequate
Side yards	0	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0	Less than 1.0
Building height	1 story	1 story
Number parking stalls	16	32 (See Comment # 34)
Accessible stalls	2	2 (See Comment # 34)
Number bike parking stalls	4	4 (See Comment # 33)
Landscaping	Yes	Yes (See Comment # 29)
Lighting	Yes	Yes (See Comment # 30)
Other Critical Zoning Items	Utility easements, Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

Project Description, Analysis, and Conclusion

The applicant, the UW Credit Union, requests approval to demolish a small vacant commercial building for the purpose of constructing a new branch credit union office with drive-through facilities. This request is subject to the demolition and conditional use approval standards.

Surrounding Context

The subject 2.5 acre site is located at the intersection of Northport and Troy Drives. Northport Drive is a six lane state highway and no on-street parking is allowed in front of the subject site. The surrounding properties form a small, predominantly auto-oriented commercial node including gas stations, a fast food restaurant, garden store and an office building. Street setbacks for the adjacent commercial properties are roughly 60 and 74 feet. The commercial properties on the opposite side of the street have Northport Drive setbacks ranging from zero (0) to 88 feet. A large undeveloped portion of this property, previously the site of a demolished Brennan's Market, is immediately to the north. Multi-family residential units are found immediately to the northeast, with single-family homes located on Drewry Lane, north of this site.

Existing Conditions

The existing building is a roughly 1,200 square foot commercial building, previously occupied as a take-out Pizza Hut facility. The small building sits roughly at the north-center portion of the site, surrounded by surface parking and drive aisles. The applicant has not provided information to suggest the existing building is structurally unsound, though staff believes there would likely be limited economic feasibility to reuse or expand the small restaurant building to accommodate the proposed new use. The City's Preservation Planner does not have any objections regarding the demolition of this structure.

Proposed Future Use

The proposed future use is a 5,045 square foot branch office for the UW Credit Union. The one-story structure would be set back approximately 72 feet from Northport Drive, with two rows of parking and a 10-foot wide frontage landscape area between the building and the street. The site plan includes 32 total automobile stalls, including the six (6) stall employee lot behind the building. This development requires a minimum of 16 parking stalls and would have a maximum parking requirement of 32 stalls. As proposed, a separate conditional use approval to exceed the maximum parking requirement is not required. There are four (4) bicycle stalls provided, located near the southeast corner of the building. Pedestrian access to the site is provided by an eight (8) foot-wide sidewalk connection between Northport Drive and the front of the building. This sidewalk provides a relatively direct pedestrian route from the signalized intersection of Northport and Troy Drives.

The facility includes four (4) drive-up service lanes, requiring conditional use approval. The service windows are located on the western side of the building, with a bypass lane proposed along the property's far western side. The inner lane (labeled as lane "1" on the attached site plan) would provide drive-up service with the outer three lanes (lanes "2, 3, and 4") providing ATM service. The support pillars are clad in a combination of stone and brick veneer, matching that of the building. The letter of intent indicates that the full-service drive-up service window will be open from 7:30 am – 6:00 pm Monday through Friday and 9:00 am to 1:00 pm on Saturday. The ATM service windows would remain open at all times.

The proposed landscape plan shows the Northport Drive and entry drive frontages planted with a row of 39 spirea and two skyline honey locust. The landscape islands closest to the building are proposed to be planted with potentilla. Three October Glory maples are proposed in the rear yard behind the building. A screening fence in the rear yard is depicted on the site and landscape plans, though no details are included in this plan set. Please see the recommended conditions related to the landscape plan and screening fence.

Additionally, the plan shows the location of the future drive and sidewalk connection to the undeveloped portion of this property.

Staff note that as part of the 2008 Brennan's demolition approval that cleared the northern portion of this site, the Plan Commission required a restrictive covenant stating that the proposed alternative use on the property must be approved by the Commission. Staff has reviewed this restriction with the City Attorney's Office and notes that this restrictive covenant would terminate upon approval of this development by the Plan Commission. Nevertheless, as a conditional use site, future development on the rear portion of this property would be subject to Plan Commission review.

Adopted Plan Recommendations

The [Comprehensive Plan](#) recommends neighborhood-mixed use development for this site and the surrounding commercial properties. A credit union office is consistent with the recommended land uses for such areas. That plan states that these areas are the “recommended locations for clusters of relatively small convenience shopping and service uses that serve as activity centers and gathering places for surrounding neighborhoods or districts.” Development in neighborhood mixed-use areas is recommended to have a pedestrian-oriented, “urban character.” This commercial node is also recommended as a conceptual location for a Transit Oriented Development (TOD). Policy encourages Transit-Oriented Developments to have buildings oriented toward the street with minimal setbacks from the sidewalk, depending on the established development pattern in the area and the level of “urbanism” desired at the site.

