



Report to the Plan Commission

December 17, 2012

Legistar I.D. #28586

5225 University Avenue

Demolition Permit & Conditional Use

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a demolition permit and conditional use to allow an existing retail building to be demolished and a new multi-tenant retail building to be constructed with a drive-up service window and outdoor eating area at 5225 University Avenue.

Applicable Regulations & Standards: Section 28.09(3)(d) first identifies drive-up service windows/drive-in establishments and outdoor eating areas for restaurants and taverns as conditional uses in C2 General Commercial District zoning, which telescope into C3 Highway Commercial District zoning. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to allow an existing retail building to be demolished and a new multi-tenant retail building to be constructed with a drive-up service window and outdoor eating area at 5225 University Avenue, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Joe Krupp; 2020 Eastwood Drive; Madison.

Proposal: The applicant proposes to demolish Good'n Loud Music to accommodate the construction of a 4,000 square-foot multi-tenant retail building, which will include a drive-up service window for one of the tenant spaces and a shared outdoor eating area. The project is scheduled to commence in spring 2013, with completion anticipated in fall 2013.

Parcel Location: The subject site is a 0.44-acre parcel located on the south side of University Avenue between University Row on the east and Craig Avenue on the west and opposite Flambeau Road; Aldermanic District 19 (Clear); Urban Design District 6; Madison Metropolitan School District.

Existing Conditions: The existing one-story retail building contains approximately 4,200 square feet of first floor space and a partial basement. The site is zoned C3 (Highway Commercial District) and is located in Zone A of Wellhead Protection Zone 14.

Surrounding Land Use and Zoning:

North: Single-family residences in the Spring Harbor neighborhood, Spring Harbor Park and Water Utility Well 14, zoned R1 (Single-Family Residence District);

South: Multi-tenant commercial building, zoned C3 (Highway Commercial District);

East: Auto repair businesses, zoned C3;

West: Perkins Restaurant, zoned C3; Trillium Homes, zoned R4 (General Residence District).

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and properties to the east towards N. Whitney Way and immediate south for future Employment development.

The subject site is also located within the boundaries of the Spring Harbor Neighborhood Plan, which includes land use recommendations similar to the land use recommendations in the Comprehensive Plan. The subject site is recommended for employment uses as part of a planning sub-area centered on N. Whitney Way, which recommends mixed-use development closer to the University Avenue-N. Whitney Way intersection and employment uses on the rest of the C3-zoned properties located along the south side of University Avenue. The Spring Harbor Neighborhood Plan also includes myriad design recommendations for new development and the University Avenue corridor.

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

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

Zoning Summary: Existing C3 (Highway Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	19,107 sq. ft. (existing)
Lot Width	50'	109', existing
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	Adequate
Floor Area Ratio	3.0	Less than 1.0
Building Height	---	1 story
No. Parking Stalls	13 for retail; 30% of capacity of	25
Accessible Stalls	1	1
Loading	N/A	---
No. Bike Parking Stalls	2	8
Other Critical Zoning Items		
Yes:	Wellhead Protection (Zone A, WP-14), Urban Design (UDD 6), Utility Easements, Barrier Free	
No:	Floodplain, Landmark, Adjacent to Park	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Future Zoning Summary: Upon the new Zoning Code taking effect on January 2, 2013, the subject site and other nearby C3-zoned properties will be zoned SE (Suburban Employment District), which reflects the employment-based land use recommendations recommended for those properties in the Comprehensive Plan and Spring Harbor Neighborhood Plan. The SE district is primarily intended to support various office and limited production uses; general retail, restaurants and outdoor eating areas are conditional uses in the SE district. Drive-up/ drive-in services in the 1966 code are now called vehicle access sales and service windows in the new Zoning Code, and are permitted accessory uses.

Project Review, Analysis & Conclusion

The applicant and property owner is requesting approval of a demolition permit and conditional use to allow an existing one-story 4,200 square-foot retail building to be demolished and a new multi-tenant retail building to be constructed with a drive-up service window and outdoor eating area at 5225 University Avenue. The 0.44-acre site is located on the south side of University Avenue approximately

midway between University Row on the east and Craig Avenue on the west and opposite Flambeau Road. The building to be demolished was constructed in 1966 and includes concrete block walls and a hip roof. An existing billboard is located along the eastern property line near the University Avenue sidewalk, which is proposed to remain. The property is surrounded by other commercial buildings on the south side of University Avenue, and by the rear or side of residential properties and Water Utility Well 14 north across University.

The new building will stand one story in height and will contain 4,000 square feet of floor area to be located in two tenant spaces. The building will generally sit in the center of the property, which has approximately 109 feet of frontage along University Avenue. The tenants, who have not been identified, will share 25 automobile parking stalls to be located on the western and southern edges of the property. A drive-up service window is proposed along the eastern side façade of the proposed building, which will serve the smaller of the two proposed tenant spaces. Two driveways will serve the new building, including a full-width, full access driveway at the northwest corner of property, and a one-way outbound driveway at the northeast corner to provide egress for the drive-up service window. The two tenants will also share an outdoor eating area to be located between the proposed building and University Avenue sidewalk.

The letter of intent indicates that the hours of operation for the new retail building could be 24 hours a day, 7 days a week. Specific details of the operation of the both the drive-up service window and outdoor eating area were not provided in the letter of intent or on the project plans, including the location of the menu board and vehicle queuing for the drive-up, or a seating plan for the outdoor eating area. However, the applicant has indicated that the building is being built "on spec" and that specific prospective tenants have not been identified.

