



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

Project Address: 5251 High Crossing Boulevard (17th Aldermanic District, Ald. Baldeh)
Application Type: Conditional Use
Legistar File ID # [42560](#)
Prepared By: Christopher Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/ Property Owner: David Walsh and Jon Lancaster, Walsh Properties, LLC; POB 1497, Madison, WI 53701

Project Contact: Justin Frahm, ASLA; JSD Professional Services, Inc.; 161 Horizon Dr., Ste 101, Verona, WI 53593

Requested Actions: The applicant requests conditional use approval to add a vehicle access sales and service window to serve a restaurant in a multi-tenant retail building in CC (Commercial Center District) zoning.

Proposal Summary: The applicant proposes to add a vehicle access sales and service window to serve a restaurant in a previously-approved, 10,030-square-foot multi-tenant retail building as part of a planned multi-use site in the Commercial Center (CC) District.

Applicable Regulations & Standards: Section 28.061 of the Zoning Code lists Vehicle Access Sales and Service Windows as a conditional use in the CC (Commercial Center District). This proposal is subject to the standards for Conditional Uses (MGO Section 28.183(6)).

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

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to add a vehicle access sales and service window to serve a restaurant in a multi-tenant retail building in CC (Commercial Center District) zoning at 5251 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Location: The 2.6-acre site is located at the southern corner of High Crossing Boulevard and City View Drive; Commercial Center (CC) District; Aldermanic District 17 (Baldeh); Sun Prairie School District.

Existing Conditions and Land Use: The previously-approved 10,030-square-foot, multi-tenant retail building is currently under construction. The planned multi-use site has two commercial buildings on two properties: a one-story, 25,000 square foot retail building on the subject property, and a 124,000 square foot vacant retail building (formerly American TV and Appliance) immediately to the south, at 5201 High Crossing Boulevard. A large surface parking lot sits between the buildings and High Crossing Boulevard. Vehicle access to the subject property is and would remain from City View Drive, and the site can also be accessed via High Crossing Boulevard utilizing cross-access agreements with the site to the south.

Surrounding Land Use and Zoning:

North: Across High Crossing Boulevard to the north, auto sales in the CC District;

South: Across City View Drive to the east, a hotel in the CC District and multifamily residential complex in the Planned Development (PD) District);

East: Vacant land in the Suburban Employment (SE) District; and

West: Across High Crossing Boulevard to the west, a vacant movie theater in the CC District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends General Commercial uses for this area. The Nelson Neighborhood Development Plan (1992) recommends Commercial Retail/Service uses for this property and its surroundings.

Zoning Summary: The property is zoned CC (Commercial Center)

Requirements	Required	Proposed
Front Yard Setback	85' maximum	5.6'
Side Yard Setback	One-story: 5'	16.1' north side Adequate south side
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback: 5'	Adequate
Maximum Lot Coverage	85%	84.9%
Maximum Building Height	5 stories/ 68'	1 story
Number Parking Stalls	None	72
Accessible Stalls	Yes	5
Loading	None	None
Number Bike Parking Stalls	General retail, service business, office: 1 per 2,000 sq. ft. floor area (TBD) Restaurant, restaurant-tavern: 5% of capacity of persons (TBD)	10 (See Comments #21 & #22)
Landscaping	Yes	Yes (See Comment #23)
Lighting	Yes	No
Building Forms	Yes	Yes, Free-standing commercial building
Other Critical Zoning Items	Urban Design; Barrier Free (ILHR 69); and Utility Easements	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a range of urban services, including Metro Transit Route 26.

Related Reviews and Approvals: At its August 24, 2015 meeting, the Plan Commission approved a conditional use request to construct a multi-tenant commercial building at 5235 High Crossing Boulevard. At its meeting of September 2, 2015, the Urban Design Commission granted final approval of a Planned Multi-Site located at 5235 High Crossing Boulevard.

Project Description, Analysis, and Conclusion

The applicant proposes a revision to a previously-approved, 10,030-square-foot, multi-tenant commercial building at the corner of High Crossing Boulevard and City View Drive. The revision incorporates a drive-through lane and service window on the south endcap of the building footprint currently under construction. The subject property is cross-connected with the property immediately to the south (5201 High Crossing Boulevard), which is the site of the recently-closed 124,000 square foot “American TV and Appliance” retail building.

In order to accommodate the drive-through, queuing, and anticipated turning movements, twelve (12) approved parking stalls will need to be removed. With one parking stall being added along the western tray of stalls fronting High Crossing Boulevard (where a planting island was previously located), the net total loss will be 11 stalls for a total of 72 stalls. Commercial Center zoning districts have no parking minimums. Parking demands for future tenants are not known as a number of the building’s tenant spaces are not yet under lease contract.

