

PLANNING DIVISION STAFF REPORT

August 25, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 1109-1113 N. Sherman Avenue
Application Type: Conditional Use
Legistar File ID # [34916](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Margaret Mackey, Joha Roth Venture; 1113 N. Sherman Avenue; Madison.

Agent: Chris Adams, Williamson Surveying & Associates, LLC.; 104A W. Main Street; Waunakee.

Requested Action: Approval of a conditional use alteration for a planned multi-use site to allow construction of parking lot improvements at 1109-1113 N. Sherman Avenue.

Proposal Summary: The applicant and property owner are requesting approval to improve an informal parking area located at 1109 N. Sherman Avenue at the rear of their multi-tenant retail building at 1113 N. Sherman Avenue, which is located adjacent to the other multi-tenant buildings that comprise Northgate Shopping Center. The building and a small area of parking stalls located to its north are part of the planned multi-use site for Northgate, with the applicant's parking shared with and accessed through the larger Northgate property that borders the property on the north and east. The applicant wishes to commence construction of the parking improvements as soon as all regulatory approvals have been granted, with no completion date specified.

Applicable Regulations & Standards: Section 28.137(2)(e) identifies a planned multi-use site containing more than 40,000 square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail use or for hotel or motel use as a conditional use and be subject to review by the Urban Design Commission under the provisions of Section 33.24(4)(f). Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission; due to the limited scope of the request, the application was reviewed administratively by the secretary of the Urban Design Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use alteration for a planned multi-use site to allow construction of parking lot improvements at 1109-1113 N. Sherman Avenue subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is comprised of 2 parcels totaling 0.44 acres of land located adjacent to the southwestern corner of Northgate Shopping Center, which includes 5 other parcels generally located in the southeastern quadrant of the N. Sherman Avenue-Aberg Avenue intersection; Aldermanic District 12 (Palm); Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel addressed as 1113 N. Sherman Avenue is developed with a one-story 4,160 square-foot multi-tenant retail building and 11 surface parking stalls located immediately north of

the building. The 1109 N. Sherman parcel is paved lot. Both sites are zoned CC-T (Commercial Corridor–Transitional District).

Surrounding Land Use and Zoning: The subject sites are bordered on the north and east by Northgate Shopping Center, which extends north to Aberg Avenue and includes the FEED Kitchen property. Capitol Petroleum and Kavanaugh’s Esquire Club are located to the south of the site on either side of Roth Street. To the west across N. Sherman Avenue are the Sherman Glen Apartments, All Auto Service and Café Bellitalia. All of the aforementioned surrounding uses are zoned CC-T (Commercial Corridor–Transitional District), with the exception of the apartments, which are zoned PD.

Adopted Land Use Plans: The Comprehensive Plan recommends the subject site and nearby properties south of Aberg Avenue on both sides of N. Sherman Avenue (including the Sherman Glen Apartments and Northgate Shopping Center) for future Community Mixed-Use development. A Transit-Oriented Development node is also identified at the N. Sherman-Aberg intersection.

The site is also located with the boundaries of the 2009 Northport-Warner Park-Sherman Neighborhood Plan, which includes two redevelopment concepts for Northgate Shopping Center that call for the retail center to evolve into a mixed-use, transit-oriented development as part of a larger-scale redevelopment proposal for the area bounded by N. Sherman Avenue on the west, Aberg Avenue on the north, Packers Avenue on the east and Commercial Avenue on the south.

Zoning Summary: The site is zoned CC-T (Commercial Corridor–Transitional District):

Requirements	Required	Proposed
Front Yard	0'	N/A
Side Yards	0'	N/A
Rear Yard	10'	N/A
Maximum Lot Coverage	Maximum 85%	See Zoning conditions
Floor Area Ratio	N/A	---
Maximum Building Height	5 stories, 68 feet	One-story (existing)
Auto Parking	0	8 new stalls
Bike Parking	1 per 2,000 sq. ft. of floor area (2)	Existing
Loading	N/A	0
Building Forms	Free-standing commercial building	Existing building
Other Critical Zoning Items		
Yes:	Urban Design (Planned multi-use site), Barrier Free, Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development	
Prepared by: Matt Tucker, Zoning Administrator		

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map E6).

Public Utilities and Services: The property is served by a full range of urban services, including seven-day Metro Transit service.

Project Description

The applicant is requesting approval of a conditional use to improve an informal, unapproved parking lot located at 1109 N. Sherman Avenue adjacent to a parcel under the same ownership at 1113 N. Sherman, which contains a one-story, 4,160 square-foot multi-tenant retail building and 11 parking stalls accessed through Northgate Shopping Center, which borders the subject parcels on the north and east. Northgate Shopping Center is a planned multi-use site comprised of 4 parcels that include an L-shaped, approximately 90,000 square-foot multi-tenant retail building, a 35,000 square-foot commercial building adjacent to Aberg Avenue, and the one-story 5,400 square-foot FEED Kitchen facility. The planned multi-use site also includes the Dane County job Center at 1819 Aberg Avenue. All 5 of these buildings and an undeveloped parcel in front of the FEED facility share access from N. Sherman Avenue and Aberg Avenue and internal circulation and parking. The 1113 N. Sherman property does not have direct automobile access to the street.

