



Report to the Plan Commission

June 10, 2009

Legistar I.D. #15035
418 S. Gammon Road
Conditional Use/ Demolition Permit

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a conditional use and demolition permit to allow demolition of an existing restaurant and construction of a new restaurant at 418 S. Gammon Road in the West Towne Mall planned commercial site.

Applicable Regulations & Standards: Section 28.04 (24) identifies a planned commercial 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. The same uses are included as conditional uses in C3 zoning in Section 28.09 (4)(d). Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** a conditional use and demolition permit to allow demolition of one restaurant and construction of another at 418 S. Gammon Road, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicant: Jack DeGagne, Darden Restaurants; 7469 Brokerage Row; Orlando, Florida.

Agent: Janet Reid, GHA Architecture & Development; 11410 Dallas Parkway #250; Dallas, Texas.

Property Owner: CBL Properties; 2030 Hamilton Place #500; Chattanooga, Tennessee.

Proposal: The applicant proposes to demolish an existing restaurant and construct a new 5,695 square-foot restaurant. The applicant wishes to commence construction on September 14, 2009, with completion scheduled for January 25, 2010.

Parcel Location: The restaurant will occupy the southern portion of a 4.63-acre parcel that extends along the S. Gammon Road frontage between Mineral Point Road and Gammon Place; Aldermanic District 9; Madison Metropolitan School District.

Existing Conditions: The site is currently developed with an existing 8,700 square-foot restaurant.

Surrounding Land Use and Zoning:

North: Mineral Point Road;

South: Wells Fargo Bank, zoned C3L (Commercial Service & Distribution District);

West: West Towne Mall, zoned C3L;

East: US Bank, Tilted kilt restaurant and multi-tenant retail building (Starbuck’s), zoned C3L.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and the overall West Towne Mall complex for regional mixed-use and transit-oriented development.

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

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing C3L (Commercial Service & Distribution District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	201,639 sq. ft.
Lot Width	50'	Adequate existing
Front Yard	0'	Approx. 65' from S. Gammon Rd.
Side Yards	0'	Adequate
Rear Yard	10'	N/A
Floor Area Ratio	3.0	Less than 1.0
Building Height	---	1 story
No. Parking Stalls	88	102
Accessible Stalls	5	5
Loading	1 10 X 35' stall	None shown (see cond. X, pg.Y)
No. Bike Parking Stalls	11	9 (see condition Z, page Y)
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Project Review, Analysis & Conclusion

The applicant is requesting approval of a demolition permit and a conditional use to allow the demolition of a one-story, approximately 8,356 square-foot restaurant and construction of a new, 5,695 square-foot restaurant in approximately the same location. The existing and proposed restaurants will be located on the southern 1.74-acres of a larger L-shaped 4.63-acre parcel generally located in the northeastern corner of the West Towne Mall complex. The specific parcel extends along the west side of S. Gammon Road from Mineral Point Road to the mall entrance opposite Gammon Place. The parcel is also developed with an Olive Garden restaurant located along the Mineral Point Road frontage. Uses surrounding the subject site are commercial in nature, with the northeastern corner of the main mall building located west of the restaurant site. Three commercial buildings are located across S. Gammon Road from the site. Most of the remaining 4.63-acre subject parcel is given to surface parking for the mall complex, with additional surface parking located west of the site across the private mall ring road.

The existing restaurant was constructed in 1991 but has been vacant since May 2007. The exterior of the building consists of brick, horizontal wood siding, metal roof overhangs and heavy timber accents intended to convey a rustic theme owing to the last tenant, a barbeque restaurant. The restaurant is marginally oriented to the north and a large surface parking area located between the building and Mineral Point Road. A second, smaller parking lot and trash enclosure are located between the south wall and the mall entrance drive at Gammon Place, with a largely blank wall and utility pedestal located along the western facade facing the ring road.

The new restaurant will be a one-story, 5,695 square-foot structure. The new building will be located in approximately the same location on the property as the existing restaurant, though the new restaurant will be oriented to the east to face S. Gammon Road. The site plan calls for a total of 102 parking stalls to be provided in two redesigned surface parking lots located north and south of the restaurant. The existing parking located between the northern project limits and Mineral Point Road will remain in the interim, though staff is aware of plans by the mall owner and developer, CBL Properties, to possibly develop an unrelated pad site building closer to the Mineral Point Road intersection, which should result in a better overall utilization of the subject parcel.

The new restaurant building is designed in a Southwestern theme and will include a brick and EIFS exterior with stone accents and a covered entrance feature. The four elevations show shutters at various locations, though it is not known from the floorplans or elevations whether vision glass will be provided behind the shutters. Staff requests that the applicant clarify the floorplans and elevations to show whether vision glass is provided beyond the shutters and recommends that the shutters shown be operable with glass behind unless they are located in a kitchen, office or restroom.

