

# PLANNING DIVISION STAFF REPORT

October 2, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 505 South Gammon Road (District 9, Alder Conklin)  
**Legistar File ID #:** [79550](#)  
**Prepared By:** Lisa McNabola, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Brian Emrich; Allegro Civil Engineers; 4322 North Lincoln Avenue, Suite A, Chicago, IL 60618

**Property Owner:** 505 Gammon, LLC; 402 Gammon Place, Suite 300, Madison, WI 53719

**Requested Action:** Consideration of a conditional use in the Commercial Center (CC) District for a vehicle access sales and service window to allow a general retail business to be converted into a bank with a vehicle access sales and service window at 505 South Gammon Road.

**Proposal Summary:** The applicant proposes to convert an existing retail 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 Section 28.183(6). Supplemental Regulations for vehicle access sales and service windows are found in MGO Section 28.151. The site is located in the Transit Oriented Development (TOD) Overlay District.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the approval standards for conditional uses are met and **approve** the request for a vehicle access sales and service window at 505 South Gammon Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 55,889 square-foot (1.2-acre) parcel is bounded by South Gammon Road, Odana Road, and West Platte Drive. It is located within District 9 (Alder Conklin) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** Per data from the Assessor's Office the subject site is occupied by a one-story, 5,766 square-foot commercial building. The site is zoned Commercial Corridor (CC) District. It is also located in the Transit Oriented Development (TOD) Overlay District.

### Surrounding Land Use and Zoning:

North: Across Odana Road, one-story and two-story commercial buildings, zoned Commercial Corridor (CC) District;

East: Across West Platte Drive, one-story and two-story commercial buildings, five-story hotel building, zoned CC District;

**South:** One-story commercial buildings, two-story hotel building, zoned CC District; HWY 14; and

**West:** Across South Gammon Road, West Towne Mall, zoned Regional Mixed Use (RMU) District.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) and [Odana Area Plan](#) (2019) recommend Regional Mixed-Use (RMU) development for the subject property and surrounding properties. The [Southwest Neighborhood Plan](#) (2008) recommends General Commercial (GC) for the subject property and surrounding properties. 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 Commercial Corridor (CC) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	55,869
Lot Width	None	215 ft
Front Yard Setback	Existing	Existing, no change
Max. Front Yard Setback	Existing	Existing, no change
Side Yard Setback	Existing	Existing, no change
Rear Yard Setback	20 ft	92 ft
Maximum Lot Coverage	85%	73%
Maximum Building Height	5 stories/78 ft	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 54 max	51
Electric Vehicle Stalls	None	None
Accessible Stalls	3	2 (35)
Loading	No	No
Number Bike Parking Stalls	3	None (36)
Landscaping and Screening	Yes	Yes (37)
Lighting	No	No (38)
Building Form and Design	Existing	Existing

*Table Prepared by Jacob Moskowitz, 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 retail building in to a bank with a vehicle access sales and service window (or “drive-thru”) for an ATM. The building is located in the center of the lot and is surrounded by parking on three sides. There is a landscaped area on the east side of the site. The site can be accessed from South Gammon Road, Odana Road and West Platte Drive. A drive-thru lane and bypass lane would be constructed on the east side of the building. Three parking stalls would be removed to accommodate the drive-thru lanes. The landscape plan shows a mix of deciduous shrubs, evergreen shrubs and grasses along the drive-thru lanes. A 267 square-foot building addition is proposed to enclose the ATM and adjacent drive-thru lane. The building addition would be comprised of a brick veneer and cast stone veneer. The applicant also proposes to remove the EIFS and architectural details from the existing column elements and replace it with a brick veneer. Per the plans some of the EIFS will remain and be repainted.

### **Conformance with Adopted Plans**

The [Comprehensive Plan \(2018\)](#) recommends 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.

The [Odana Area Plan \(2019\)](#) also recommends Regional Mixed-Use (RMU) Development. The Plan recommends various design elements (see page 41) for building and site design. Per the recommended design elements, exterior materials are as allowed by the Zoning Code, with the exception that Exterior Insulation Finish Systems (EIFS), stucco or similar materials are prohibited.

