



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1791 Thierer Road (District 17 – Ald. Baldeh)  
**Application Type:** Conditional Use  
**Legistar File ID #** [39829](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Jay Wendt, Principal Planner

## Summary

**Applicant | Contact:** Timothy R. Meseck; The Architects Partnership; 122 S Michigan Avenue Suite 1819; Chicago IL, 60603

**Property Owner:** Avenue Shoppes, LLC; 6514 Odana Road, Madison, WI 53719

**Requested Action:** The applicant requests conditional use approval to construct a vehicle access sales and service window for a restaurant in Urban Design District 5.

**Proposal Summary:** The applicant proposes to construct a vehicular access sales and service window on the street-facing side of a multi-tenant building.

**Applicable Regulations & Standards:** Vehicle access sales and service windows are a conditional use in the CC-T (Commercial Corridor-Transition) zoning district. This proposal is subject to the standards for Conditional Uses [MGO Section 28.183(6)] and the design standards for Urban Design District 5.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that conditional use standards met and **approve** the request to construct a vehicle access sales and service window at 1791 Thierer Road. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 4.2 acre subject property is located on the south side of East Washington Avenue. The site is within Aldermanic District 17 (Ald. Baldeh) and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes a two-building, multi-tenant shopping center constructed in 1982.

### Surrounding Land Use and Zoning:

North: Commercial development on the north side of East Washington Avenue, zoned CC-T (Commercial-Corridor Transition District);

South: Commercial development zoned CC-T;

East: Medical clinic with commercial development beyond; and

West: Commercial development, zoned CC-T.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends regional mixed-use development for the subject site and surrounding properties.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor-Transition District). Further Zoning information was not available at the time of report writing.

**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, Analysis, and Conclusion

The applicant requests approval to add a vehicle access sales and service window on an existing building. This request is subject to the approval standards for conditional uses and the design standards for Urban Design District 5.

The proposed facility will be constructed on the north (East Washington Avenue-facing) façade. While the supplemental regulations for vehicles access windows do not allow their placement between the principal structure and a public street, a variance to approve the window, as proposed, was approved by the Zoning Board of Appeals on July 23, 2015. Traffic will queue behind the building's east side, with the order board near the northwest building corner. Site plans show an existing tree island will be reduced in size to accommodate the vehicular movement.

Elevation plans show that the window configuration will be revised. A new service window will be added and one additional window opening will be removed and another shortened. Matching brick and mortar will be "toothed" in to the façade to match the existing brick.

In order to screen the facility, new landscaping is being added. In addition to a row of existing dogwood shrubs, plans show the addition of vertical juniper plantings and two skyline honey locust trees. The vertical juniper plants are intended to provide better year round screening. Staff notes that portions of this planting area appear to encroach into City right-of-way and should be relocated onto the subject property. Staff notes that the plans show a series of existing parking stalls that currently encroach into the right-of-way. Engineering staff notes that the process to approve these stalls was initiated with the City Office of Real Estate services in 2011, though has not been completed.

The project is within Urban Design District (UDD 5) and this request has been reviewed by the Urban Design Commission Secretary on behalf of the Commission as allowed for in Chapter 33.24(4)(g) of Madison General Ordinances. The Planning Division and Urban Design Commission Secretary believe the broad standards within UDD 5 are met. Considering that the façade is over 30 feet from the right-of-way and over 80 feet from the current edge of pavement, staff believes the project will have a minimal aesthetic impact. This impact will be further mitigated through the additional landscaping.

Staff notes that Metro Transit has provided an informational note regarding the existing lack of pedestrian connections across this site. No formal improvements are recommended by Metro or by Traffic Engineering as part of this conditional use request.

The Planning Division believes the conditional use standards can be met and do not anticipate the construction of this vehicle access sales and service window will significantly impact nearby properties. At the time of report writing, staff was not aware of any concerns on this proposal.

## **Recommendation**

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

The Planning Division recommends that the Plan Commission find that conditional use standards met and **approve** the request to construct a vehicle access sales and service window at 1791 Thierer Road. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

**- Recommended Agency Comments are included in the Attached Report -**



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**Project Address:** 1791 Thierer Road  
**Application Type:** Land Use  
**Legistar File ID#** 39829  
**Requested Action:** Conditional Use for vehicle access sales and service window

**Proposal Summary:** Proposed drive-thru window for an existing Jimmy John's Gourmet Sandwiches restaurant.

**Applicant:** Timothy Meseck; 122 S Michigan Ave Ste 1810 Chicago, IL 60603  
**Contact:** Timothy Meseck; 122 S Michigan Ave Ste 1810 Chicago, IL 60603  
**Property Owner:** Avenue Shoppes Llc; % Joel L Bahr (Agent), 6514 Odana Rd, Madison, WI 53719

**-Please See the PLANNING DIVISION STAFF REPORT for More Information on this Request -**

## Recommended Agency Comments and Conditions

Major/Non-Standard Conditions are Shaded

### Planning Review (Contact Kevin Firchow, (608) 267-1150)

1. The applicant shall revise the landscape plan, per approval by Urban Design Commission secretary and Planning Division staff, to relocate plantings out of the right-of-way. In the alternative, the applicant may obtain necessary approvals for this encroachment, which shall be coordinated with Office of Real Estate Services.

### Engineering Review Main Office (Contact Brenda Stanley, (608) 261-9127)

2. The agency reviewed this request and has recommended no conditions or approval.

### Traffic Engineering Review (Contact Eric Halvorson, 608-266-6527)

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 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, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. 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.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. As of October 2nd Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).

**Fire Review (Contact William Sullivan, (608) 261-9658)**

7. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Parks/Forestry Review (Contact Janet Schmidt, (608) 261-9688)**

8. No Comments Provided.

**Water Utility Review (Contact Dennis Cawley, (608) 266-4651)**

9. This property is not located 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 Review (Contact Timothy Sobota, (608) 261-4289)**

10. a. Site plan does not show existing, or proposed, pedestrian access to the restaurant entrance from the existing transit stops on East Washington Avenue and the public sidewalk along Thierer Road.

**City Eng. Review Mapping (Contact Jeffrey Quamme, (608) 266-4097)**

11. Parking stalls along the northwesterly side of this property partially encroach into the adjacent right of way of East Washington Avenue. City of Madison Real Estate Project No. 9739 was set up in 2011 to draft an encroachment agreement to permit these improvements within the right of way. Applicant shall coordinate with Jerry Lund of the City of Madison Real Estate Office to complete and record this agreement. Applicant shall provide a new map exhibit showing the current entire parking lot improvement locations along East Washington Avenue and the limits of the encroachment area and the legal description for use in the agreement.



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