

PLANNING DIVISION STAFF REPORT

January 25, 2021



PREPARED FOR THE PLAN COMMISSION

Project Address: 522 S. Gammon Road and 53 West Towne Mall
Application Type: Conditional Use and Conditional Use Alteration
Legistar File ID # [63212](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Todd Mosher; raSmith; 1245 E. Diehl Road, Suite 102; Naperville, IL 60563
Property Owner: Seritage SRC Finance, LLC; 489 Fifth Avenue, 18th Floor; New York, NY 10017

Requested Actions: The applicant requests conditional use approvals in the Commercial Center (CC) District for: 1) a vehicle access sales and service window; and 2) a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use, to allow construction of a one-story restaurant-tavern with vehicle access sales and service window at 522 S. Gammon Road and 53 West Towne Mall.

Proposal Summary: The applicant is requesting approval to construct a 7,800-square-foot Portillo's Restaurant with three drive-through lanes at the southeast corner of the West Towne Mall. The proposed modifications will span two sites: the construction of the Portillo's restaurant and majority of site improvements will occur on the 522 S. Gammon Road site while additional site improvements will also occur on the roughly half-acre portion of the 53 West Towne Mall site located immediately to the east.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses in MGO §28.183 as Table 28D-2 in Section 28.061(1) notes that *a vehicle sales and service window* is a conditional use in the Commercial Center (CC) District. Furthermore, MGO 28.137(2)(e) notes that a *Planned Multi-Use Site* containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. Additionally, MGO 28.137(2)(b) states that alterations to existing Planned Multi-Use Sites require Plan Commission approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *vehicle sales and service windows*.

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests at 522 S. Gammon Road and 53 West Towne Mall. 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: The project site includes two lots, which together comprise total of 18.2 acres (792,792 square-feet) located in the southeastern quadrant of the larger 133-acre West Towne Mall complex south of the entrance from S. Gammon Road opposite Odana Road; Aldermanic District 9 (Ald. Skidmore); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject sites are both developed with roughly 118,000 gross square-feet of retail (a Dave & Busters restaurant and Total Wine & More) located at the northwestern corner of the 53 West Towne Mall site (and attached to the southern end of the multi-tenant West Towne Mall retail core). The 522 S. Gammon Road parcel contains the former Sears Auto Center building, though it is slated for demolition in the near future. The remainder of the two sites contain surface parking.

Surrounding Land Uses and Zoning: The entire West Towne Mall is zoned CC (Commercial Center) District. The subject sites are located at the southern end of the West Towne Mall complex, with S. Gammon Road adjacent to the east and the W. Beltline Highway (US Highway 12 & 14) to the south. Generally, the next closest retail uses to the site on the west are Dick’s Sporting Goods at the southwestern corner of the mall, and Best Buy and Kohl’s, which are both located on the west side of the mall ring road.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) identifies the subject site and the overall West Towne Mall complex for Regional Mixed-Use (RMU) development.

Zoning Summary: The site is zoned Commercial Center (CC) District:

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	60,908
Lot Width	None	185 ft
Front Yard Setback	None	60 ft
Max. Front Yard Setback	70% at 85 ft	60-85 ft
Side Yard Setback	5 ft	50 ft, 150 ft
Rear Yard Setback	20 ft	90 ft
Maximum Lot Coverage	85%	85%
Maximum Building Height	5 stories/68 ft	1 story/31 ft

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 92 maximum	61
Accessible Stalls	3	5
Loading	No	No
Number Bike Parking Stalls	12	18 <i>(See Comment #37)</i>
Landscaping	Yes	Yes <i>(See Comment #38)</i>
Lighting	Yes	Yes
Building Forms	Yes	Free-Standing Commercial <i>(See Comment #39)</i>

Other Critical Zoning Items:	
Yes:	Urban Design (Planned Commercial Site), Utility Easements
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park, Historic District, Barrier Free, Wetlands

Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

Public Utilities and Services: West Towne Mall is served by a full range of urban services, including seven-day Metro Transit service at S. Gammon Road south of Odana Road.

Related Approvals

On October 19, 2020, the Plan Commission approved a demolition permit request to raze the former Sears Auto Center building located at the southeastern corner of the site. No future use was proposed at that time.

