



## Report to the Plan Commission

August 17, 2009

Legistar I.D. #15648  
7017 Mineral Point Road  
Conditional Use

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

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**Requested Action:** Approval of a conditional use to allow construction of a multi-tenant retail building with outdoor eating area at 7017 Mineral Point Road in the West Towne Mall planned commercial site.

**Applicable Regulations & Standards:** Section 28.04 (24) identifies a planned commercial 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. Such planned commercial sites and outdoor eating areas are both identified as conditional uses in C3 zoning under Section 28.09 (4)(d). Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** a conditional use to allow construction of a multi-tenant retail building with an outdoor eating area at 7017 Mineral Point Road, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

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**Applicant & Property Owner:** Tom Reddy, CBL Properties; 2030 Hamilton Place, Suite 500; Chattanooga, Tennessee..

**Agent:** Christine Meske, Ka, Inc.; 1468 W. 9<sup>th</sup> Street, Suite 600; Cleveland, Ohio.

**Proposal:** The applicant proposes to construct a 6,000 square-foot multi-tenant retail building in a surface parking lot at West Towne Mall. The applicant wishes to commence construction once all regulatory approvals have been granted, with completion scheduled for January 2010.

**Parcel Location:** The proposed building will occupy approximately 2.6 acres of a 4.63-acre parcel generally located at the southwestern corner of S. Gammon Road and Mineral Point Road; Aldermanic District 9; Madison Metropolitan School District.

**Existing Conditions:** The area of the proposed building is currently used as surface parking for West Towne Mall.

### Surrounding Land Use and Zoning:

North: Multi-tenant office building, zoned C2 (General Commercial District); James Madison Memorial High School, zoned A (Agriculture District);

South: Former Smokey Bones restaurant/ future Longhorn Steakhouse, zoned C3L (Commercial Service & Distribution District);

West: Olive Garden restaurant, West Towne Mall, zoned C3L;

East: US Bank, Tilted kilt restaurant and multi-tenant retail building (Starbuck’s, etc.), zoned C3L.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and the overall West Towne Mall complex for regional mixed-use and transit-oriented development.

**Environmental Corridor Status:** The site 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 C3L (Commercial Service & Distribution District) zoning:

| Requirements   | Required                                      | Proposed                       |
|--|---|--------------------------------|
| Lot Area   | 6,000 sq. ft.                                 | 54,600 sq. ft.                 |
| Lot Width  | 50'   | Adequate existing              |
| Front Yard   | 0'  | Approx. 60' from S. Gammon Rd. |
| Side Yards   | 0'  | Adequate                       |
| Rear Yard  | 10'   | Adequate                       |
| Floor Area Ratio   | 3.0   | Less than 1.0                  |
| Building Height  | ---   | 1 story                        |
| No. Parking Stalls   | 30% of capacity                               | 42                             |
| Accessible Stalls  | 2   | 2                              |
| Loading  | 1 10 X 35' stall                              | 1                              |
| No. Bike Parking Stalls                                      | 4   | 10                             |
| <b>Other Critical Zoning Items</b>                           |   |                                |
| Yes:   | Urban Design, Utility Easements, Barrier Free |                                |
| No:  | Floodplain, Wellhead Protection               |                                |
| <i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i> |   |                                |

Project Review, Analysis & Conclusion

The applicant is requesting approval of a conditional use to allow construction of a one-story, 6,000 square-foot multi-tenant retail building in an existing surface parking lot in the northeastern corner of the West Towne Mall complex adjacent to the southwestern corner of Mineral Point and S. Gammon roads. The plans for the new building include an outdoor eating area for one of the future tenants, which also requires Plan Commission approval as a conditional use. The new building will occupy approximately 2.6 acres of a larger L-shaped 4.63-acre parcel that extends along the Mineral Point Road frontage from west of the adjacent Olive Garden restaurant before turning south along S. Gammon Road to Gammon Place. The same 4.63-acre parcel also includes an 8,700 square-foot former Smokey Bones restaurant, which the Plan Commission recently granted demolition permit and conditional use approval to allow its replacement with a 5,695 square-foot Longhorn Steakhouse restaurant.

The proposed commercial building will be located in a predominantly commercial area that in addition to West Towne Mall and the existing and proposed adjacent commercial buildings on the subject site, includes an office building to the north across Mineral Point Road and three commercial buildings located across S. Gammon Road. The Madison Memorial High School complex is located northeast of

the proposed building site across the Gammon-Mineral Point intersection, though the actual school buildings are located further to the north along S. Gammon Road.

