

# PLANNING DIVISION STAFF REPORT

August 28, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 660 South Whitney Way (District 19, Alder Slack)  
**Legistar File ID #:** [78633](#)  
**Prepared By:** Lisa McNabola, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Terron Wright; The Architects Partnership, Ltd.; 200 South Michigan Avenue, Chicago, IL 60604

**Property Owner:** Stella Romo and Rimiro Romo; 315 Main Street #202, Watsonville, CA 95076

**Requested Action:** Consideration of an alteration to an approved conditional use Planned Multi-Use Site; and Consideration of a conditional use to allow a vehicle access sales and service window in an existing building at 660 South Whitney Way.

**Proposal Summary:** The applicant proposes to convert an existing building in to a bank with a vehicle access sales and service window (or “drive-thru”) for an ATM.

**Applicable Regulations & Standards:** Standards for conditional uses are found in MGO §28.183(6). Supplemental Regulations for vehicle access sales and service windows are found in MGO §28.151. Per MGO §28.137 an alteration to the conditional use Planned Multi-Use Site requires an advisory recommendation from the Urban Design Commission. The site is also located in Urban Design District 3.

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and approve the alteration to an approved Planned Multi-Use Site and the request for a vehicle access sales and service window at 660 South Whitney Way. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 59,034 square-foot (.86-acre) parcel is located along South Whitney Way between Odana Road and Tokay Boulevard. It is located within District 19 (Alder Slack) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel is occupied by a one-story, 5,292 square-foot building most recently used as a restaurant. The parcel is located in the northwest corner of a planned multi-use site bounded by Odana Road, South Whitney Way, and Tokay Boulevard. The subject parcel does not have direct access to South Whitney Way, instead it is accessed by shared drives to the north and south. The planned multi-use site is occupied by a mix of stand-alone commercial buildings and multi-tenant commercial buildings. The site is zoned Regional Mixed-Use (RMX) District. It is also located in Urban Design District 3.

**Surrounding Land Use and Zoning:**

North: One-story auto repair garage, and one-story commercial building, zoned Regional Mixed-Use (RMX) District;

East: Across South Whitney Way, four multifamily residential buildings (under construction), zoned Planned Development (PD) District; one-story grocery store, and two gas stations, zoned Commercial Corridor (CC) District;

South: Two (2) one-story multi-tenant commercial buildings, one-story commercial building, and one-story restaurant building zoned RMX District; and

West: One-story multi-tenant commercial building and vacant grocery store, zoned RMX District.

**Adopted Land Use Plan:** The [2018 Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) development for the subject property and surrounding properties. The [Odana Area Plan](#) (2019) recommends RMU development for the subject property and surrounding properties. The [Southwest Neighborhood Plan](#) (2008) recommends Community Mixed-Use (CMU). This site is also within the West Area Plan planning area. Planning efforts are underway and the Plan is expected to be adopted in 2024. Only plans that are adopted at the time of application submittal should be considered when evaluating land use applications.

**Zoning Summary:** The property is zoned Regional Mixed-Use (RMX) District.

Requirements	Required	Proposed
Front Yard Setback	None	107.20' existing front setback
Max. Front Yard Setback	25'	107.20' existing front setback
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6' of lot line	One-story: 5'	80.01' north side 9.02' south side
Rear Yard Setback	The lesser of 20% of lot depth or 20'	42.6'
Maximum Lot Coverage	90%	<90% (1)
Minimum Building Height	2 stories	1 story existing building
Maximum Building Height	5 stories/78'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Not required	46
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	2
Loading	Not required	None
Number Bike Parking Stalls	Bank, financial institution: 1 per 2,000 sq. ft. floor area (3)	None (2)
Landscaping and Screening	Yes	Yes (3)
Lighting	Yes	Yes
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	
Urban Design	Yes UDD #3

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The subject site is not within 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 proposes to convert an existing building in to a bank with a vehicle access sales and service window (or “drive-thru”) for an ATM. The drive-thru lane and ATM would be located along the west elevation. There is currently a dumpster enclosure along the west elevation which would be removed. The applicant also proposes to remove the existing retaining wall along South Whitney Way. A ramp would be installed to provide pedestrian access from South Whitney Way to the building. A new retaining wall would be installed along the remaining frontage. Seven parking stalls would be removed to accommodate the ramp. Exterior building modifications include adding an enclosure for the ATM, which will consist of a black brick veneer. Other exterior modifications include replacing the existing windows and doors, and replacing the existing canopies with black standing seam metal canopies.

### Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) and [Odana Area Plan](#) (2019) recommend Regional Mixed-Use (RMU) development for the subject site and surrounding properties. The RMU category includes existing and planned high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region. These areas typically include large-scale sites supportive of multistory buildings. Staff note the area around the subject site may continue to be occupied by auto-oriented retail buildings but is expected to transition to a more urban environment with a wide variety of uses. Staff also note that there is not a recommendation specifically against “drive-thru” facilities in mixed-use areas. As part of the “due consideration” of adopted plans, staff do not believe that establishing a drive-thru facility as part of a renovation of an existing building would impede more significant redevelopment opportunities consistent with the more intensive RMU recommendation in the future.

### Conditional Use Standards

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Per standard four, “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.” The subject site does not have direct access to South Whitney Way, instead it is accessed by shared driveways to the north and south. It is common for planned multi-use sites to have shared driveways and drive aisles that cross multiple lots, as is the case here. Although any development of surrounding properties would have to maintain access to the subject site, staff do not believe that this would impede normal and orderly development.

Per standard seven, “The conditional use conforms to all applicable regulations of the district in which it is located.” The Supplemental Regulations for vehicle access sales and service windows state that service windows in the RMX District shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. Staff believe all of the Supplemental Regulations are met. Staff also note that the subject site is *not* located in the Transit Oriented Development (TOD) Overly District.

Per standard nine, “When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of

purpose for the zoning district.” Per MGO §28.137 an alteration to the conditional use Planned Multi-Use Site requires an advisory recommendation from the Urban Design Commission. The site is also located in Urban Design District 3. On August 16, 2023, the Urban Design Commission (UDC) gave the proposed building and site alterations initial approval (see Legistar ID [78223](#)). The UDC asked the applicant to use masonry for the pedestrian ramp, minimize the number of switchbacks in the ramp if possible, and revise the lighting plan.

## Conclusion

The applicant proposes to establish a vehicle access sales and service window in an existing building. Given due consideration of adopted plans, staff do not believe that establishing a drive-thru facility would impede more significant redevelopment opportunities consistent with the more intensive RMU recommendation. Staff believes the conditional use standards can be found met.

## Recommendation

### Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and approve the alteration to an approved Planned Multi-Use Site and the request for a vehicle access sales and service window at 660 South Whitney Way. All recommendations are 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

### Zoning (Contact Jenny Kirchgatter, 266-4429)

1. Provide a calculation for lot coverage with the final submittal. The lot coverage maximum is 90%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
2. Bicycle parking for the bank shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of three (3) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
3. Verify whether new rooftop mechanical equipment is proposed. New rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
4. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
5. 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.

**Engineering Division** (Contact Tim Troester, 267-1995)

6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. 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.
10. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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>

11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

This site appears to disturb over 10,000 SF and is subject to Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event.

These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

12. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

13. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
14. 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.
15. 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.
16. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

17. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
18. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
19. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
20. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all driveway approaches, including existing driveways and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
21. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.

**Forestry Section** (Contact Brandon Sly, 266-4816)

22. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
23. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
24. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
25. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found

on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.

26. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
27. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
28. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

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

29. The Provide a copy of documentation allowing for the removal and replacement of the retaining wall on the adjacent parcel located at the southeasterly corner of this site.
30. Note: Reciprocal Easements for access, utilities and common uses are of record and in place for this site. No additional agreements are required.
31. One of the sheets shows Whitney Way as the address. Update the street name to S Whitney Way. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

**Parking** (Contact Trent Schultz, 246-5806)

32. The applicant shall submit a Transportation Demand Management Plan (TDMP) to [sprapplications@cityofmadison.com](mailto:sprapplications@cityofmadison.com), following Plan Commission approval of the project. The TDMP is required per MGO 16.03. Applicable fees will be assessed after Plan Commission approval, during the resubmittal process.

The following agencies reviewed the request and recommended no conditions of approval: Fire Department, Parks Division, Water Utility, Metro Transit