On December 12, 2016, the Plan Commission approved a major alteration to the conditional use-planned multi-use site (i.e. the subject site) to convert what was then the existing 138,600 gross square-foot Sears department store on the south side of West Towne Mall into three commercial tenant spaces, and to convert the adjacent Sears Auto Repair building addressed as 522 S. Gammon Road into two restaurant tenant spaces.

Project Description

The applicant requests conditional use approvals in the Commercial Center (CC) District for: 1) a vehicle access sales and service window; and 2) a major alteration to a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use, to allow construction of a one-story, 7,800-square-foot, restaurant-tavern (a Portillo's Restaurant) with vehicle access sales and service window (i.e. drive-through window) at 522 S. Gammon Road and 53 West Towne Mall.

This proposal will result in the redevelopment and build-out of roughly two acres of land located to the southeast of the mall and bordered on the east and south by the Mall's curving inner-ring road and on the north and west by private internal drive aisles. The proposed modifications will actually span two sites - the construction of a 7,800-square-foot Portillo's restaurant and majority of site improvements will occur on the roughly 1.4-acre 522 S. Gammon Road site while additional site improvements will occur on the roughly half-acre portion of the 53 West Towne Mall site located immediately to the east. Note: a Certified Survey Map creating the 522 S. Gammon Road parcel has been submitted and is currently under review by City agencies. It will need to be approved by the City, and recorded with the Dane County Register of Deeds, before a building permit can be issued for this project.

The new building will replace the former Sears Auto Center structure, which has been approved for demolition and is anticipated to be demolished in the near future. The development site will have automobile entries from the north, off of a private drive aisle, and at the southwest corner, off of the Mall's inner ring road. The restaurant will sit near the center of the 522 S. Gammon Road site and have three drive-through lanes wrap counter-clockwise around its northern and western sides. The remainder of the site to the east and continuing onto the 53 West Towne Mall parcel will contain 60 surface parking stalls. An outdoor dining area, which is a permitted use within the Commercial Center (CC) District, is also planned along the east side of the building.

The site plan includes several improvements. The block on which the development is proposed currently has sidewalk constructed along the entire northern edge as well as along roughly half of the western edge, from the northwestern corner down to the curb cut. The applicant is proposing to remove this curb cut and continue the sidewalk all the way down to the site's southern curb cut, located along the ring road. Along the southern and eastern portions of the block, which run along the curving ring road, the applicant is proposing a wide landscaping strip which will vary from roughly six to sixteen feet in width. This area will contain not only bio-retention basins but also landscaping such as Honey Locust and Hackberry trees, and shrubs like Lilac and Juniper. The interior parking islands will also receive similar landscaping treatment.

The proposed building has a 1950s art-deco diner architectural style and is primarily clad in brick with metal and limestone accents. As indicated in the applicant's Letter of Intent, the restaurant will have 178 interior seats and 52 additional seats on the covered, outdoor patio. The hours of operation will typically be from 10:30 am to 12:00 am, seven days a week.

Analysis and Conclusion

This proposal is subject to the standards for conditional uses in MGO §28.183 as Table 28D-2 in Section 28.061(1) notes that *a vehicle sales and service window* is a conditional use in the Commercial Center (CC) District. Furthermore, MGO 28.137(2)(e) notes that a *Planned Multi-Use Site* containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. Additionally, MGO 28.137(2)(b) states that alterations to existing Planned Multi-Use Sites require Plan Commission approval. The Supplemental Regulations [MGO §28.151] contain further regulations for *vehicle sales and service windows*.

Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) for the subject sites and surrounding areas. With a general height range between two and 12 stories, RMU areas are generally intended to be the most intensively developed areas outside of the Downtown. The plan describes RMU as including *“existing and planned high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region. [...] As regional destinations for retail and jobs, RMU areas should be well connected with the adjoining street network and be transit-oriented. Areas should provide an urban environment characterized by a pedestrian friendly public street network, buildings placed close to the sidewalk and street, and should provide pedestrian amenities, such as decorative paving, lighting, plazas, benches, and landscaping.”*

The plan however, acknowledges that both the East and West Towne mall areas may continue to be auto-oriented malls for some time. Further, the plan states that future redevelopment that requires rezoning (which this request does not) should begin the transition to a more pedestrian/bicycle/transit friendly environment with a wider variety of uses. It also states, *“Any future intensive mixed-use redevelopment on the sites must proceed under either an adopted city plan for the area or be master-planned to ensure that redevelopment leads to a cohesive mixed-use project and not a series of disconnected buildings and discontinuous development.”* However, Staff does not consider this development as an “intensive” redevelopment, is not mixed-use, and a neighborhood plan does not exist currently for the West Towne Mall area, though a Planning effort for the greater West Towne Mall area is underway. Additionally, Staff note that there have been other recent conditional use applications that have been approved as one-story buildings in areas planned for RMU. One nearby example is the roughly 7,000-square-foot, multi-tenant commercial building located on the north side of the West Towne Mall at 7213 Mineral Point Road which was approved in 2020.

