



Report to the Plan Commission

January 14, 2013

Legistar I.D. #28587

1401 Emil Street

Demolition and Conditional Use Request

Report Prepared By:
Heather Stouder
Planning Division Staff

Requested Action: Approval of the demolition of a vacant restaurant building for the construction of a multi-tenant commercial building with a drive-through facility, which requires a conditional use in the former M1 (Limited Manufacturing) District.

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 request.

Background Information

Applicant/Project Contact: Scott Faust; Boardwalk Investments, LLC; 210 N. Bassett St., #100; Madison, WI, 53703

Property Owner: Scott Faust; JetMax, LLC; 210 N. Bassett 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-thru facility in the M1 (Limited Manufacturing) District.

Parcel Location: 1401 Emil Street is located on the southwest corner of Emil Street and Damon Road; just west of Fish Hatchery Road; Aldermanic District 14 (Bruer); Madison Metropolitan School District.

Existing Conditions: The 17,430 square foot property has an existing 3,000 square foot restaurant building, formerly used as the Pizza Pit. The site has one access driveway off of Emil Street, and two additional access driveways from Damon Road. There is a small landscaped area with grass and a couple of trees just west of the building, and the site is otherwise an asphalt surface parking area.

Surrounding Land Use and Zoning: A collection of commercial and storage facilities in the M1 (Limited Manufacturing) district to the north, west, and south. Damon Road, West Beltline Access Road, and Fish Hatchery Road to the east, with a restaurant in the C2 (General Commercial) District across Fish Hatchery Road.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends General Commercial uses for this area.

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 Route 40 on Emil Street, and several other routes along Fish Hatchery Road.

Zoning Summary: The property is in the CC (Commercial Center) District, but is being reviewed under the standards for the former M1 (Limited Manufacturing) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	17,430 sq. ft.
Lot width	50'	Adequate
Front yard	0'	9'
Side yards	0' commercial 1 st story	Adequate
Rear yard	30' or 55% building height	Adequate
Floor area ratio	2.0	0.2

Site Design

No. Parking stalls	1 stall per 300 sq. ft. retail (12)	22
Accessible stalls	1	1
Loading	0	0
Number bike parking stalls	2 for commercial space	3
Landscaping	Yes	Yes
Lighting	Yes	Yes

Other Critical Zoning Items: Utility easements, Barrier free (ILHR 69)

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The applicant proposes to demolish a vacant 3,000 square foot building formerly occupied by the Pizza Pit restaurant for the construction of a one-story, 3,550 square foot commercial building with two tenant spaces, one of which would have a drive-through facility.

Site Design - As proposed, the site would include 21 surface parking stalls on the northern portion of the site and three bicycle-parking stalls near the entrance to the building. Automobile circulation on the site would surround the building on three sides, and the three existing access driveways would remain. The drive-through window is located on the southeastern edge of the building, parallel and adjacent to Damon Road, with a narrow row of honeysuckle and spirea proposed between the drive-through queue and the public sidewalk. Two new trees and additional shrubs are proposed around the periphery of the site and behind the building, near the drive-through menu board.

Building Design – The small building is clad in brick and stone veneer on all sides, with two colors of EIFS on the upper portion of the building. A raised element at the corner of Damon Road and Emil Street is 23 feet high at the top of the parapet, and the parapet height is otherwise 18-22 feet, which will provide screening for the rooftop mechanical equipment and also opportunities for future signage.

A five-foot deep patio area is proposed between the two entrances to the building, which could potentially be utilized for outdoor seating, if requested at a later date.

Public Input – Staff is unaware of any public input on the proposal to date.

Evaluation and Conclusion

Demolition- There are no objections to the demolition and removal of this 1965 building, which is in fair condition from a structural standpoint but has no historical or architectural significance.

Proposed Site and Building – The proposed site and building design represent an overall improvement to the property, primarily due to the proposed landscaping and the introduction of a slightly more intensive use of the site. While it would be preferable to locate the building closer to Emil Street with parking and the drive-through function placed behind it, the site and building plans are consistent with the requirements in the M1 District, and generally consistent with what can be the

expected layout for this site, due to its shape. The location of a drive-through aisle parallel and adjacent to a street would not typically be supportable. However, in this case, Damon Road essentially functions as a frontage road along Fish Hatchery Road, and this is not in an area planned for pedestrian-oriented mixed-use redevelopment.

Throughout the review process, the design of the building has evolved in a positive direction. Parapet heights have been lowered, based on staff concerns that they were proposed too high, with no real function other than to accommodate larger signable areas. The exterior materials on the building have been simplified to include two durable materials (brick and stone) as the base and middle of the building, and only two colors of EIFS on the upper portion of the building.