The [Northport-Warner Park Sherman Neighborhood Plan](#) provides similar design recommendations, also encouraging pedestrian-friendly and street-oriented development for this commercial node. That plan specifically anticipates the construction of a UW Credit Union office at this location and includes general recommendations on maintaining and expanding the commercial uses offered in this area. The illustrative concept plans for this node, in fact, suggest a drive-through facility at this site.

Thus, the scale and use are consistent with both plan’s recommendations, though the site design is not as urban in form as encouraged in the adopted plans.

Finally, staff notes the neighborhood plan recommends a potential bike and pedestrian connection on the edge of this site and adjoining parcels, ultimately connecting to Lake View Hill Park. City Engineering is not pursuing a dedication for this connection as part of this proposal. The Assistant City Attorney has cautioned staff about requiring such a dedication with this request. She notes that State Statute and established case law set a standard that any such dedication be related to need for the dedication and that any requested exaction be proportional to that need, even if the connection is shown on an adopted plan. Staff also understands that the district Alder does not support the establishment of this bike path.

Site Layout Considerations

The applicant has met with staff several times to discuss the different iterations of this development. The proposed design before the Plan Commission features a relatively conventional commercial layout, featuring two rows of parking between the front of the building and the street. At the earlier meetings, staff discussed adopted plan recommendations and encouraged the applicant to explore ways to better orient the building towards the street. Staff understands that the proposed plan is the result of recommendations from the UW Credit Union’s security consultant. In fact, earlier concepts by the applicant proposed having the building sited closer to street, essentially backing onto Northport Drive with the parking, drive-through service windows, and main entrances facing the site’s interior. From a pedestrian access standpoint, planning staff believes the proposed layout is preferable to those earlier concepts as the proposed route provides a shorter, more visible pedestrian route from the nearby signalized intersection. Finally, staff note that the proposed setback could be allowed with conditional use approval under the proposed “Commercial Corridor-Transition” (CC-T) zoning recommended in the draft (and not yet adopted) zoning map, scheduled to be considered by the Plan Commission and Common Council later this year.

Considering the proposed layout, staff notes the aesthetic importance of the parking lot screening. As proposed, the planting plan includes nearly 160 feet of spirea along Northport Drive and other 55 feet along the adjoining driveway. Greater variety in plantings is recommended along both the parking lot

frontage and should include a mix of deciduous and coniferous plantings, providing better year round screening. The project architect has indicated they are amenable to providing such an alteration. Staff are also recommending details of the proposed screening fence be included in the plans submitted for final sign-off.

Approval Standards

Staff believe that this proposal can likely meet the applicable demolition and conditional use standards. Regarding the demolition standards [Section 28.12 (12)], the Plan Commission must find that both the requested demolition and the proposed use are compatible with the purpose of the demolition section and the intent and purpose expressed in the Zoning Code for the C1 (Limited Commercial) and C2 (General Commercial) Districts. Staff believe that such a finding can be made. The demolition approval standards further state that the proposed use should be consistent with adopted neighborhood plans and the Comprehensive Plan. As noted above, the development of a Credit Union was anticipated in the neighborhood plan at this location, and the scale and use are consistent with the recommendations of both plans, though the site design is not as "urban" in form as encouraged in the adopted plans.

Staff also believe the conditional use standards [Section 28.12 (11)] can also likely be met. Staff don't anticipate the establishment of a credit union with drive-up windows will negatively impact the uses, values, and enjoyment of surrounding properties, including the surrounding residential properties. Considering noise, the drive up windows are located roughly 300 feet from the closest multi-family units, separated by the proposed building. They are over 400 feet from the nearest single-family units on Drewry Lane, separated by the undeveloped portion of this property. There are no remote speaker boxes away from the drive up service windows that could provide additional noise conflicts. Staff also don't believe that this proposal would impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Public Comments

At the time of report writing, staff is not aware of any objections to the proposal. Enthusiastic support for the project, in its current form, has been provided by the District Alder, the Lake View Hill Neighborhood Association, and the Northside Planning Council. Those comments are attached. In summary, these comments acknowledge a strong desire to redevelop this underutilized parcel and note that the proposed credit union office use will be an anchor commercial development providing a use that is needed and desired in the area.

