



PREPARED FOR THE PLAN COMMISSION

Project Address: 522 S. Gammon Road (9th Aldermanic District, Ald. Skidmore)

Application Type: Demolition Permit

Legistar File ID # [62088](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Todd Mosher; raSmith; 1245 E. Diehl Road, Suite 102; Naperville, IL 60563

Property Owner: Seritage SRC Finance, LLC; 489 Fifth Avenue, 18th Floor; New York, NY 10017

Requested Actions: Approval of a demolition permit to demolish a commercial building with no proposed use at 522 S. Gammon Road.

Proposal Summary: The applicant is requesting approval to demolish a former Sears Auto Center building located at the southeastern corner of the site. No future use is proposed at this time.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO §28.185(7)]. It is also subject to MGO §28.068, which pertains to development in the Commercial Center (CC) zoning district.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the request to demolish the two-story, former Sears Auto Center building at 522 S. Gammon Road with no proposed future use. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies.

Background Information

Parcel Location: The project site is a 18.2-acre parcel located in the southeastern quadrant of the larger 133-acre West Towne Mall complex south of the entrance from S. Gammon Road opposite Odana Road; Aldermanic District 9 (Ald. Skidmore); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with roughly 118,000 gross square-feet of retail (a Dave & Busters restaurant and Total Wine & More) located at the northwestern corner of the site (and attached to the southern end of the multi-tenant West Towne Mall retail core). The rest of the site is primarily automobile parking save for the separate, two-story, roughly 15,000-square-foot, former Sears Auto Center building located near the southeast corner of the lot. The entire West Towne Mall is zoned CC (Commercial Center) District.

Surrounding Land Uses and Zoning: The subject site is located at the southern end of the West Towne Mall complex, with S. Gammon Road adjacent to the east and the W. Beltline Highway (US Highway 12 & 14) to the south. Generally, the next closest retail uses to the site on the west are Dick's Sporting Goods at the southwestern corner of the mall, and Best Buy and Kohl's, which are both located on the west side of the mall ring road.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2018) identifies the subject site and the overall West Towne Mall complex for Regional Mixed-Use (RMU) development.

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

Requirements	Required	Proposed
Front Yard Setback	No minimum	N/A
Max. Front Yard Setback	85 ft	N/A
Side Yard Setback	5 ft	N/A
Rear Yard Setback	20 ft	N/A
Maximum Lot Coverage	85%	N/A
Maximum Building Height	5 stories/68 ft	N/A
Other Critical Zoning Items		
Yes:	Urban Design (Planned Commercial site), Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park, Historic District, Barrier Free, Wetlands	
<i>Prepared by: Jacob Moskowitz, Assistant Zoning Administrator</i>		

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

Public Utilities and Services: West Towne Mall is served by a full range of urban services, including seven-day Metro Transit service along a section of the mall ring road approximately 500 feet north of the site, and at S. Gammon Road south of Odana Road.

Related Approvals

On December 12, 2016, the Plan Commission approved a major alteration to the conditional use-planned multi-use site (i.e. the subject site) to convert what was then the existing 138,600 gross square-foot Sears department store on the south side of West Towne Mall into three commercial tenant spaces, and to convert the adjacent Sears Auto Repair building addressed as 522 S. Gammon Road into two restaurant tenant spaces. (It is this Sears Auto Center building which is now proposed for demolition).

Project Description, Analysis, and Conclusion

The applicant requests approval to demolish the two-story, roughly 15,000-square-foot, former Sears Auto Center building located near the southeast corner of the lot with no proposed future use at this time. According to City Assessor’s Office records, the structure was constructed in 1971. Interior and exterior photos were included in the submission and are available online at:

<https://madison.legistar.com/View.ashx?M=F&ID=8773082&GUID=E4B7C9A7-D03B-4B91-B570-21F982657FDF>.

The applicant did not note any structural deficiencies in their submitted application materials.