On balance, this demolition and new construction will be an improvement to the site, and is generally consistent with the Comprehensive Plan recommendation for General Commercial uses. Although it may not meet all of the standards in the new zoning code related to the CC District, it certainly meets all standards of the M1 District, under which it should be reviewed. Further, the placement and design of the building will not have negative impacts on surrounding properties, and should not present an impediment to further redevelopment of the area.

Staff believes that the demolition and conditional use standards can be met, and recommends that the Plan Commission **approve** the request, subject to input provided at the public hearing and comments and conditions from reviewing agencies below.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

Staff recommends that the Plan Commission find that the demolition and conditional use standards can be met, and **approve** the request, subject to input provided at the public hearing and comments and conditions from reviewing agencies below.

The following conditions have been submitted by reviewing agencies:

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

1. The easterly tenant address shall be 1401 Emil Street and the westerly tenant shall be 1403 Emil Street.
2. Recently completed Damon Rd / Emil St public street improvements by WisDOT did not identify any right-of-way acquisitions from, or access restrictions to, this property per WisDOT TPP 1206-01-21-4.01 recorded as Document No. 4764371.
3. The existing building on this site proposed to be razed crosses underlying platted lot lines. The proposed new building will cross the same underlying platted lot line. Current State building code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM will also better memorialize the existing property boundary and title which is a direct benefit to the property owner. Have a CSM prepared for submittal to City Planning. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
4. Sanitary lateral plug shall be in accordance with revisions to MGO Chapter 35 including additional fee for plugging at the main.
5. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).

6. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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 (POLICY).
7. 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).
8. All damage to the pavement on Damon Road and Emil Street, 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).
9. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
10. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide oil & grease control from the first 1/2" of runoff from parking areas.
12. 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 Misc. 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
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred lzenchenko@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))

13. 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.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
14. 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. \$100 non-refundable deposit will cover for the cost of inspection of the plugging by City staff; and the remaining \$900 will cover 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>.
15. 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).

Zoning Administrator (Contact Pat Anderson, 266-5978)

16. Show addresses of tenant spaces on the final site plan pursuant to MGO Section 10.34(2). Place addresses of the building and number of units on the final plan sets. Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
17. 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.
18. MGO Section 28.12(12)(e) 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.
19. The final plans shall show the setback dimensions from the nearest portion of the building to the property lines. Any deck/canopy/balcony/porch, if projecting from the principal building, shall show the dimension to the property line.
20. It appears that the existing lot line runs through the proposed building. Combine the lots to legally make one lot via a Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line, pursuant to IBV Section 705.1.1. The CSM shall be approved before signoff on final plans.
21. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixtures, with the final plan submittal.
22. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' from driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.

23. Bike parking shall comply with MGO Section 28.11. Provide a minimum of 3 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Moped parking must also be shown, if provided.
24. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide the minimum required number of accessible stalls per ADA, striped per State requirements. One of these stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b) Show signage at the head of the stalls.
25. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
26. A Planned Commercial site created after October 6, 1998 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 Dance County Register of Deeds. An existing planned commercial site may not be changed without approval b the Traffic Engineer, City Engineer, and Director of Planning and Development or approval by the Plan Commission. Every planned commercial site shall front on a public street (MGO Section 28.04(24)).

Fire Department (Contact Bill Sullivan, 266-4420)

27. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
28. Please consider allowing Madison Fire Department to conduct training sequences prior to the demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

Water Utility (Contact Dennis Cawley, 261-9243)

29. The Madison Water Utility shall be notified to remove the water meters prior to demolition.
30. This property is not in a wellhead protection district.
31. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Traffic Engineering (Contact Scott Langer, 266-5987)

32. The site plan shall provide the legal documents /cross access easements that the site relies on for providing /securing the use of the adjacent property.
33. The site plan shall be revised to provide a barrier between the contra-flow drive up lane /order board and the two-way driveway operations on Damon Rd.
34. The applicant shall provide a clear signing and marking plan for the site and adjacent property for review and approval by staff. It is not clear how the operations will impact the adjacent site's parking and facilities.
35. The parking stall closest to the pickup window and driveway on Damon Rd. may need to be removed.
36. The site shall clearly show a pedestrian connection from the site front door to the public sidewalk.
37. The applicant will need to demonstrate how the truck service will ingress and egress the site.

38. Any legal cross access easements and encumbrances on the site and lot shall be shown, and documents provided.

39. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
40. 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.
41. The applicant shall be required to provide any necessary easements for the installation of street lights, traffic signals, including control box, loops, hand-holes, markings and signing.
42. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible. If the internal street is to be public the developer shall provide an upfront capital fee for the annual upkeep and maintenance, to be determined by the Traffic Engineer.

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.