The proposed parking lot on the 1109 N. Sherman parcel will include 8 parking stalls and a trash enclosure for the 1113 N. Sherman building. The applicant has submitted a Certified Survey Map for administrative approval to combine the 2 parcels into 1 lot. A new driveway will provide access to the proposed parking lot. The 1109 parcel previously shared access to N. Sherman Avenue with the 1101 N. Sherman property to the south, which is developed with an auto service station, convenience store and car wash. At one time, the 1101 parcel was under the ownership of a relative of the applicant, and a driveway straddled the property line between the 2 parcels. However, no easement existed between the 1101 and 1109 parcels, and the shared driveway was moved entirely onto the 1101 parcel when the current auto service station facility was approved in 2011, which left the 1109 parcel without legal access to N. Sherman Avenue. The proposed parking lot plan and lot combination CSM will allow the applicant to restore legal access to the street for the unapproved, back lot.

Analysis and Conclusion

A planned multi-use site, as defined, is a specified area of land comprising one or more contiguous ownership parcels or building sites for multiple uses and which area is limited by a reciprocal land use agreement or plan of building placement, a reciprocal use off-street parking system, a cross access easement or a reciprocal use ingress and egress system for buildings, loading and parking approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds. When a planned multi-use site includes 40,000 square feet or more of gross floor area of which 25,000 square feet or more is designed for retail use, the planned multi-use site requires conditional use approval following a recommendation by the Urban Design Commission (UDC). Given the limited scope of site improvements for the proposed parking area, the secretary of the UDC reviewed the plans administratively. Reciprocal access and parking agreements for the planned multi-use site—including the subject parcels—were previously approved when the Northgate Shopping Center was subdivided to create the parcel for the FEED Kitchen facility.

The Planning Division believes that the proposed improvements to formalize the parking area at 1109 N. Sherman Avenue can meet the conditional use standards. The project should not have a negative impact on the uses, values and enjoyment or normal and orderly development of the surrounding properties, and its approval should not prevent the planned evolution of Northgate Shopping Center and other commercial properties nearby into a community mixed-use, transit-oriented development as recommended by the [Northport-Warner Park-Sherman Neighborhood Plan](#).

The Sherman Neighborhood Association has submitted comments generally in support of the proposed parcel combination and parking lot approval. However, the comments include concerns about potential pedestrian-

automobile conflicts at the driveway proposed to serve the new parking lot. Planning staff shared those comments with the Traffic Engineering Division, which submitted conditions of approval it believes will address those concerns.

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 alteration for a planned multi-use site to allow construction of parking lot improvements at 1109-1113 N. Sherman Avenue subject to input at the public hearing and the following conditions:

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

1. Per MGO 28.137(2), the applicant shall submit a plan for building placement and shared parking and access for the overall planned multi-use site prior to final sign-off and the issuance of permits for this request. The plans shall show the arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities, open spaces and any ground-mounted signage and include the site and the gross square footage of building sites for the overall development.

The following conditions of approval have been submitted by reviewing agencies:

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

2. The related Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any permits for this project. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
3. The site plan shall note that the site benefits from a Declaration of Parking and Access Easement per Document No. 4500321.
4. It appears that the proposed driveway may require removal of a terrace tree. Verify the location of any terrace trees and clearly note if they will be removed with the construction.
5. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
6. The applicant's project requires the minor restoration of the street and sidewalk. The applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division.
7. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.

8. All work in the public right-of-way shall be performed by a City licensed contractor.
9. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl of the Parks Division - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
10. All damage to the pavement on N. Sherman Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
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. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

13. Modify entrance type from a 'street' type entrance with a radiused approach to a 'commercial' type entrance with a flared approach.
14. Install a 'Right Turn Yield to Pedestrians' sign below the 'Stop' sign at the driveway approach behind the property line; these signs shall be noted on the final site plan.

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 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 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
16. 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.
17. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

18. The provided accessible stall must be designed as a van-style (8 feet wide with an 8-foot access aisle) and the van accessible stall sign shall be provided.

19. Provide additional detail on trash enclosure, including detail showing solid screening on all sides.
20. If provided, exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
21. Provide lot coverage calculations for this lot on final plans.
22. The letter of intent shall be revised to eliminate any reference to PD zoning on the development to the north, since the development to the north is zoned CC-T and not a PD. References shall describe the approved *Planned Multi-use site* condition of the site to the north.
23. Provide landscape plans pursuant to MGO Section 28.142, Landscape Plan and Design Standards. Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions of approval for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

24. Note: All operating private wells shall be identified and permitted and any unused private wells shall be abandoned by the Madison Water Utility in accordance with MGO Section 13.21.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.