Therefore, Staff believe that the development of a one-story, commercial development could be found to be compatible with the recommendations of the [Comprehensive Plan](#).

Conditional Use Standards

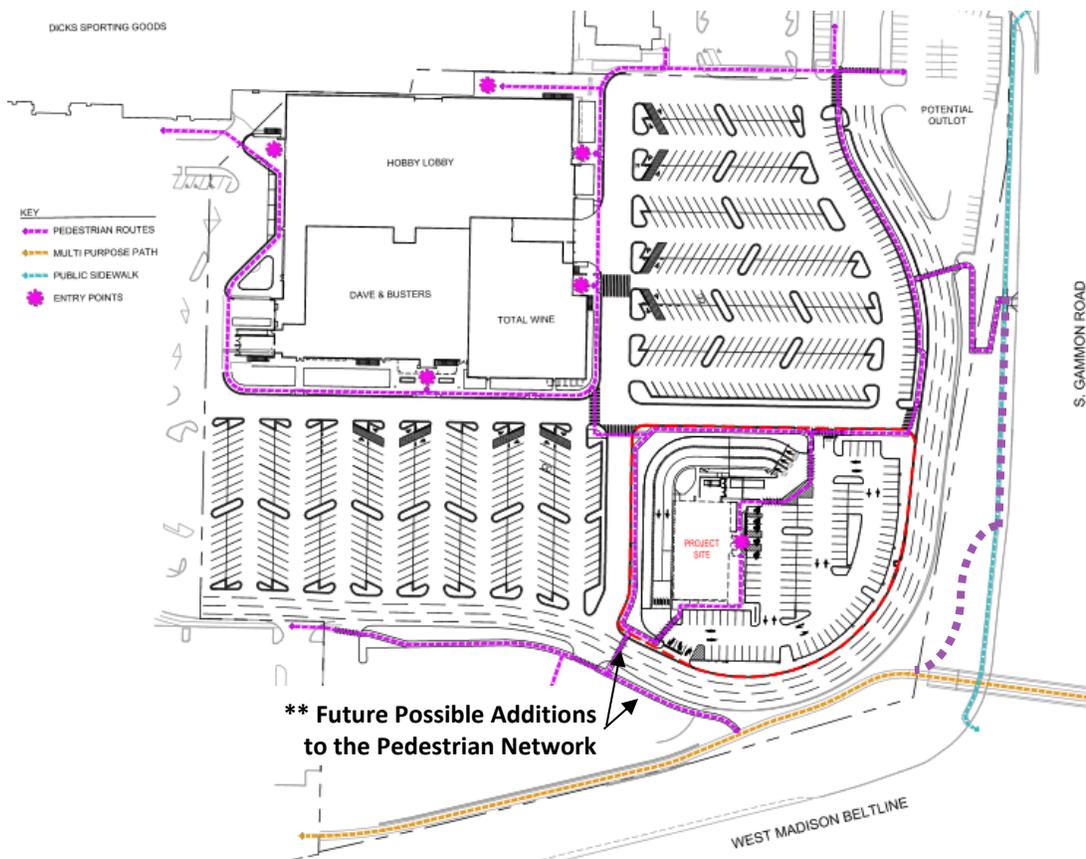
The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Staff notes two primary considerations regarding the conditional use standards.

Planning Division staff recommend careful consideration be given to the adequacy of the proposed pedestrian network and the need for the addition of a sidewalk along the ring road. Approval Standard #5 requires that, “Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.” With the goal of developing a full pedestrian network throughout the West Towne Mall’s site, staff from Planning and Traffic Engineering recommended during initial pre-application meetings that there be a sidewalk connection along the ring road, a feature that was included when this item was informationally presented to the Urban Design Commission in late 2020. At that time, the UDC voiced its opinion that additional landscaping was preferable compared to a sidewalk with a minimal terrace. The applicant responded by removing the sidewalk and increasing the perimeter landscaping.

