

PLANNING DIVISION STAFF REPORT

NOVEMBER 30, 2016 URBAN DESIGN COMMISSION

DECEMBER 12, 2016 PLAN COMMISSION



Project Address: 53 West Towne Mall & 522 S. Gammon Road
Application Type: Conditional Use
Legistar File ID # [44570](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: James Bry, Seritage SRC Finance, LLC; 489 Fifth Avenue, 18th Floor; New York, New York.

Contact Person: Jeff Vercauteren, Husch Blackwell, LLP; 33 E. Main Street, Suite 300; Madison.

Requested Actions: Consideration of a major alteration to a conditional use–planned multi-use site to convert the existing commercial building at 53 West Towne Mall into a multi-tenant commercial building, and to convert an auto repair shop at 522 S. Gammon Road into space for two restaurant tenants in a reconfigured parking lot at West Towne Mall.

Proposal Summary: The applicant is requesting approval to convert the existing 138,600 gross square-foot Sears department store on the south side of West Towne Mall into three commercial tenant spaces, which will include a smaller 56,000 square-foot Sears store, a 31,630 square-foot “Dave and Busters” restaurant-tavern/arcade, and third, 25,000 square-foot space for a future retail tenant, and to convert the Sears Auto Repair building addressed as 522 S. Gammon Road into two restaurant tenant spaces. Three pad sites on the easterly and southerly sides of the West Towne Mall ring road on the subject parcel are also conceptually shown on the submitted plans, though final details of those projects will be submitted for Urban Design Commission and Plan Commission separately prior to future construction. The applicant proposes to commence construction of the department store conversion and auto center conversion projects as soon as all regulatory approvals have been granted, with completion anticipated in September 2017.

Applicable Regulations & Standards: Section 28.137(2)(e) identifies a planned multi-use site containing more than 40,000 square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail use or for hotel or motel use as a conditional use and be subject to review by the Urban Design Commission under the provisions of Section 33.24(4)(f). Table 28D-2 in Section 28.061 of the Zoning Code identifies general retail, restaurant-taverns, and outdoor eating areas as permitted uses in the CC (Commercial Center) zoning district. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

Review Required By: Urban Design Commission and Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to a conditional use–planned multi-use site to allow a department store at 53 West Towne Mall to be converted into a multi-tenant commercial building and to convert an auto repair shop at 522 S. Gammon Road into two restaurants following a recommendation by the Urban Design Commission, and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: The project site is a 17.7-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 (Skidmore); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with the 138,600 gross square-foot Sears department store, which sits at the southern end of the multi-tenant West Towne retail core. The existing store includes a 126,629 square-foot first floor and 11,970 square-foot second floor, with a dedicated parcel pickup area along the southern façade of the building. A separate two-story, 14,220 square-foot Sears Auto Center is located southeast of the department store. The site is otherwise occupied with parking. 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 Toys’R’Us, which is located on the south side of the mall ring road.

Adopted Land Use Plans: The Comprehensive Plan identifies the subject site and the overall West Towne Mall complex for Regional Mixed-Use and transit-oriented development.

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

Requirements	Required	Proposed
Front Yard	85’ maximum	Existing building setback
Side Yards	5’ for one-story 6’ for two-story	Existing
Rear Yard	The lesser of 20% of lot depth or 20’	Existing
Maximum Lot Coverage	85%	83.7%
Maximum Building Height	5 stories / 68’	1 story existing
Auto Parking	No minimum	736
Bike Parking	Restaurant-tavern, brewpub: 5% of capacity (TBD); Retail 1 per 2,000 sq. ft. floor area (41, TBD)	121 (See Zoning conditions)
Loading	2 (10’ X 50’)	3
Building Forms	Free-Standing Commercial Building	Will comply
Other Critical Zoning Items		
Yes:	Urban Design (Planned Multi-Use Site), Barrier Free, Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, 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.

Project Description, Analysis and Conclusion

The applicant is requesting approval of a major alteration to the conditional use-planned multi-use site to convert 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.

