



**Project Address:** 3825 East Washington Avenue (District 17 – Ald. Baldeh as of 4/21)  
**Application Type:** Demolition Permit  
**Legistar File ID #** [36619](#)  
**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:** John Seamon; Iconica; 901 Deming Way; Madison, WI 53717

**Property Owner:** Erik Saltvold; Erik’s Bike Shop, Inc; 9201 Penn Avenue South, Suite 1; Bloomington, MN 55431

**Requested Action:** The applicant requests approval of a demolition permit. The site is within Urban Design District 5.

**Proposal Summary:** Upon demolition of the existing restaurant, the applicant requests approval to construct an 9,716 multi-tenant commercial tenant building. The main tenant would be a bicycle sales facility.

**Applicable Regulations & Standards:** This proposal is subject to the standards for demolition permits [MGO Section 28.185(7)]. The plans for the new site and building are also subject to the standards for Urban Design District 5 [MGO Section 33.24(12)].

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a restaurant for the purpose of creating a commercial building at 3815-3825 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 26,874 square foot subject property is located on south side of East Washington Avenue generally located in front of the existing “Hy-Vee” grocery store near the intersection of East Washington Avenue and Mendota Street.

**Existing Conditions and Land Use:** The subject site includes a 3,024 commercial building that has been utilized as a restaurant.

### Surrounding Land Use and Zoning:

North: Single and two-family homes, zoned SR-C3 (Suburban Residential-Consistent 3 District);

South: Hy-Vee Grocery Store, zoned CC-T (Commercial Corridor-Transition District);

East: Surface parking with hotel, beyond, zoned CC-T;

West: Bank/Credit Union, with other auto-oriented commercial beyond Mendota Street, zoned CC-T.

**Adopted Land Use Plan:** The Comprehensive Plan recommends community mixed-use development for the subject site. The area is also identified as a conceptual location for Transit Oriented Development.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor Transition District). A report from the Zoning Administrator was not provided in time to be included in 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. A sanitary sewer easement runs along the southern 10 feet of this property.

## Project Description, Analysis, and Conclusion

The applicant, Erik's Bikes, Boards, and Skis, requests approval to demolish an existing restaurant (Schlotzsky's Deli) for the purpose of constructing a new multi-tenant commercial building. This request is subject to the standards for demolition permits. The redevelopment plans are also subject to the standards for Urban Design District 5. Note that this report reflects revised plans. The applicant was originally scheduled to appear before the Urban Design and Plan Commissions in February 2015. That project was referred for the purpose of addressing concerns regarding truck deliveries and related design alterations.

The building proposed for demolition is a one-story, 3,024 square foot commercial structure, constructed in 1970. Interior and exterior photos of the building are included in the submission though no additional information on the building's condition was provided. The plans show that three existing accessory storage buildings will also be removed.

The proposed future use is a one-story multi-tenant commercial building with approximately 9,700 square feet of gross floor area, shared between three tenant spaces. "Erik's" will occupy the largest of these spaces. Tenants for the other spaces are defined in this application. The proposed building is sited close to East Washington Avenue and has 18 surface automobile parking stalls located to the rear. Plans show that six stalls are proposed to include pervious pavers. The building has a cast stone base and its body is primarily clad in fiber cement panels with concealed fasteners. Metal and wood accents are also provided. The building plans have been revised to include a street-facing door which provides direct street access to one on the future tenant spaces. This meets the requirements of the Zoning Code for street-facing entrances.

Previously, the applicant desired to use large semi-trucks with trailers to make deliveries. Traffic Engineering (TE) raised significant concerns regarding large truck movements into the site. Based on the revised letter of intent, the applicant has committed to use smaller trucks and the truck size now proposed is acceptable to TE. The recommended comments from TE restrict trucks larger than 35' from making deliveries to the site.

Prior to approving this proposed demolition and future use, the Plan Commission must find that the proposed demolition and future use are compatible with both the purpose of the Zoning Code's demolition section and the purpose expressed in the Zoning Code for the subject CC-T (Commercial Corridor-Transition District). In making their finding, the Plan Commission may give weight to any relevant facts including the proposal's effects on the normal and orderly development of surrounding properties. From a use standpoint, the proposal would replace an existing permitted use with a new permitted use. Staff believes that the redevelopment provides a stronger street presence compared to the existing condition.

The standards further state that the proposed use should be compatible with adopted plans. The Comprehensive Plan recommends community mixed-use development for the subject site and the larger surrounding area. This general area is also identified as a conceptual location for Transit Oriented Development. Commercial buildings are among the recommended uses and the proposal meets the basic site plan recommendations to locate buildings close to the street with parking placed towards the rear. The Comprehensive Plan generally recommends additional development intensity in community mixed-use areas including mixed-use, multi-story buildings. On balance, staff believes the project can be found to be compatible with the adopted recommendation.