At their January 13, 2021 meeting the Urban Design Commission again confirmed their preference to proceed without the sidewalk. Their formal recommendation to the Plan Commission specifically stated, “The UDC supports maintaining landscaping and greenery along curved edge of ring road in lieu of a sidewalk route. The UDC supports current pedestrian’s route shown without sidewalk on inside of ring road.” Note, the UDC’s recommendation is different from the formal comment from The Traffic Engineering Division, which recommends a public sidewalk be added along the site’s frontage along the Mall’s curving inner ring road (see Condition #19 at the end of this report).

In addressing the pedestrian network, the applicant has developed a diagram showing the pedestrian network in and around the subject site. (See image below) The diagram includes not only the pedestrian paths (in purple) proposed around and through the subject sites (which is outlined in red) but also existing connections and future possible connections to the recently constructed multi-use path, which passes underneath S. Gammon Road, and runs along the southern edge of the greater West Towne Mall site.



Of note, regarding the connection of the existing pedestrian network to this new path, the City's plans do not include a crosswalk located along the curving portion of the ring road as it is not considered safe. Instead, the plan is to eventually install a crosswalk at the southwest corner of the subject site, just west of the southern entry to the Portillo's. However, this connection will not occur until the parcel across the ring road to the south is developed and the sidewalk connection to the multi-use path can be constructed. In the meantime, a pedestrian crosswalk across the ring road currently exists roughly 200 feet to the north of the subject sites. This crosswalk serves not only the pedestrians nearby S. Gammon Road Metro stops, but also the multi-use path given the pedestrian connection that was added from the S. Gammon Road sidewalk to the path just west of the tunnel underpass.

Staff note that in March 2020, the Plan Commission approved a waiver so that the redevelopment of the Boston Store site, located roughly 1,800 feet northwest of the subject site along this same side of the ring road, could proceed without adding the ring road sidewalk. Further information on that request is included in Legislative File [59075](#).

In regards to building aesthetics, Conditional Use Approval Standard #9 states that for new construction, the Plan Commission shall find that *"the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district."* Staff note that the Urban Design Commission (UDC) reviewed this request and, at their January 13, 2021 meeting, gave the project a recommendation of final approval and noted the following concerns:

- Provide additional trees on the northwest side of the site between drive through and access road. Confirm preservation of existing trees.
- The UDC supports maintaining landscaping and greenery along curved edge of ring road in lieu of a sidewalk route. The UDC supports current pedestrians route shown without sidewalk on inside of ring road.
- Provide additional landscape island peninsula in lieu of paved striping area on right side (east) of site southwest vehicle entry.

The UDC report from their January 13, 2021 meeting is included at the end of this report.

With the final approval recommendation (and associated conditions) from the Urban Design Commission, Staff believe this Standard could be found met.

Supplemental Regulations for Vehicle Access Sales and Service Windows

Vehicle Access Sales and Service Windows are also subject to the Supplemental Regulations of M.G.O. §28.151. The supplemental regulations for this use are the following:

- a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building.*
- b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.*
- c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.*

- d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.*
- e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.*
- f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.*
- g) Bicyclist use of sales and service windows shall not be prohibited.*

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and offer the following comments related to select regulations:

Regarding Supplemental Regulation (b) and the requirement that points of vehicular ingress and egress shall be located at least 60 feet from the intersection of two streets, Staff note that the northern entry to the development is located roughly 90 feet from the intersection of the private internal drive aisle and the Mall's ring road.

Regarding Regulation (c), Staff note that the proposal was reviewed by City Traffic Engineering, which did not raise major concerns with movement of pedestrians within the site. They have however recommended a condition of approval for them to continue working with the applicant to fine-tune the pedestrian routing and ADA access through the site prior to final signoff.

Regarding Regulation (e), Staff note that the proposal was reviewed by the Urban Design Commission, which did not have concerns related to the proposed materials and details of the proposal.

Public Input

At the time of report writing, Staff have received comments from a single resident who is primarily concerned with a safe connection being made from the Mall to the subject site to the multi-use path which is being constructed beneath S. Gammon Road.

