



PREPARED FOR THE PLAN COMMISSION

Project Address: 3005 University Avenue
Application Type: Demolition Permit
Legistar File ID # [69315](#)
Prepared By: Tim Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: John Flad, Flad Development & Investment Corp.; 3330 University Avenue, Suite 206; Madison.

Contact Person: Kevin Burow, Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton.

Property Owner: Leonard W. Schmock and Janet N. Schmock Revocable Trust; 3005 University Avenue; Madison.

Requested Action: Approval of a demolition permit for 3005 University Avenue to allow a restaurant-tavern to be demolished.

Proposal Summary: The applicants are requesting approval of a demolition permit to raze the one-story “Smoky’s Club” restaurant-tavern to allow the subject site to be redeveloped with a five-story mixed-use building that will contain 1,340 square feet of ground floor commercial space and 59 apartments. Parking for 75 automobiles and 64 bikes will be provided within the proposed building. The application indicates that the project will commence in summer 2022, with completion in summer 2023.

Applicable Regulations & Standards: Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subject site is located in Urban Design District 6, which requires separate Urban Design Commission approval using the standards and guidelines in Section 33.24(13).

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the restaurant-tavern at 3005 University Avenue to be demolished, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Parcel Location: An approximately 0.60-acre (26,142 square feet) parcel located at the southwestern corner of University Avenue and Schmitt Place; Alder District 5 (Vidaver); Urban Design Dist. 6; Madison Metropolitan School District.

Existing Conditions and Land Use: A one-story restaurant-tavern, zoned CC-T (Commercial Corridor–Transitional District).

Surrounding Land Use and Zoning:

North: One- and two-story commercial on the north side of University Avenue in the Village of Shorewood Hills;

South: Single-family residences, zoned TR-U1 (Traditional Residential–Urban 1 District);

East: Bagel’s Forever retail store and wholesale bakery across Schmitt Place, zoned CC-T (Commercial Corridor–Transitional District);

West: Shorewood House mixed-use building and Century House, zoned CC-T.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends the subject site and the University Avenue frontage between N Midvale Boulevard and Farley Avenue for Community Mixed-Use (CMU), with the properties immediately south along the north side of Harvey Street recommended for Medium Residential (MR).

The 2014 [Hoyt Park Area Joint Neighborhood Plan](#) includes the subject site as part of the “Hill Street Mixed-Use Area.” Specific recommendations for this area, which is generally bounded by University Avenue on the north, Eugenia Avenue on the west, Quarry Park on the south, and Schmitt Place on the east, call for community mixed-use with commercial, restaurants, office, and retail on the first floor, and residential and offices on upper floors. The neighborhood plan recommends that a commercial focus be maintained along the University Avenue frontage, with residential uses on Harvey Street that maintain the neighborhood residential scale. Redevelopment projects should include multiple floors; new buildings should have a minimum of two stories but not exceed five stories, with a transition in building height from the University Avenue frontage to a two- to three-story maximum along Harvey Street.

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

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

Project Description, Analysis and Conclusion

The applicant is requesting approval from the Plan Commission to demolish the one-story, approximately 5,381 square-foot “Smoky’s Club” restaurant-tavern, which occupies a 0.60-acre parcel located at the southwestern corner of University Avenue and Schmitt Place. The building, which was constructed in 1938 and remodeled in 1982 per City records, occupies the northern quarter of the site. The remainder of the property is occupied by surface parking accessed from Schmitt Place, a 56-foot wide local street right of way with approximately 28 feet of pavement, and no curb, gutter, or sidewalk on most of the west side.

Following demolition, the parcel is proposed for redevelopment with a five-story mixed-use building that will contain 1,340 square feet of ground floor commercial space and 59 apartments, with parking for 75 automobiles and 64 bikes to be provided within the building. Photos of the building to be demolished are attached to File ID [69315](#), as are plans for the proposed future use. In anticipation of the proposed redevelopment, a Certified Survey Map has also been submitted, which will combine six underlying lots into one.

The above information on the use of the subject site following the proposed demolition and the project plans included with the application materials for this request are provided for informational purposes. At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition

permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.

At its January 10, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the building at 3005 University Avenue has historic value based on its cultural significance as a supper club, an important part of social and cultural traditions in Wisconsin's history. The report of the Landmarks Commission discussion of this demolition is attached to the legislative file for the Plan Commission request. During the discussion, members of the Landmarks Commission note the cultural importance of the supper club in the context of the subject demolition.

While the Planning Division shares the Landmarks Commission's regret over the loss of a business that is considered by some in the community to be culturally iconic, staff has no information otherwise to suggest that the demolition of the one-story building would not meet the standards of approval in Section 28.185(9)(c) as amended on October 5, 2021 and recommends that the demolition be approved. At time of writing this report, staff is unaware of any written comments from the public regarding the proposed demolition.

In approving a demolition permit under the recently revised standards and process, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The conditions in the 'Recommendation' section of the report appear to relate to the proposed demolition.

The Zoning Administrator has determined that the proposed mixed-use building is a permitted use in the CC-T (Commercial Corridor-Transitional) zoning district. If the requested demolition permit is approved, the applicant will be required to obtain site plan approval per Section 28.186 of the Zoning Code prior to the issuance of permits for the new building. The site is also located in Urban Design District 6, which requires that the Urban Design Commission grant approval per MGO Section 33.24(13) before construction of the new building may proceed. For reference, the Urban Design Commission granted initial approval to the plans for the new building at its February 9, 2022 meeting; final approval of the project by the Urban Design Commission is required before construction may proceed. Finally, the CSM to combine the six underlying lots into one does not require Plan Commission approval and will instead be reviewed administratively as allowed by MGO Section 16.23.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow a restaurant-tavern at 3005 University Avenue to be demolished, subject to input at the public hearing and the following conditions:

Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. Obtain a permanent sewer plug permit for each existing sanitary sewer or storm 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.

City Engineering Division–Mapping Section (Contact Jeff Quamme, (608) 266-4097)

2. Note: The applicant shall be aware that the pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

3. 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.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

4. Section 28.185(9) requires that if a demolition or removal permit is approved, it shall not be issued until a reuse and recycling plan is approved by the Recycling Coordinator. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. Per Section 28.185(9)(a), a demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
5. Following approval of the demolition, a permitted use site plan review will be required for the proposed mixed-use building.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

6. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division to discuss this possibility at jtlarson@cityofmadison.com or (608) 266-5946.

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

7. 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.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

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

Parks Division (Contact Ann Freiwald, (608) 243-2848)

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

City Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

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