



Project Address: 3302 Packers Avenue
Application Type: Demolition Permit and Conditional Use
Legistar File ID # [30128](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Todd Gebhardt; Northshore Rentals, LLC; 2026 Londonderry Drive; Madison, WI 53704
Contact: Alex Einsman; Northshore Rentals, LLC; 2026 Londonderry Drive; Madison, WI 53704
Property Owner: El Corral Bar and Restaurant, LLC; 3625 Heatherstone Ridge; Sun Prairie, WI 53590

Requested Action: The applicant requests approval of a demolition permit and four conditional uses.

Proposal Summary: Upon demolition of the existing vacant restaurant, the applicant proposes to construct a four-story mixed use building with 61 dwelling units and approximately 6,700 square feet of ground floor retail.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)] and Conditional Uses [Section 28.183].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the request to demolish a restaurant and construct a mixed-use building with approximately 6,700 square feet of commercial space and 61 dwelling units. This recommendation is subject to input at the public hearings and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 43,493 square foot (0.99 acre) subject property is located on the northwest corner of the Packers Avenue and Londonderry Drive intersection. The site is within Aldermanic District 12 and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is currently developed with a vacant one-story, 3,400 square foot restaurant building. City Assessor records indicate that the structure was built in 1968. There are two underlying platted lot lines that cross the property that will need to be dissolved through certified survey map prior to building permits for the proposed project being issued.

Surrounding Land Use and Zoning:

North: Undeveloped property, zoned CC-T (Commercial Corridor Transition District), with gas station beyond;

South: North District Police Station, zoned CC-T, with a nursery school and other commercial development, beyond;

East: Undeveloped property, zoned PD-MHP (Planned Development-Mobile Home Park) with the existing Oak Park Mobile Home Park to the north;

West: Multi-family residential development. This includes two 36-unit buildings currently owned by the applicant and zoned SR-V2 (Suburban Residential-Varied 2). North of that site is a four-unit building and other four and eight-unit multi-family developments zoned SR-V1 (Suburban Residential-Varied 1). Further to the west are single-family homes, zoned SR-C1 (Suburban Residential-Consistent 1).

Adopted Land Use Plan: The Comprehensive Plan recommends neighborhood mixed use development for this site. There are not more specific land use recommendations in the Northport-Warner Park-Sherman Neighborhoods Plan.

Zoning Summary: The property is zoned CC-T (Commercial Corridor Transition District) Zoning Comments were not received in time to be included within this report.

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

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

Project Description

The applicant proposes to demolish the existing 3,400 square foot commercial building for the purpose of constructing a 70,214 square foot, four-story mixed-use building with 61 dwelling units and just under 6,700 square feet of commercial space. Photos of the building proposed for demolition can be viewed online at the following link: http://www.cityofmadison.com/planning/projects/reports/3302pa_photos2.pdf

The proposed building includes 35 two-bedroom units and 26 one-bedroom units. Units are accessed from internal hallways, though the two street-facing units at the center of the building also open directly onto Packers Avenue. All units appear to have either a patio or balcony. In addition, a 4,650 square foot court yard is proposed adjacent to the first floor (above the below-ground garage) and a 1,774 square foot terrace is proposed above the second floor, at the center of the building.

The building includes a stone veneer on much of the ground floor, with small sections of the stone extending to the roof. Much of the façade is clad in a fiber cement panel with the top floor clad in horizontal fiber cement siding.

There are 62 automobile parking stalls beneath the building and 23 surface stalls. Access to the underground parking is proposed from Londonderry Drive. There are 61 total bike parking stalls within the building, with an additional 18 proposed along the building. The ground-floor commercial space is located on the north side of the building, wrapping around to the Packers Avenue frontage.

Analysis and Conclusion

This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)] and Conditional Uses [Section 28.183]. This section also includes a summary of the adopted plan recommendations, as many of the specific approval standards reference these documents. As an incentive to develop mixed-use buildings in select zoning districts, the Zoning Code allows for the development of additional dwelling units for mixed-use buildings compared to stand-alone residential structures.

Conformance with Adopted Plans

The Comprehensive Plan recommends “Neighborhood Mixed-Use” development for the subject site and surrounding properties fronting onto Packers Avenue. This recommendation includes mixed-use buildings, between two and four stories in height. Commercial square footage is generally recommended to be less than 10,000 square feet in area. Staff believes the proposed project is consistent with these recommendations. The plan also recommends that net residential densities should generally not exceed 40 du/ac (dwelling units per acre). The proposed building exceeds this, with a density of roughly 61 du/ac. Staff notes that the number of units is permissible with conditional use approval. The Northport-Warner Park-Sherman Neighborhoods Plan does not provide more specific redevelopment recommendations for this site.