Conclusion

Staff believes that the Conditional Use standards can be found met. In evaluating the standards, careful consideration should be given to the adequacy of the pedestrian circulation. Should the Plan Commission find the sidewalk network is adequate and agree with the recommendation of the Urban Design Commission to approve the development without additional sidewalk, Condition #19 should be removed as part of their motion. As noted in the report, the Plan Commission previously approved the redevelopment of the Boston Store site, approximately 1,800 feet to the northwest, without the ring road sidewalk.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests at 522 S. Gammon Road and 53 West Towne Mall. 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

Urban Design Commission (Contact Janine Glaeser, 267-8740)

1. Provide additional trees on the northwest side of the site between drive through and access road. Confirm preservation of existing trees.
2. The UDC supports maintaining landscaping and greenery along curved edge of ring road in lieu of a sidewalk route. The UDC supports current pedestrians route shown without sidewalk on inside of ring road.
3. Provide additional landscape island peninsula in lieu of paved striping area on right side (east) of site southwest vehicle entry.

City Engineering Division (Contact Timothy Troester, 267-1995)

4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) 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))
5. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
8. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> .

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

9. Revise the site plan 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)

10. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges please contact Megan Eberhardt at Meberhardt@cityofmadison.com or 608-266-6432.
11. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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.

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 submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: Reduce the peak rate of discharge during the 10 - year storm event as compared to existing conditions

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Volume Control: Provide onsite volumetric control reducing the post construction volumetric discharge by 5% in the 10-year storm event compared to existing conditions.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

13. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
14. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West).

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

15. The portion(s) of a public watermain easement per Doc No 1370667 shall be released that will not be utilized and any new easement area required for the movement of the existing public water hydrant shall be amended by separate document prepared by City Office of Real Estate Services. Contact Jeff Quamme of Engineering Mapping (jrquamme@cityofmadison.com, 608-266-4097) to coordinate the Real Estate project, and associated information and fees required. The applicant shall confirm with the Madison Water Utility and Fire Department any modification to the water main and hydrant locations. The Real Estate project shall be set up and administrative fees paid prior to final sign off of the site plan.
16. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management and surface drainage that are necessary to accomplish the site development between this parcel and the remnant Seritage Growth Property Parcel. The rights are necessary in order to serve this parcel over, under and across the remnant Seritage parcel to access the common facilities provided by the Reciprocal Easement Agreement (and its amendments) for the entire mall development. The recorded documents shall be provided prior to final sign off. The document(s) shall be executed and recorded subsequent to the CSM recording and prior to building permit issuance.
17. Provide a recorded assignment and assumption of the existing Easement, Restriction and Operating Agreement (REA) addressing the need for this proposed parcel to be subject to and benefit from the existing REA. This site is dependent upon the benefits provided by this agreement for proper development. A recorded copy shall be provided prior to final site plan or early start permit issuance.

18. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction and/or an early start permit.

Traffic Engineering (Contact Sean Malloy, 266-5987)

19. The applicant shall install sidewalk along their frontage of the ring road with an effective width of 5'

20. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
21. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
22. 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.
23. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
24. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
25. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
26. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
27. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

28. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
29. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
30. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
31. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.
32. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
33. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.
34. The applicant shall work with Traffic Engineering on the pedestrian routing and ADA access through their site to be approved prior to sign-off.
35. The applicant shall work with Traffic Engineering to install a curb ramp on the internal ring road to provide a pedestrian crossing to a future Beltline path connection.
36. Outdoor drive-thru employees shall wear reflective clothing while working the vehicle queue.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

37. Provide dimensions of the bicycle parking area. A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area.
38. Submit a landscape plan and landscape worksheet stamped by a registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
39. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
40. Per Sec. 28.142(6)(a): A planting island shall be located at least every twelve (12) contiguous stalls with no break.
41. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including

a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.

42. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

43. Provide a fire access plan in compliance with MGO Chapter 34 & the IFC.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

44. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
45. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Parks Division (Sarah Lerner, (608) 261-4281)

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

Forestry Division (Contact Wayne Buckley, (608) 266-4892)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: January 13, 2021	
TITLE: 522 S. Gammon Road & 53 West Towne Mall – Planned Multi-Use Site. 9 th Ald. Dist. (62270)	REFERRED:	
	REREFERRED:	
	REPORTED BACK:	
AUTHOR: Janine Glaeser, Secretary	ADOPTED:	POF:
DATED: January 13, 2021	ID NUMBER:	

Members present were: Cliff Goodhart, Chair; Jessica Klehr, Tom DeChant, Rafeeq Asad, Syed Abas, Christian Harper, Craig Weisensel, Shane Bernau, Lois Braun-Oddo and Russell Knudson.