The proposed restaurant has been sited as proposed to respond to the applicant's desire to provide a drop-off area adjacent to the front door. An earlier concept proposed locating the building closer to the S. Gammon Road-Gammon Place/mall entrance intersection, though a large utility corridor crossing the project area made providing the front drop-off and corner location infeasible according to the applicant. The Urban Design Commission recommended final approval of the proposed restaurant as shown on June 3, 2009 (see attached reports).

The applicant has provided pictures of the exterior of the building to be demolished and staff has conducted a windshield survey of the site. The existing 8,356 square-foot building appears to be in average condition for a building of its age. Staff has no information that would indicate that the building is not structurally sound or capable of being rehabilitated or repaired and has not conducted a formal inspection of the interior. Despite the relatively recent date of construction, the applicant has suggested that the thematic treatment of the exterior and the interior programming as well as the size of the existing restaurant make reuse of the building infeasible for their purposes.

Staff believes that the proposed redevelopment of the property allows this site to continue to be economically productive for the foreseeable future and that the proposed development can comply with the demolition permit and conditional use standards. The proposed restaurant should better relate to S. Gammon Road than the existing restaurant due to the proposed building orientation despite not being located closer to the street. Although significant surface parking lots will flank the restaurant on the north and south, the applicant has worked with the Urban Design Commission to prepare a substantial landscaping plan that should soften the appearance of the lot, that when combined with the building orientation, begins to create a better relationship between the historically insular mall and the public street.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

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 and demolition permit to allow demolition of an existing restaurant and construction of a

new restaurant at 418 S. Gammon Road at West Towne Mall, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the plan set be revised per Planning Division approval prior to final staff approval and issuance of demolition and building permits:
 - 1a. submit detailed and labeled floorplans for the new restaurant and revise the elevations to clarify whether the shutters shown on the northern and southern elevations will have vision glass behind them; where not located in a restroom, office or kitchen, the shutters shall be operable with vision glass beyond to allow natural lighting into the restaurant, and;
 - 1b. submit revised elevations that specify the height of the building on all four walls and the building materials to be used.

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

2. The applicant shall revise the plans to show a sanitary sewer structure for monitoring purposes. Said sewer structure shall be placed prior to existing manhole, but after all building discharges including the grease trap.
3. The applicant shall replace all sidewalk and curb and gutter that abuts 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.
4. A City-licensed contractor shall perform all work in the public right of way.
5. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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.
6. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
7. 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).

8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
9. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
10. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
11. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
12. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with the Developer's Agreement.

Traffic Engineering Division (Contact John Leach, 267-8755)

13. The applicant shall show the drive aisles across the West Towne Mall ring road. The applicant will need to align with the main drive across the ring road. The applicant shall move the approaches onto the ring road south or north to align with existing westerly drive aisles. If the applicant aligns the drive aisle with the main drive to mall, the applicant shall install a "STOP" sign and stop bar pavement parking.
14. The owner shall provide an easement at no cost to the City for the placement of City-owned traffic signal facilities at the S. Gammon Road-Gammon Place intersection, including, but not limited to, the right of ingress and egress; the right to excavate, install, operate, maintain, repair, replace, and modify the facilities; and the right to perform all work incidental thereto upon and over the required easement area. The applicant shall provide a "Perpetual Limited Easement for Public Traffic Signal Purposes" to Jeff Ekola in the City of Madison Office of Real Estate Services prior to final sign off.
15. The applicant shall replace the existing terrace, sidewalk, ramps and crosswalks between the proposed site and future development on the north by others as noted. The applicant shall install public access sidewalk, terrace with raise curbs, ramps and crosswalks from S. Gammon Road as existing across West Towne Mall Entrance ring road. The pedestrian path shall not be part of the loading area or in the parking drive aisle.
16. The applicant has modified the parking lot closer to the sidewalk along the northerly side of the driveway approach to S. Gammon Rd. The applicant shall modify the area to provide a 4-foot grass terrace between the sidewalk and parking lot. The 4-foot grass terrace shall not include the 2-foot vehicle overhang.

17. The applicant shall indicate the type of bicycle racks to be installed. In addition, the applicant shall relocate the bike rack by the entrance to the restaurant.
18. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), and a scaled drawing at 1" = 20'.
19. The applicant shall provide scaled drawing on one contiguous plan sheet showing all the West Towne facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, pavement markings, signal locations, vehicle movements, and approaches.
20. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
21. The attached traffic signal/street light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
22. 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.
23. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

24. Provide 11 bike parking stalls in a safe and convenient location on an impervious surface near the building 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.
25. Parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
26. Meet all applicable State accessible requirements, including but not limited to:
27. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the

approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

28. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, MGO, Street Graphics Code and Chapter 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
29. Lighting is required. Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).
30. Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.

Parks Division (Contact Tom Maglio, 266-4711)
This agency did not submit comments for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

31. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered.
 - c.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
 - d.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.
32. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Water Utility (Contact Dennis Cawley, 261-9243)
This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)
This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)
This agency did not submit comments for this request.