Demolition Approval Standards

Staff believes the Demolition Approval Standards can be met. In order to approve the requested demolition, the Plan Commission must find that the proposed demolition and future use are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. The demolition standards also state that the proposed use should be compatible with adopted plans. Staff notes that the proposed use is allowed with conditional use approval in the CC-T zoning district. As with all demolition requests, the Preservation Planner provided these plans to the Landmarks Commission who found that the existing building has no known historic value.

Conditional Use Approval Standards

Staff notes that four separate conditional uses are proposed:

- Multi-Tenant building exceeding 40,000 square feet of gross floor area
- Mixed use building exceeding 24 dwelling units in the CC-T district
- Mixed use building with less than 75% of non-residential frontage facing the primary street
- Mixed use building with less than 75% of the ground floor area devoted to a non-residential use

In order to approve the request, the Plan Commission will need to find that all of the conditional use standards are met for each of the proposed conditional uses. Further, the City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan.

Staff believes the Plan Commission could find these standards are met and is generally supportive of this project, which will redevelop an underutilized property into a mixed-use building.

Staff’s primary question with this proposal is its minimal setback along the western property line, noting that the site complies with the setback requirements. As a corner lot, the applicant can select which street frontage is the front yard. Londonderry Drive has been selected as the zoning front yard, resulting in the western side of the property being considered a side (and not rear) yard. A minimum 10 foot side yard is required.

In response to concerns raised by staff, the applicant has provided some supplementary graphics better depicting the relationship between the proposed building and the existing four-unit building, which is located close to the proposed setback. Those are attached.

Staff notes that that this CC-T zoned property does not abut single-family zoned properties. The above-mentioned property to the west is zoned SR-V1 which does provide a zoning transition between larger

development on Packers Avenue and smaller single family homes to the west. With demolition and conditional use approval, that SR-V1-zoned property could be developed with up to a three-story building with 8 units. Staff does not believe that this proposed development would negatively impact the redevelopment of that property.

In regards to pedestrian circulation, a private sidewalk is shown near the western end of the property. In pre-application meetings with the applicant, staff encouraged the applicant consider a pedestrian connection to Browning Road, though staff understands that for security reasons, the applicant and the neighborhood are concerned with making such a connection at this time.

Conclusion

The Planning Division believes the applicable standards can likely be met. Staff believes the building is complementary in character to the other large apartment buildings immediately to the rear. At the time of report writing, staff has not received any correspondence from the neighborhood association, nearby residents or property owners on this request.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the request to demolish a restaurant and construct a mixed-use building with approximately 6,700 square feet of commercial space and 61 apartment units. This recommendation is subject to input at the public hearings and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The proposed new building crosses an underlying platted lot line. Current State building code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM). The owner shall have a CSM prepared for submittal to City Planning for City approval and recording with the Dane County Register of Deeds.
2. The address for the future multi-use building shall use the approved address of 3304 Packers Avenue.
3. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of all floor/building plans to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that an addressing plan for the entire site can be developed. 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.
4. The applicant shall arrange obtain an ingress/egress easement over the property at 2034 Londonderry Drive for the proposed drive access.

5. The proposed drive apron and driveway do not appear to be lined up. It appears that the drive apron should be widened to match closer to the proposed access to the underground parking.
 6. The applicant shall extend the public storm sewer on Packers Avenue to the north to connect the proposed boiretention area and the building roof drains.
 7. The applicant shall dedicate a 10ft wide public sanitary sewer easement along the north property line. This may be accomplished with the required CSM.
8. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)
 9. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
 10. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (MGO 16.23(9)(d)(6))
 11. 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)
 12. 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)
 13. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
 14. All damage to the pavement on Packers Ave and Londonderry Dr, 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)
 15. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)

16. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
17. 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 7.5-tons per acre per year.
18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Reduce TSS off of the proposed development by 80% when compared with the existing site and b) 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.
19. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
20. 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 miscellaneous 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, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@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))
21. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
22. The applicant’s utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
23. Prior to approval, the owner or owner’s representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised

fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

24. Driveway access onto Londonderry Drive crosses adjacent property. A certified survey map or an easement shall be provided to provide legal access to Londonderry Drive. If an easement is provided it shall be shown on the site plan for 3302 Packers Avenue and the site plan for 2026 Londonderry Drive.

25. When the applicant submits 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 and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

26. 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.

27. 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)

Comments were not received in time to be included within this report.

Fire Department (Contact Bill Sullivan, 261-9658)

28. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.
- b. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.

Water Utility (Contact Dennis Cawley, 261-9243)

29. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Parks Division (Contact Kay Rutledge, 266-4714)

30. The developer shall pay approximately \$143,557.40 for park dedication and development fees for the new 61 MF unit building.
31. The developer must select a method for payment of park fees before signoff on the conditional use.
32. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
33. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
34. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction – <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
35. This development is within the Warner park impact fee district (SI21). Please reference ID# 13132 when contacting Parks about this project.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.