Conclusion

Staff support the development of the proposed credit union and drive-up service windows and believe the applicable standards can likely be met. While the project has a greater street setback than encouraged in the adopted plan recommendations, the proposal meets the general land use and intensity recommendations and is consistent with the surrounding auto-oriented context. Staff believe the resulting project will be an aesthetic improvement over the existing auto-oriented development and will establish a new anchor commercial tenant within this small commercial node. Staff understands that there is strong support for the proposed development among the District Alder, Lake View Hill Neighborhood Association, and the Northside Planning Council, and others that have provided comments to staff prior to completion of this report.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find that the standards for demolition and conditional uses can be met and **approve** the applicant's request to demolish a vacant restaurant for the purpose of constructing a credit union with a drive-through facility at 1422 Northport Drive. This recommendation is subject to input at the public hearing and the below recommended conditions from the Planning Division and other reviewing agencies.

1. That applicant provides a revised landscape plan for staff approval. Along the parking lot frontage, the applicant shall include a greater variety of species with a mix of deciduous and evergreen species to provide for year-round screening of the parking lot. Additionally, a further variety of species shall be provided in the parking lot islands near the building.
2. That details on the screening fence are provided for staff approval.

The following conditions have been submitted by reviewing agencies:

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

3. Any future development of the remainder of the lot will likely require stormwater detention. The Applicant shall review the drainage and stormwater management needs to plan for any future requirement. Subdivision of the lot shall require an ownership and maintenance agreement for the shared storm sewer system.
4. The existing public sanitary sewer located adjacent to this property within Northport Drive public right-of-way is very close to the property line. In order to adequately perform future maintenance of this public sanitary sewer facility the owner shall grant a 10 feet wide public sanitary sewer easement to the city of Madison. The owner shall have a Registered Land Surveyor (RLS) prepare a map and legal description exhibit for this easement conveyance. Frank Thousand, RLS prepared the existing conditions utility & topographic survey and is likely the person to perform this task. Coordinate this new easement with Engineering and Office of Real Estate Services staff. Contact Eric Pederson at (608)266-4056 or epederson@cityofmadison.com.
5. Reconcile the typo error on Sheet SV-1. The reference to the access easement on this property is made to Doc "155807" and should read "1553807".
6. City Assessor Office records indicate a building on leased land within this site for the former Pizza Hut. Please provide the City Assessor Office (Judy Drousth jdrousth@cityofmadison.com (608)267-8793) a copy of the proper recorded lease termination document so these records can be appropriately updated.
7. The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement 4 feet wide along Northport Drive. (MGO 16.23)(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM)

8. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
9. All damage to the pavement on Northport Drive, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
10. 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. POLICY AND MGO 10.29
11. 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.
12. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to 1) Control 40% TSS (20 micron particle) off of new paved surfaces; 2) Provide oil & grease control from the first 1/2" of runoff from parking areas; and 3) 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.
13. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) Building Footprints, b) Internal Walkway Areas, c) Internal Site Parking Areas, d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) Right-of-Way lines (public and private), f) All Underlying Lot lines or parcel lines if unplatted, g) Lot numbers or the words "unplatted", h) Lot/Plat dimensions, and i) Street names. All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

14. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) street names, f) stormwater management facilities, and g) detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
15. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc. and d) 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. (POLICY and MGO 37.09(2))

16. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6)) and MGO 35.02(4)(c)(2)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
17. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
18. Prior to approval of the conditional use application, 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
19. 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 / Subdivision Contract. Contact Janet Dailey (608-261-9688) 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))
20. 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. (POLICY)

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

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| <ol style="list-style-type: none">21. The applicant shall provide copies of the access easement for the site.22. The applicant shall enter into a developer's agreement with the City for changes to the driveway and traffic signal infrastructure, including any easements required. |
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23. The drive thru shall be clearly identified with pavement markings and signage and the service point shall be shown. The Applicant shall provide to Traffic Engineering for approval, a Queuing Model showing provision for adequate queue storage that prevents queue interference with pedestrian or other vehicular movements.
 24. 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.
 25. 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.
 26. 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)

27. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
28. Sec 28.12(12)(e) of the Madison 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.
29. For parking lot plans with greater than twenty (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. Note: The landscape points worksheet has been changed regarding point value of landscape elements. Please get a new copy from us. The required trees to not count toward the point total.
30. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).
31. The site is being developed as part of a Planned Commercial Site. Per Sec. 28.04(23) a Planned Commercial Site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development or approval of the Plan Commission.
32. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
33. Bike parking shall comply with City of Madison General Ordinances Section 28.11. Provide two bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
34. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of two 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.
 - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

35. A buffer area at least six (6) feet in width and initially landscaped with four feet tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet nor more than six (6) in height, shall be established and maintained at any rear or side lot line abutting a residence district. A solid wall or fence providing a visual screen and of decorative design may be substituted for the evergreen hedge

Fire Department (Contact Bill Sullivan, 266-4420)

36. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503.

37. Speed bumps are not acceptable across fire lanes.

Water Utility (Contact Dennis Cawley, 261-9243)

38. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.