The existing department store will be divided into a smaller 56,000 square-foot Sears store, which will continue to maintain a direct connection into the main mall core adjacent on the north, which is owned and operated by others. New entrances into the smaller Sears store are shown along the western and eastern facades. The proposed restaurant-tavern and arcade will occupy 31,630 square feet at the southwestern corner of the former department store building and will be oriented to the south. Loading for the restaurant and department store will be provided at the southern end of the western façade of the converted building. The remaining square-footage of the existing department store will be repurposed into a 25,000 square-foot space for a future retail tenant at the southeastern corner of the building. The entrance to this retail space will be oriented to the east, although a high degree of fenestration is shown along the southern façade as well. No direct connection between the mall and 25,000 square-foot retail space and restaurant-tavern/arcade is proposed. The exterior of the original department store will primarily be re-clad with a combination of metal panels that will be arranged to clearly define the three tenant spaces, with wood and stone accents as shown on the elevations. [Note: Some of the Plan Commission plan sets may include reference to EIFS instead of metal panels for the proposed exterior finishes. Staff apologizes for any confusion, which appears to have occurred during our recent office relocation.]

Plans for the conversion of the existing two-story auto repair shop propose for the first floor of the building to be divided roughly in half into two tenant spaces for future restaurants. The southern of the two spaces in the converted building will be a two-story, 18,890 gross square-foot space with a full second floor that will span over a smaller, one-story 7,485 square-foot tenant space to be created from the remainder of the first floor. The larger two-story tenant space will also include a 2,165 square-foot balcony adjacent to the northern wall. The exterior of the converted building will be clad in stone and wood panels with metal panel accents. A metal trellis or shade structure will be built above a portion of the second floor balcony, which will be used as an outdoor eating area for the larger restaurant tenant.

Three pad sites are also shown along the easterly and southerly sides of the West Towne Mall ring road on the subject parcel. The pad sites are shown on the site plan submitted with this request for illustrative purposes only and for the applicant to express his intent to further develop the former Sears site. Sheet C200 of the plan set identifies these pad sites, which conceptually call for future building footprints of 5,500, 6,000, and 5,000 square feet, moving from west to east along the outside of the ring road. Final details of those future pad site projects, including final site and landscaping plans and floorplans and elevations for each building, shall require approval by the Urban Design Commission and Plan Commission prior to their construction.

As part of the implementation of the current project, the applicant will make improvements to the portion of the parking area located on their property inside the ring road to the south and east of the department store.

Those improvements include the installation of landscaping islands in the parking lot, a substantial increase in site plantings, the addition of sidewalks along sections of the ring road and through the parking area to enhance connectivity between the proposed tenant spaces and rest of West Towne Mall, and new light fixtures. A connection is also proposed between the pedestrian improvements associated with this project and a future City multi-purpose path that will parallel the Beltline Highway.

The Planning Division believes that the conversion of the existing Sears department store and auto repair center buildings at West Towne Mall into new restaurant and retail spaces will expand the offerings available at the mall and should increase the level of activity on the currently less vibrant south side of the mall complex. The site and building improvements proposed with the project should also greatly improve the aesthetic condition of this side of the mall and the pedestrian environment in the part of the 133-acre West Towne complex. Staff feels that the proposed building and site improvements will satisfy the requirements of Section 33.24(4)(f) of the Urban Design Commission ordinance as they apply to the conversion of existing building floor area at West Towne Mall, which “seek improvements” to existing large retail establishments by upgrading landscaping and lighting in this portion of the mall complex, and making much-needed improvements to pedestrian circulation where they are currently lacking. Staff believes that the proposed conditional use can meet the standards for approval subject to the comments and conditions in the following section.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to a conditional use–planned multi-use site to allow a department store at 53 West Towne Mall to be converted into a multi-tenant commercial building and to convert an auto repair shop at 522 S. Gammon Road into two restaurants following a recommendation by the Urban Design Commission, and subject to input at the public hearing, the following Planning Division condition(s), and the conditions from reviewing agencies:

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

Planning Division

1. The three pad sites along the easterly and southerly sides of the West Towne Mall ring road on the subject parcel are shown for illustrative purposes only. Final details of those future pad site projects, including final site and landscaping plans and floorplans and elevations for each building, shall require separate approval by the Urban Design Commission and Plan Commission prior to their construction.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Brenda Stanley, 261-9127)

2. Based on past site use (WDNR BRRTS #02-13-188156), the property may contain residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.

