



**Project Address:** 432 South Gammon Road  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [33429](#) and [33105](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division

Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Jason D. Hill; Chick-fil-A, Inc; 5200 Buffington Road; Atlanta, GA 30349  
**Contact:** Jon Grzywa, PE; Woolpert, Inc; 1815 S. Meyers Road, Suite 120; Oakbrook Terrace, IL 60181  
**Property Owner:** Jason D. Hill; Chick-fil-A, Inc; 5200 Buffington Road; Atlanta, GA 30349 &  
Tom Reddy; CBL & Associates Properties, Inc; 2030 Hamilton Place Blvd; CBL Center,  
Suite 500; Chattanooga, TN 37421

**Requested Actions:** The applicant requests approval of a demolition permit and conditional use to demolish an existing building for the purpose of constructing a fast food restaurant with a vehicle access sales and service window.

**Proposal Summary:** The applicant proposes to demolish an existing bank for the purpose of constructing a fast-food restaurant with a vehicle access sales and service window. The subject site is part of the West Towne Mall planned multi-use site.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [Section 28.183] and Demolitions [Section 28.185].

**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 demolitions and conditional uses are met and approve the request to demolish an existing building for the purpose of constructing a new restaurant with a vehicle access sales and service window at 432 South Gammon Road. This recommendation is subject to input at the public hearing and the comments and the conditions recommended by reviewing agencies.

## Background Information

**Parcel Location:** The subject site is 1.26 acre portion of the West Towne Mall property, located between South Gammon Road and West Towne Way, the private West Towne Mall ring road.

**Existing Conditions and Land Use:** The subject site includes an existing bank building with a drive-up service window.

**Surrounding Land Use and Zoning:**

North: Commercial and restaurant buildings, zoned CC (Commercial Center District);

South: Bank with drive-up service, zoned CC;

East: Commercial and restaurant buildings and storm water facility, zoned CC and CN (Conservancy), respectively; and

West: West Towne Mall, zoned CC.

**Adopted Land Use Plan:** The Comprehensive Plan recommends regional mixed use development for the West Towne Mall area.

**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.

**Zoning Summary:** The property is zoned CC – Commercial Center District.

	<b>Required</b>	<b>Proposed</b>
Front yard setback	100' max.	40'
Side yard setback: other cases	One-story: 5 Two-story or higher: 6	Adequate
Rear yard setback	The lesser of 20% of lot depth or 20 feet	Adequate
Maximum lot coverage	85%	77%
Maximum height	5 stories / 68'	26'6"
Site Design	Required	Proposed
Number parking stalls	No minimum	58 ( Please See Comment # 30)
Accessible stalls	3	3 ( Please See Comment # 28)
Loading	No	No
Number bike parking stalls	5% of capacity of persons	8 (Please See Comment # 27)
Landscaping	Yes	Yes (Please See Comment # 23)
Lighting	Yes	Yes
Building forms	Yes	Meets building forms
<b>Other Critical Zoning Items</b>	UDC Review, Barrier free (ILHR 69), Utility easements	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**Project Description, Analysis, and Conclusion**

The applicant proposes to demolish an existing bank for the purpose of constructing a fast food restaurant with a vehicle sales and service window. This site is part of the West Towne Mall development, situated between Gammon Road and West Towne Way, the mall's private ring road. This proposal requires approval of a demolition permit to raze the existing structure and a conditional use to allow for the establishment of the proposed vehicle access sales and service window. This proposal is subject to the approval standards for demolition permits and conditional uses.

The existing bank building is a one-story structure with an existing drive-up service window. No information has been provided by the applicant indicating that this building is structurally unsound or in disrepair. Submitted photos are included in the Plan Commission packet and can be viewed online at the following web site: [http://www.cityofmadison.com/planning/projects/reports/432sgr\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/432sgr_photos.pdf)

Upon demolition, the applicant would construct a 5,012 square foot building which would be occupied by "Chick-fil-A" restaurant. The new building would be generally sited on the north-central portion of the property, set back 40 feet from the front property line. (For comparative purposes, the existing structure is set back approximately 50 feet). A dual-drive up lane is provided parallel to Gammon Road, along the front of the site. The applicant is proposing to add sidewalk along the southern, northern, and eastern sides of the site, as shown. A small parking lot between the proposed restaurant and Gammon Place will be reconfigured and eight parking stalls will be removed to install the new sidewalk.