SUMMARY:

At its meeting of January 13, 2021, the Urban Design Commission **GRANTED INITIAL/FINAL APPROVAL** of a Planned Multi-Use Site located at 522 S. Gammon Road and 53 West Towne Mall. Registered and speaking in support were Melanie Bagley, representing Portillo’s; and Todd Mosher, representing Seritage SRC Finance, LLC. Registered neither in support nor opposition and not wishing to speak was Robert Stoklosa, representing WD Partners. Registered in support but not wishing to speak was Andrew Glassman.

The site plan has remained generally consistent, with separation between the ring road and parking area. Some landscaping was proposed previously, now they are showing somewhere in the neighborhood of 15 trees. They removed the sidewalk which allows a 9-10 foot landscaping area, allowing over-story trees in those areas and to use some of that area for infiltration for stormwater management. The team shared existing and proposed pedestrian connections, with sidewalk on the north and west side of the development, and a sidewalk connection within to the storefront itself. To the south of that they show a future crosswalk connection across the ring road at a safer area to cross. Conceptually a sidewalk connection would run on the south side as well as connecting to the proposed future bike path along the south edge of the property. Sidewalk connections are shown to the mall storefronts, and to the bus stop on Gammon Road. The sidewalk along the ring road would be redundant as it does not provide any additional connections to areas of development. The additional landscaping is a good replacement for having just a sidewalk there. The 1950’s diner building incorporated four-sided architecture with the custom created architectural features that give the appearance of a taller building. Artistic features are in keeping with elements of the City, signage or some sort of artwork on the building that speaks to the character of the City of Madison. The building will use high quality brick materials, with a patio in the front. Newer build-outs at West Towne have incorporated color and this will be a nice addition to the remodel of the mall.

The Commission discussed the following:

- At the last meeting we had concern about the curb cut in the south corner with regard to how quickly traffic comes around that corner. You may have moved it a little to the west, but there are still concerns when folks are coming from the northeast, are they going to be able to decelerate enough to go into that entry? Are they going to be queued fast enough to turn, and conversely people coming out. It seems like a recipe for disaster for that location.
 - We have moved it as far west as possible, this was also brought up by staff. With the drive-thru and exiting it has to be beyond the southwest corner of the building. The idea of jumping out into that side road at that intersection isn't so desirable either. I believe Traffic is satisfied with where we have it at this point.
 - The site as it stands has three curb cuts along the ring road. We asked to keep all three, and TE looked at them and the positioning of our building and felt that this curb cut here made the most sense. Once the patrons have come to the site, over 75% of Portillo's business in non-COVID times is drive-thru.
- It seems like that curve would be an ideal location for traffic calming measures.
 - We'd be happy to accommodate any signage, we are also concerned with the safety of our patrons.
- Echoing and sharing that concern, technically that ring road is four lanes, although most of us locals don't drive that curve that way. My thought is along with traffic calming to have it restriped, and maybe a slow curb lane particularly for the entrance. There's almost no visible striping on that curve now.
- Quite a bit has been done to the landscaping. The last discussion touched on using greenery to separate this site from the rest of the mall proper. The key elements that do that are the four existing trees along the drive-thru. I'm curious about the confidence level of preserving those with the proximity of the drive shown. Should this plan add some new trees in the event that those aren't able to be saved, or the plan modified to give them some more breathing room?
- A few new trees certainly might make a difference.
- So much great work has been done to all the other corners, that might make it lopsided if it doesn't hold up.

ACTION:

On a motion by Weisensel, seconded by Klehr, the Urban Design Commission **GRANTED INITIAL/FINAL APPROVAL**. The motion was passed on a unanimous vote of (9-0). The motion provided for the following:

- Provide additional trees on the northwest side of the site between drive through and access road. Confirm preservation of existing trees.
- UDC supports maintaining landscaping and greenery along curved edge of ring road in lieu of a sidewalk route. UDC supports current pedestrians route shown without sidewalk on inside of ring road.
- Provide additional landscape island peninsula in lieu of paved striping area on right side (east) of site southwest vehicle entry.