The proposal will add an order board along the portion of the drive-through aisle parallel to High Crossing Boulevard. A drive-through window will be added to the far right of the southern elevation. It will be 6 feet-5 inches wide and project out four (4) feet from the building. Instead of the originally-approved design’s wall opening with four window panels, the drive-through window will keep the two outside panels and project the central portion outward. The service window will be clad with the same material as the rest of the elevation section: a weathered copper spandrel window. An aluminum ‘sun screen’, located nine feet off the ground and overhanging one foot, will be provided. No other changes to any of the façades or building floor plans are proposed. All of the materials proposed for the drive-through window are identical to those of the previously-approved building (this is one of the supplemental requirements for Vehicle Access Sales and Service Windows in M.G.O. Section 28-151).

In order to comply with M.G.O. Section 28.060(2)(a), the sidewalk access to High Crossing Boulevard has been maintained from the southwest corner of the building footprint, though now crosses the drive-through service lane at two locations.

The landscaping plan has been updated and a number of shrubs will fill the two newly-created interior planting islands as well as the large island which forms the drive aisle. Most notably, a State Street Maple and Red Oak will informally indicate beginning and end of the drive-through aisle, respectively. Additionally, a bio-retention basin has been added in the two planting islands in the southwest of the parking lot.

Conditional Use Standards – The Planning Division believes that the conditional use standards are met or can be met with the proposal, but in order to meet Standard 7, slight revisions may be required. Additional discussion is also provided on Standard 5.

- 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.*

Staff believes that this standard can be met. This condition significantly overlaps supplemental regulation (c) which states “*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.*” The applicant has provided space for queuing automobiles and indicated all major pedestrian movements across a drive aisle with marked crosswalks (including the accessible parking stall located on the interior of the lot). While this design is somewhat unusual, City Traffic Engineering did not note any major/non-standard comments regarding the pedestrian crosswalks at the two locations.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as all conditions of approval, specifically Zoning comments related to landscaping, bicycle parking, and the various supplemental regulations associated with *Vehicle Access Sales and Service Windows* are fully addressed.

Conclusion - The applicant proposes an addition of a vehicle access sales and service window to serve a restaurant in a multi-tenant retail building. The updated landscaping plan provides an arrangement of shrubs and trees while maintaining sightlines throughout the parking lot. Staff believes that the conditional use standards can be met with the proposal. A report from the Urban Design Commission will be provided to the Plan Commission for review in advance of the Plan Commission meeting to summarize any further recommended conditions of approval.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use to add a vehicle access sales and service window to serve a restaurant in a multi-tenant retail building in CC (Commercial Center District) zoning at 5251 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies.

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

Engineering Division (Main Office) (Contact Brenda Stanley, 261-9127)

1. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
2. The Applicant shall 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 ttroester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

3. 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
 - 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))
4. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
5. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict at jbenedict@cityofmadison.com final document and fee should be submitted to City Engineering.
6. 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 5.0 tons per acre per year.
7. 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)
8. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
9. 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.
10. 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)
11. 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)

12. Comments apply only to the work proposed with this submittal.

Engineering Division (Mapping) (Contact Jeffrey Quamme, 266-4097)

13. There is landscaping, benches and retaining walls planned in the general utility easements along the adjacent streets. Applicant is notified that they are solely responsible to coordinate the placement of these improvements with the utilities that are utilizing the easement to ensure these improvements do not impede the utility companies that may be utilizing the easement areas.

14. Tenant suite plan sheet A-2a is not for addressing purposes.

An addressing plan was created with the original project. It will need to be revised.

Conversion of addresses is:

Tenant A = 5251 High Crossing Blvd

Tenant A1= 5253 High Crossing Blvd

Tenant B = 5255 High Crossing Blvd

Tenant C = 5259 High Crossing Blvd

Tenant D = 5263 High Crossing Blvd

Tenant F = 5271 High Crossing Blvd

Include the official addresses on the tenant suite plan when submitting for a permit review.

Submit a PDF of all floor plans to zenchenko@cityofmadison.com with the revised addresses shown above. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

15. Work with Traffic Engineering staff to provide improved pedestrian access to City View Dr. This includes, but is not limited to, steps up to the sidewalk on the eastern side site.

16. Ensure all ADA ramps have 5 x 5 foot flat surface to allow a wheel chairs to easily rotate 90 degrees and continue along the walkway.

17. 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 two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

18. 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.

19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

20. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

21. Work with Zoning staff to establish the minimum bicycle parking requirement for the multi-tenant building. A minimum of one (1) bicycle stall is required per 2,000 sq. ft. of floor area for a general retail, service business, or office use. For a coffee shop, restaurant or restaurant-tavern, bicycle parking is required at a rate of 5% of capacity of persons. Provide Zoning staff with the floor area or capacity for existing and proposed building tenant spaces.
22. The number of required bicycle parking stalls will be re-evaluated as the individual tenant spaces are filled. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
23. Submit the landscape plan and landscape worksheet stamped by the 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.
24. The vehicle access sales and service window shall comply with the supplemental requirements per Section 28.151 for a Vehicle Access Sales and Service Window.
25. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
26. 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.

Water Utility (Contact Dennis Cawley, 261-9243)

27. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.