Prior to filing this application, the Planning Division encouraged the applicant to re-orient the drive-up window, noting concerns on setting the dual drive-through lanes parallel to South Gammon Road. There were several discussions between the project engineer and City staff on alternative site arrangements. After those discussions, staff believes this layout is an appropriate solution, subject to many changes that have been incorporated into this proposal. The proposed dual drive-up lane is similar in length to that of a nearby fast-food development on Odana Road, though those dual drive-up lanes are perpendicular to the street. Due to the depth of this site, the applicant was not able to locate the dual drive-up lanes perpendicular to the site without creating a very inefficient parking lot. To address concerns, the applicant has narrowed the drive-up lanes which have allowed more room for tree and shrub planting between these lanes and Gammon Road. Staff notes the drive-up lane pavement is setback over 12 feet from South Gammon Road, consistent with the pavement setback on the property immediately to the south. Staff notes that a similar concept was presented to the Urban Design Commission (UDC) at an informational presentation on February 19 and there were not significant changes recommended at that time.

The proposed building is a tall one-story structure. Plans depict the structure being clad in brick on all sides, however the materials are not labeled on the elevation drawings. Staff believes the structure is an attractive fast-food restaurant and other than a clarification on the exterior materials, don't recommend believe specific changes are necessary to meet the approval standards.

Staff believes the demolition and conditional use standards can be met. In considering the Demolition approval standards, the Plan Commission must find that the proposed demolition and proposed 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. Regarding finding "1" restaurants and outdoor eating areas are permitted in the CC (Commercial Center) zoning district and vehicle access sales and service windows are allowed with conditional use approval. Regarding finding "2," the standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts, including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building.

The demolition standards also 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 submitted by the Landmarks Commission. The Preservation Planner provided the comments of the Landmarks Commission who has found that there is "no known historic value of the building proposed for demolition."

In considering the conditional use standards, staff believes these can be met as staff does not anticipate the proposal will result in negative impacts on the surrounding properties.

At the time of report writing, staff had not received any public comments on this proposal.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolitions and conditional uses are met and approve the request to demolish an existing building for the purpose of constructing a new restaurant with a vehicle access sales and service window at 432 South Gammon Road. This recommendation 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

### Planning Division

1. That the exterior materials on the elevation drawings are clearly labeled. Drawings depict a four-sided brick structure. Follow correspondence has indicated from the applicant indicate this is intended to be a brick clad structure. Alternative materials, unless specifically approved as part of this request will require approval of an alteration to this request.

### City Engineering Division (Contact Janet Schmidt, 261-9688)

2. The address of 432 S. Gammon Rd will be retired with the demolition of the bank. The assigned address for the new restaurant is 430 S. Gammon Rd.
3. Provide a site demolition plan as part of the plan set.
4. Show and denote all easements affecting the site on the Site Plan on Sheet C-2.0. It is suggested that the ALTA survey completed on this site in December of 2013 be included in the plan set to best show the existing conditions of the site.
5. 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
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 7.5-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 a) Reduce TSS off of the proposed development by 80% when compared with the existing site; b) Provide oil & grease control from the first

1/2" of runoff from parking areas; and c) 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.

9. 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

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@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)).

10. 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).
11. 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... and d) Sediment loading calculations.
12. 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))
13. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
14. All outstanding City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, of the land use approval. This property is subject to Sanitary Connection charges for the Traux-West Sanitary Sewer District. The current rate for 2013 is \$12.00/1000 sf of lot area.
15. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

16. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Tim Troester 608-267-1195 with question regarding this requirement.

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

17. The applicant shall submit one contiguous plan for approval. The plan drawing 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/angle, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
18. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
19. 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.
20. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

21. 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.
22. Sec 28.185 (10) 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.
23. Pursuant to Section 28.142(3)&(6) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared and stamped by a registered landscape architect.
24. This project is designed as a planned multi-use site. Pursuant to section 28.137(2)(a) A planned multi-use site, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
25. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets, with the final plan submittal.
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. NOTE: the signage submitted with the plan set does not appear to meet the sign code requirements.

27. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of bike rack on final plan sets.
28. Parking requirements for persons with disabilities must comply with sec. 28.141(4)(e). Final plans shall show the required accessible stalls, including van accessible stalls.
29. Per Sec. Sec. 28.060(2)(e), provide detailed elevation drawings, including a gate detail, for the refuse enclosure.
30. The submitted plans show 70 parking stalls, but the lease area for this restaurant includes 58 stalls. The northernmost 12 parking stalls shown on the plan are part of the West Towne map proper area, but are being included because they are generally part of the development site.
31. Provide details for Door and window openings subject to sec. 28.060(2)(d).
32. No rooftop mechanical equipment is shown on submitted plans. Per Sec. Sec. 28.060(2)(f), any rooftop equipment shall be screened from view.

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

33. Building address shall conform with MGO 10.34. Coordinate with City Engineering.
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**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

34. The Madison Water Utility shall be notified to remove the water meters 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.

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

This agency did not provide comments for this request.