Staff believes that the Plan Commission can find that the demolition permit and conditional use standards are met and conceptually approve the requested conditional uses with the information available so that the demolition of the existing building and construction of the new building may proceed. At such time in the future as permits, certificates or licenses are requested for a business that wishes to utilize the drive-up service window or outdoor eating area, the tenant or property owner will be required to file an alteration to the conditional use to provide details on the layout and operation of the drive-up service window (or vehicle access sales and service windows as they will be called under the new Zoning Code) and/ or outdoor eating area pursuant to the first condition recommended in the following section. In the event that the alteration request for the drive-up service window or outdoor eating area cannot be approved at the staff level, the requester will be required to file an application with the Plan Commission for approval following a duly noticed public hearing.

The subject site and nearby properties along University Avenue are located in Urban Design District 6, which requires that the Urban Design Commission approve the proposed multi-tenant retail building. The UDC reviewed the project on December 5, 2012 and granted final approval (see attached report).

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to allow an existing retail building to be demolished and a new multi-tenant retail building to be constructed with a drive-up service window and outdoor eating area at

5225 University Avenue, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. Prior to the issuance of permits, certificates or licenses for either tenant space proposing to use the outdoor eating area or drive-up service window/ vehicle access sales and service window, a request for alteration shall be made to the Planning Division for approval following a recommendation by the district alder. Due to the presence of residential properties nearby to the north, staff recommends that the hours of operation for both conditional uses be limited to 6:00 AM to 10:00 PM, Monday-Sunday, though different hours will be considered. Any alteration requests for the outdoor eating area shall be accompanied by a seating plan showing the number of seats, tables and overall occupancy, as well as any fencing, lighting or landscaping that will be installed. The alteration request for the drive-up service window/ vehicle access sales and service window shall be accompanied by the location of the menu board, details on speaker volume, hours of operation, and vehicle queuing.
2. That outdoor amplified sound is prohibited in the outdoor eating area.
3. That the plans be revised per Planning Division approval prior to final approval of plans for the new building and the issuance of permits for demolition and new construction as follows:
 - 3a. provide a minimum 6-foot wide unobstructed sidewalk along the entire west side of the building to provide pedestrian access from the parking area to the retail entrances (which may cause the building to shift south eliminating the bypass lane for the drive-up service window or result in a one-way circulation pattern for the overall development);
 - 3b. redesign the southerly side of the building to provide an area protected by a curb to provide a space for a future menu board, additional landscaping and a defined area for deliveries and the trash enclosure already shown.

The following conditions have been submitted by reviewing agencies:

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

4. The approved tenant addresses are: Tenant 1 (+/- 1,500 square feet) – 5227 University Avenue and Tenant 2 (+/- 2,500 square feet) – 5231 University Avenue.
5. Revise all four Quam Engineering-prepared site plan pages to include the location of, and reference to, the two existing public sanitary and storm sewer easements that encumber this property. There is a 10-foot wide public storm and sanitary easement created by CSM 207 (Document No. 1141736) and a 27-foot wide public storm sewer easement created by Document No. 1092266.
6. Provide an access easement through the parking lot to provide access for the City to perform maintenance and repairs on the public sanitary sewer main.
7. The sanitary lateral plug shall be in accordance with revisions to Section 35 of MGO, including the additional fee for plugging at the main.
8. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
9. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.

10. All work in the public right of way shall be performed by a City-licensed contractor.
11. All damage to the pavement on University Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
12. 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.
13. For commercial sites less than one acre in disturbance, the City of Madison is an approved agent of the Wisconsin Department of Commerce and Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one acres, and contains a commercial building, the City 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.
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS off of the proposed development by 80% when compared with the existing site; provide oil and grease control from the first 1/2" of runoff from parking areas, and; 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 Section 37 of Madison General Ordinances.
15. The applicant shall submit, prior to plan signoff, 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: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
16. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
17. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.
18. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

19. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
21. 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.

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

22. The parking lot dimensions are substandard and shall be revised. Ten (10)-foot wide stalls may work, however, the site plan needs to be revised to meet ordinance standards.
23. The site plan shall be revised to reflect and maintain the existing easternmost driveway consistent with the as-built condition with the University Avenue reconstruction project.
24. The site plan shall show the order board and pickup area and provide adequate queuing on site.
25. The applicant shall provide a clear signing and marking plan for review and final approval by staff.
26. The site plan shall clearly show a pedestrian connection from the proposed front door to the public sidewalk.
27. The applicant will need to demonstrate how trucks will access the site.
28. Any legal cross-access easements and encumbrances on the site and lot shall be shown, and copies of the documents provided.
29. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: existing items in the terrace (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.
30. 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.
31. The applicant shall be required to provide any necessary easements for the installation of street lights and traffic signals, including control boxes, loops, hand-holes, markings and signing.

32. 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)

33. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide detailed plans of bike parking stalls on final plans sets.
34. Parking lot plans with greater than 20 stalls shall comply with City of Madison General Ordinances Section 28.04(12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15 and 20 feet of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total. All plant materials in islands shall be protected from vehicles by concrete curbs.)
35. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6(m) which includes all applicable State accessible requirements, including but not limited to:
- a.) Provide a minimum of one accessible stalls which shall be van accessible and striped per State requirements.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48" between the bottom of the sign and the ground.
 - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
36. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the 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.
37. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the MGO and Chapter 33 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
38. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.
39. Meet applicable building and fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division. Contact Mike VanErem at 266-4559 to help facilitate this process. This process in addition to the inside capacity drives the off-street parking requirement and may lead to a parking reduction application.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact the MFD Training Division to discuss this possibility at 246-4587.

Water Utility (Contact Dennis Cawley, 261-9243)

40. This property is located in Wellhead Protection District WP-14. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with MGO Sections 13.22 and 28.107.

41. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.