Urban Design District 5 was established to improve the appearance of East Washington Avenue as a significant entrance into the City. The requirements and guidelines for this district are generally very broad, pertaining to rights of way, off-street parking, building design, lighting, and landscaping. The code requires that any new parking space shall be within 70 feet from a canopy tree of at least a 2.5-inch caliper and the site plan appears to meet that requirement. City Engineering Division has noted the presence of a sanitary sewer easement along the rear of this the site. Plans have been revised and it appears trees are now outside of this easement.

At the time of report writing, staff had not received any public comment on this proposal. With the resolution of the delivery issue as discussed in this report, the Planning Division believes that the conditional use standards can be met with the recommended conditions.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a restaurant for the purpose of creating a commercial building at 3815-3825 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

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

1. That the plans submitted for sign off depict the location of the existing sanitary sewer easement and that no trees or large shrubs shall be placed within that easement. The City Engineering Division must also approve the plantings within the sanitary sewer easement.

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

2. The address of 3825 E Washington Ave will be retired with the demolition of the building. This submittal reconfigures the proposed building and now has three tenant spaces. The address for Erik's Bike Shop is 3813 E Washington Ave. The address for "Tenant B" is 3817 E Washington Ave. The address for "Tenant C" is 3821 E Washington Ave.
3. The existing private storm sewer connects to the private storm sewer system on the adjacent site to the east. This site will also rely upon the adjacent parcel for surface drainage and storm sewer connection. A

recorded copy of the executed private storm water drainage / storm sewer agreement/easement shall be provided prior to the issuance of a building permit for any new construction on this site.

4. A retaining wall reaching a height of approximately six feet is planned to run longitudinally within the public sanitary sewer easements recorded as document numbers 1005923 and 998714. A Consent to Occupy Easement document shall be drafted and recorded to define responsibilities and requirements in conjunction with the proposed improvements proposed within this easement. A City of Madison Real Estate project will be required along with a \$500 for administrative fee to create the document, obtain required approval(s) and record with the Register of Deeds. Coordinate with and provide legal descriptions and map exhibits along with the \$500 for administrative fees to Jeff Quamme at [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com) or 1600 Emil Street, Madison, WI 53703 (Ph. 608-266-4097).
5. The address of 3825 E Washington Ave will be retired with the demolition of the building. The address for Erik's Bike Shop is 3813 E Washington Ave. The address for "Tenant B" is 3819 E Washington Ave.
6. The proposed new building will cross an underlying platted lot line (O.L. 92A). Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
7. Applicant shall show existing 20-foot wide sanitary sewer easement on the utility plan. City sewer will need to remain in service. The Credit Union at the corner of East Washington and Mendota Street is connected to sewer running through 3825 East Washington Avenue lot development.
8. The proposed landscaping shall not obstruct the existing sewer access cover.
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. Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
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](mailto: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 East Washington Avenue, 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. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
16. 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.
17. 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)
18. If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds. (POLICY)
19. 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.
20. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (mapping). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Plat name and lot lines (metes & bounds parcel lines if unplatted), g) Platted lot numbers (noted "unplatted lands" if not platted), h) Lot/Plat property dimensions, i) Street names

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

THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED.

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 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. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
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))
24. 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 Schmidt (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))
25. 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)

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

26. Applicant shall not receive deliveries with vehicles larger than 35'. Doing so would jeopardize public safety and impede traffic flow on East Washington Avenue. Any damage to public infrastructure as a result of violating this condition will be the responsibility of the property owner.

27. 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.
28. 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.
29. 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.
30. All parking facility design shall conform to MGO standards, as set in section 10.08(6). This will require the driveway to be modified to conform with the Madison Standard Commercial Drive Detail (drawing 3.09)

**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)

31. Madison Fire Department recommends the installation of an automatic fire sprinkler system to protect the owner's investment and allow greater flexibility in use of the building.
32. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Parks Division** (Contact Kay Rutledge, 266-4714)

33. Forestry will permit the removal of two trees (10" Elm & 4" Tree Lilac) for the new driveway locations. Contractor shall contact Forestry at least one week prior to tree removal to obtain a City Forestry Tree Removal Permit.
34. 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 site plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto: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>
35. The existing 18" Honeylocust street tree, west of the east driveway 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>.
36. Please reference ID# 15106 when contacting Parks about this project.

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

37. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is located in wellhead protection district WP-15. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee. 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 submit comments for this request.