



PREPARED FOR THE PLAN COMMISSION

Project Address: 4301 East Towne Boulevard (17th Alder District, Ald. Halverson)
Application Type: Conditional Use
Legistar File ID #: [71247](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Joe Mayer; Kimley-Horn and Associates, Inc.; 4201 Winfield Road, Suite 600, Warrenville, IL 60555

Property Owner: Dean Meier; 4301 East Town Boulevard, Madison, WI 53704

Requested Action: Consideration of an alteration to an approved conditional use Planned Multi-Use Site; and consideration of an alteration to an approved conditional use in the Commercial Center (CC) District to construct a second lane for a restaurant vehicle access sales and service window at 4301 East Towne Boulevard.

Proposal Summary: The applicant proposes to construct a second drive-thru lane at an existing restaurant. No exterior or interior changes to the building are proposed with this application.

Applicable Regulations & Standards: The alteration to an approved conditional use Planned Multi-Use Site is subject to standards for Conditional Uses [MGO §28.183]. Pursuant to MGO §28.137(2), the Urban Design Commission shall provide an advisory recommendation on the design of the proposal for a Planned Multi-Use Site. This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists *vehicle access sales and service windows* as a conditional use in the Commercial Center (CC) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the alteration to an approved conditional use Planned Multi-Use Site, and the request to construct a second lane for an existing restaurant vehicle access sales and service window at a restaurant in the Commercial Center (CC) District at 4301 East Towne Boulevard. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 73,695 square-foot (1.69-acre) parcel is located at the southeast corner of East Towne Boulevard and Egan Road. It is also located within Alder District 17 (Ald. Halverson) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a 5,209 square-foot, one-story building with an existing drive-thru lane. It is zoned Commercial Center (CC) District.

Surrounding Land Use and Zoning:

North: Across East Towne Boulevard, one-story commercial building, zoned Commercial Corridor-Transitional (CC-T) District;

East: One-story restaurant building, zoned Commercial Center (CC) District;

South: East Towne Mall, zoned CC District; and

West: Across Eagan Road, one-story commercial building, zoned CC District.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) development for the subject property and surrounding properties. The [Greater East Towne Area Plan](#) (2021) recommends RMU development for the subject property and surrounding properties.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	73,695
Lot Width	None	215 ft
Front Yard Setback	None	No change
Max. Front Yard Setback	85 ft	No change
Side Yard Setback	None	No change
Rear Yard Setback	20 ft	No change
Maximum Lot Coverage	85%	75%
Maximum Building Height	5 stories/78 ft	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum	78
Accessible Stalls	3	3
Loading	No	No
Number Bike Parking Stalls	Existing	No change
Landscaping	Yes	Yes (1.)
Lighting	No	No change
Building Forms	Yes	No change

Other Critical Zoning Items	
Urban Design	Yes Planned Commercial Site
Historic District	No
Floodplain	No
Adjacent to Park	No
Barrier Free (ILHR 69)	N/A
Utility Easements	Yes
Wetlands	No
Wellhead Protection District	No

Table Prepared by Jacob Moskowitz, 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 full range of urban services.

Project Description

The applicant intends to construct a second drive-thru lane at an existing restaurant at 4301 East Towne Boulevard. The applicant currently operates a restaurant on site with a single drive-thru lane. Site modifications include the construction of a second drive-thru lane, removal of four parking stalls, shifting the northernmost driveway to the south, and converting the northernmost driveway to a one-way condition. No exterior or interior changes to the building are planned at this time.

Analysis and Conclusion

The alteration to an approved conditional use Planned Multi-Use Site is subject to standards for Conditional Uses [MGO §28.183]. Pursuant to MGO §28.137(2), the Urban Design Commission shall provide an advisory recommendation on the design of the proposal. This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28D-2 [MGO §28.061] lists vehicle access sales and service windows as a conditional use in the Commercial Center (CC) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Conformance with Adopted Plans

The Comprehensive Plan and Greater East Towne Area Plan recommend Regional Mixed-Use (RMU) development for the subject property and surrounding properties. The RMU category includes high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region. These areas typically include large-scale sites supportive of multistory buildings. The area around the East Towne Mall may continue to be a regional mall for some time but is expected to transition to a more pedestrian/bicycle/transit friendly environment with a wide variety of uses. Staff do not believe that the proposed modification of the existing drive-thru facility at the existing restaurant would impede more significant redevelopment opportunities, consistent with the more intensive RMU recommendation, in the future.

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.

Given due consideration of adopted plans, staff notes that the proposal changes the geometry of the existing drive-thru, but does not seek to alter the building nor establish different uses on the property. The Planning Division anticipates that the construction of this second drive-thru lane at an existing restaurant should not impede Regional Mixed-Use development in the future, or result in significant negative impacts to the subject site or surrounding properties. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Staff believes that the Conditional Use Standards can be found met.

Supplemental Regulations

According to Table 28D-2 [MGO §28.060], a *vehicle access sales and service window* must adhere to the Supplemental Regulations found in MGO §28.151:

- a) In CC-T, RMX, 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 that all of the Supplemental Regulations can be found met.

Urban Design Commission Recommendation

At its June 15, 2022 meeting, the Urban Design Commission (UDC) considered the alteration to an approved conditional use Planned Multi-Use Site. The request received a recommendation of “final approval” with the following conditions:

- Washed stone mulch is acceptable in the new drive-thru island, but shredded wood mulch shall remain on the other landscaped addition.
- Replace the lost four-inch caliper Crabapple tree with something similar in an area to be chosen by the applicant, possibly near the new entrance drive.

Conclusion

Staff believe that the proposed alterations can be found to meet the Conditional Use Approval Standards and recommends that the alteration to an approved conditional use Planned Multi-Use Site, and an alteration to an existing conditional use in the Commercial Center (CC) District to construct a second lane for a restaurant

vehicle access sales and service window be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the alteration to an approved conditional use Planned Multi-Use Site and the request to construct a second lane for a vehicle access sales and service window at an existing restaurant building at 4301 East Towne Boulevard. This recommendation is subject to input at the public hearing and the following conditions:

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

Urban Design Commission (Contact Jessica Vaughn, 267-8740)

1. Washed stone mulch is acceptable in the new drive-thru island, but shredded wood mulch shall remain on the other landscaped addition.
2. Replace the lost four-inch caliper Crabapple tree with something similar in an area to be chosen by the applicant, possibly near the new entrance drive.

Zoning (Contact Jacob Moskowitz, 266-4560)

3. Provide a complete landscape plan showing the existing approved landscaping and any additional added as part of this project.

Traffic Engineering Division (Tim Troester, 267-1995)

4. 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.
5. The applicant shall work with Traffic Engineering on reducing the width of their northernmost driveway on East Town Boulevard to enforce one-way condition.

Metro Transit (Contact Timothy Sobota, 261-4289)

6. The applicant shall maintain or replace the accessible bus stop boarding pad at the Metro bus stop zone that is on the south side of East Towne Boulevard, east of Eagan Road.
 7. The applicant shall include the location of this transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
8. Metro Transit operates daily all-day transit service along East Towne Boulevard adjacent this property - with trips at least every 30 minutes.

The following agencies reviewed the request and recommended no conditions of approval: Parks Division, Forestry Division, Fire Department, Water Utility, Engineering Division, and Engineering Division – Mapping Section.