The proposed multi-tenant building will be set back approximately 60 feet from S. Gammon Road and 75 feet from Mineral Point Road, with a landscaped area, single row of parking and access drive to be located between the building and street property lines. The outdoor eating area for a restaurant tenant that will occupy the northern 2,000 square feet of the building will extend along the northern wall. Up to three tenant spaces are proposed for the building, with entrances shown along the eastern wall facing S. Gammon Road and at the southeastern and northeastern corners. Parking for 42 vehicles is proposed to surround the new building. The proposed building and associated surface parking will be integrated into the new surface parking layout associated with the approved Longhorn Steakhouse to the south and the existing parking area for the Olive Garden restaurant located to the west. An existing pedestrian connection extending into the site from the Gammon-Mineral Point intersection will be maintained while a new pedestrian walkway will be extended into the site from the S. Gammon Road sidewalk; both walkways will connect to a walkway that will surround the new building.

The multi-tenant building will stand approximately 24 feet in height across most of the four elevations, with raised corner elements at the northeastern and southeastern corners of the building. The building will be constructed with a combination of two-toned brick, colored metal panels and cast stone panels to be located above a split-face block base. The facades also include varied cornice heights and metal canopies in an effort to add visual interest to the building. The proposed building will be accentuated by the installation of a substantial landscaping plan for the perimeter of the building, the parking areas and the greenspace between the parking lot and public sidewalks.

In reviewing the proposed project against the conditional use standards, the Planning Division believes that the standards can substantially be met with the proposed multi-tenant commercial building. The proposed building represents a well-designed infill use of an underutilized portion of the West Towne Mall complex that will replace a lightly used parking area with a building that should create a sense of arrival to the West Towne area. Staff feels that projects such as the one proposed begin to incrementally realize the recommendations for West Towne in the [Comprehensive Plan](#), which calls for the center to gradually evolve into a regional mixed-use and transit-oriented development.

Staff also believes that the proposed outdoor eating area can meet the conditional use standards and that it should have no adverse impacts on the primarily commercial properties located nearby or on the educational buildings at Madison Memorial High School, which are located approximately 1,000 feet from the proposed building. The proposed outdoor eating area should also increase the amount of activity present along the prominent Mineral Point Road wall of the proposed building.

The Urban Design Commission recommended final approval of the proposed building on August 5, 2009 (see attached reports).

Staff Recommendations, Conditions of Approval & General Ordinance Requirements  
Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of a multi-tenant commercial building with outdoor eating area at

7017 Mineral Point Road in the West Towne Mall planned commercial site, subject to input at the public hearing and the conditions from reviewing agencies:

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

1. The approved address for the Smashburger Restaurant is 402 S. Gammon Road. The approved address for the retail space is 406 S. Gammon Road if a single tenant with an address of 410 S. Gammon Road available for a second tenant space if necessary.
  2. The Madison Metropolitan Sewerage District has a manhole in front of the crosswalk on the southwest corner of the Mineral Point- S. Gammon Road intersection on top of their 33" diameter sewer. With regard to the maintenance of the sanitary sewer facilities for these two restaurants, it would be in the interest of these two buildings to connect one to the MMSD sewer and one to the City sewer (where it is currently proposed).
  3. A sanitary sewer access structure for purposes of effluent monitoring shall be constructed at a location approved by the City Engineer.
  4. If "shared" storm and sanitary sewer facilities are proposed, the owner shall provide evidence of an agreement for the shared facilities.
5. 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.
  6. The City of Madison is an approved agent of the Wisconsin Department of Commerce. This proposal contains a commercial building and as such, 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 Wisconsin Department of Natural Resources is required.
  7. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: provide oil & 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 Chapter 37 of the Madison General Ordinances.
  8. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
  9. 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).

10. 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 John Leach, 267-8755)

11. The owner shall provide an easement at no cost to the City for the placement of City-owned traffic signal facilities at the S. Gammon Road-Gammon Place intersection, including, but not limited to, the right of ingress and egress; the right to excavate, install, operate, maintain, repair, replace, and modify the facilities; and the right to perform all work incidental thereto upon and over the required easement area. The applicant shall provide a "Perpetual Limited Easement for Public Traffic Signal Purposes" to Jeff Ekola in the City of Madison Office of Real Estate Services prior to final sign off.
12. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway to lots on either side and across the across drive aisles, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

13. Provide 11 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 two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
14. Parking lot plans with greater than 20 stalls, 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' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
15. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of 2 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - 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.
16. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, MGO, Street Graphics Code and Chapter 33.24 Urban Design

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

17. Lighting is required. Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).
18. Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
19. Occupancy of the outdoor eating and recreation area must be established. Contact Alan Harper at 266-4558 to help facilitate this process.
20. If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.

**Parks Division** (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

**Fire Department** (Contact Scott Strassburg, 261-9843)

This agency did not submit comments for this request. The applicant will need to discuss the provision of fire hydrants and fire lanes to serve the new building with the Fire Department prior to final signoff of the conditional use.

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

This agency submitted a response with no conditions of approval for this request.

**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.