3. The applicant shall show location of grease traps on the plans for proposed retail spaces to be used for restaurant use. The proposed grease trap for Dave and Busters does not have any sewer pipes connected to it on current plan.
 4. The developer shall show future West Towne Path plans to show compatibility with proposed plan. The current plans meet this requirement.
 5. The developer shall include off-street pedestrian connection from future West Towne Path to proposed development. The current plans meet this requirement.
6. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
 7. 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.
 8. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
 9. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). 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. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
 10. The applicant shall 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). The digital copies shall be to scale, and shall have a scale bar on the plan set. pdf submittals shall contain the following information: 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) lot lines or parcel lines if unplatted; g) lot numbers or the words unplatted; h) lot/plat dimensions; i) street names; j)

stormwater management facilities, and; k) detail drawings associated with stormwater management facilities (including if applicable planting plans).

11. 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; 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.
12. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict (east) at jbenedict@cityofmadison.com. The final document and fee should be submitted to City Engineering.
13. 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 5.0-tons per acre per year.
14. This site appears to disturb over 1 acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
15. This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building
16. 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 by 80% off of the proposed development when compared with the existing site.
17. 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 County Register of Deeds.

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

18. Submit a PDF of all floor plans for each separate building to Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a tenant addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

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

19. The applicant shall provide a continuous pedestrian connection adjacent to the West Towne [ring road].

20. The applicant shall provide a direct pedestrian connection to the main entrances of the newly created retail spaces from the West Towne Waysidewalk.

21. The applicant shall submit one contiguous plan for approval. The plan drawing 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.

22. 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.

23. 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.

24. All parking facility design shall conform to the standards in MGO Section 10.08(6).

25. The applicant shall provide a clearly defined 5-foot 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.

26. The applicant shall ensure the proposed bicycle parking does not interfere with the requires 5 foot pedestrian walkway; this can be accomplished through proper placement of a wheel secured style rack or through angled parking adjacent walkways.

27. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet–25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to

transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

28. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 1 bicycle stall per 2,000 sq. ft. of floor area for general retail uses and a minimum amount of bicycle parking equal to 5% of capacity of persons for restaurant and restaurant-tavern uses. Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
29. Bicycle parking requirements will be re-evaluated prior to obtaining Zoning approval for each future tenant space use. As each tenant space is leased, the development area must reflect compliance in the required amount and type of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.
30. Add bicycle parking information to the Site Data table on page C200.
31. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
32. Provide adequate interior parking lot landscaping per Section 28.142(6). A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays. Planting beds or landscape islands must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.
33. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). The equipment shall be within an enclosure. Screens shall be of durable, permanent materials that are compatible with the primary building materials.
34. Submit a detail of the trash enclosure adjacent the proposed restaurant building. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
35. Outdoor seating areas are identified adjacent the proposed restaurants. An outdoor eating area associated with a food and beverage establishment is a permitted use in the CC-Commercial Center district. The outdoor patio shall meet the applicable supplement requirements of Section 28.151. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division. Contact Building Inspection Plan Reviewer Mike VanErem at 266-4559 to help facilitate this process.
36. The future outlot pad sites will require separate City of Madison approvals.

37. 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.
38. 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 ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

39. The proposed alteration of the anchor store to the mall creates a number of Building Code issues that need to be addressed and compliance documented before proceeding. The proposed alteration negates the code allowances that permit the opening along the property line where the store connects to the rest of the mall and the allowance for segregated fire alarm and fire sprinkler systems. Further development of the building and life safety solutions are warranted.

40. The Madison Fire Department does not have any concerns with the auto center conversion into two restaurants provided all applicable ordinances and building and fire codes are met.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

41. Service valves for proposed water laterals shall be located within the existing water main easement, otherwise the existing water main easement shall be amended to encompass the new service lateral valves.

42. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

43. The Madison Water Utility shall be notified to remove the water meter at least two days prior to beginning any demolition or remodeling of the existing structure.

Metro Transit (Contact Tim Sobota, 261-4289)

44. The applicant shall install and maintain the pedestrian connection between the public sidewalk and bus stop zone on the west side of S. Gammon Road, and the walkway network in the parking field, as shown on the plans submitted for development review. This accessible pedestrian connection must comply with standards set out by the Americans with Disabilities Act. The applicant shall include the location of these transit accessibility amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

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Parks Division/ City Forestry (Contact Janet Schmidt, 261-9688)

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