The applicant has not provided a proposed use future use as part of this application. As such, this request is subject to the standards for demolition permits and more specifically, 28.185(7)(b) which are for applications with no proposed use. In order to approve a demolition permit with no future use, the Plan Commission must that find either:

- 1) That based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or
- 2) For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City Plans.

In regards to the first finding, the applicant has submitted two letters of support. The first is a letter in support of the demolition from George Hank, the City's Director of Building Inspection. While the Director conducted an exterior inspection, according to his letter, he found *"no obvious defects or apparent structural issues."* That said, he notes that *"vacant buildings in general are targets for vandalism and while the building has been secured, this only prevents people who generally obey the law from attempting to enter the building. This possess a potential public nuisance."* Furthermore, he noted, *"the building was designed and built with a single use in mind and does not lend itself to easy renovation and/or change of use."* He concludes the letter by stating, *"I am writing to urge support for the issuance of the Demolition Permit."*

A letter regarding the demolition was also submitted by the Captain Timothy Patton, captain of Madison's West Police District, who simply stated, *"From a public safety perspective in the West District, we have no objections to your plan and proposed timeline."*

In regards to the second finding, in order to approve the Plan Commission must find that finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City Plans. The 2018 [Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) for the subject site and surrounding areas. With a general height range between two and 12 stories, RMU areas are generally intended to be the most intensively developed areas outside of the Downtown. The plan more specifically acknowledges that the mall area may continue to be an auto-oriented mall for some time. Regarding a neighborhood plan, it should be noted that none currently exists for the West Towne Mall area, though a Planning effort for the greater West Towne Mall area is underway.

On balance, staff believes that the second standard could be found met. In regards to allowable uses, staff believes that the CC District is permissive enough to allow the type of development envisioned by the Comprehensive Plan. In regards to building height, while allowing up to five stories (or greater with conditional use approval), the CC District does not require buildings be more than one story. Staff notes, however, there have been other recent demolition and conditional use applications that have been approved as one-story buildings in areas planned for RMU. In regards to building placement, the planned RMU district recommends *"buildings placed close to the sidewalk and street."* The CC District requires that at least 70 percent of the street-facing building wall shall be setback no more than 85 feet (or up to 100 feet with conditional use approval). While the CC District allows significantly more flexibility in terms of building setback than is recommended by the RMU District, staff notes that the subject site is not currently oriented towards a public street and it would be difficult to site a new building consistent towards a public street under the current configuration. Finally, staff believes that the design requirements in place as well as the UDC's review (which would be required for any development) could be considered sufficient to ensure that a future development on the subject site will conform with the [Comprehensive Plan](#).

Finally, the Landmarks Commission reviewed this application at their August 17, 2020 meeting and found no known historic value of the subject building.

In conclusion, the Planning Divisions believes that the approval standards can be found met. At the time of report writing, there were no known public comments on this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the request to demolish the two-story, former Sears Auto Center building at 522 S. Gammon Road with no proposed future use. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies.

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

City Engineering Division (Contact Timothy Troester, 267-1995)

1. Provide more detail on the demolition extents and restoration of the site in the interim condition until the proposed improvements are constructed.
2. Obtain a permanent sewer plug permit for each existing sanitary 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. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
3. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
5. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
6. Based on WDNR BRRS record #02-13-188156 SEARS AUTO CENTER, the property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
7. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.

8. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
10. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

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

11. An additional site plan is needed showing the end result of the area where the building is being removed. Clarify if the area covered with a concrete pad the same size of the building foundation, will the foundation remain or will the area be reseeded? The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.

Traffic Engineering (Contact Sean Malloy, 266-5987)

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

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

12. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
13. Section 28.185(10) 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.
14. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Fire Department (Contact Bill Sullivan, 261-9658)

15. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608) 712-6277.

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

16. 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.

Parks Division (Sarah Lerner, (608) 261-4281)

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

Forestry Division (Contact Wayne Buckley, (608) 266-4892)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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