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. Staff also note that there is not a recommendation specifically against drive-thru facilities in mixed-use areas.

### **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 Section 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 seven, “The conditional use conforms to all applicable regulations of the district in which it is located.” The property is located within the CC Zoning District and Transit Oriented Development (TOD) Overlay District. Per §28.104(7) M.G.O. the site standards for buildings do not apply because the proposed modifications do not account for fifty percent (50%) or more of building floor area. Per §28.104(8) M.G.O. the site standards for automobile infrastructure do apply. Vehicle access sales and service windows and drives shall not be allowed between the primary street-facing façades and the primary public or private street, shall be setback from the primary and secondary street equal to or greater to than the principal building setback, shall be located under the building in which they are located, and the building shall have commercial or residential uses as allowed in the base district along the primary street frontage. Per Zoning staff, the proposed enclosure for the drive-thru complies with the TOD Overlay District. Staff also believe the Supplemental Regulations for vehicle access sales and service windows are met.

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.” This standard applies to this conditional use application as the 267 square-foot, covered drive-thru is considered a building addition, though that is the only addition to the building. Under this standard, the Commission must consider whether the resulting aesthetics is compatible with either the existing or intended and district statement of purpose. Keeping in mind this is a modest addition to an existing building within the relatively flexible CC Zoning district, staff believes it is possible to find that this standard met.

In regards to building materials, staff also note that the [Odana Area Plan \(2019\)](#) recommends that that Exterior Insulation Finish Systems (EIFS), stucco or similar materials be prohibited. The applicant proposes to remove the EIFS

and architectural details from the existing column elements and replace it with a brick veneer. Per the plans some of the existing EIFS will remain and be repainted, staff believes that this standard can be met considering this is an existing material and is ultimately being reduced. The building addition that will enclose the drive-thru ATM would be comprised of a brick veneer and cast stone veneer.

On balance, Staff believe the conditional use standards can be found met.

## 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 request for a vehicle access sales and service window at 505 South Gammon Road. 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

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

1. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
2. 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.
3. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
4. 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.
5. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
6. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

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>

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.

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 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))

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.

8. 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 [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West).

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

9. 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.
10. 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.
11. 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.
12. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
13. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
14. 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.
15. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
16. 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.
17. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.

**Fire Department** (William Sullivan, 261-9658)

18. Fire lanes shall be 20-ft wide with an inside turning radius of 28-ft minimums. Autoturn diagrams do not demonstrate compliance with the IFC & MGO 34.

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

19. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website:

<https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper. Single-stemmed stock only.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

**Metro Transit** (Contact Timothy Sobota, 261-4289)

26. The In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the south side of Odana Road, east of South Gammon Road (#6685).
27. The existing curbside bus stop zone and accessible pedestrian sidewalk and concrete boarding pad on the south side of Odana Road, east of South Gammon Road, provides critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone that would serve the Odana Road at South Gammon Road intersection area in a comparable operational and accessible manner.
28. The applicant shall install and maintain a new passenger seating amenity - either as part of the private landscape plan or in the public right-of-way area - serving the curbside bus stop zone on the south side of Odana Road, east of South Gammon Road. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Bench) application process. (MGO 10.31)
29. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

30. Metro Transit operates daily all-day transit service along Odana Road adjacent this property - with trips at least every 60 minutes. Additional trips operate along South Gammon Road - with trips at least every 30 minutes.

31. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 69 Weekday & 53 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

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

32. The site plan shall also show and note the "Odana Rd" Access Easement Area per Document No. 3336874.

33. The site plan shall also show and note the Parking Lot Lease Area and Driveway Access Area per Document No 3345696.

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

34. The applicant shall submit a Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto:tdm@cityofmadison.com). The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff



**Zoning** (Contact Jacob Moskowitz, 266-4560)

35. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.141(4)(e) which includes all applicable State accessible requirements, including but not limited to:
- a. Provide a minimum of 3 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8 feet wide with an 8 foot wide striped access 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.
36. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 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.
37. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
38. Exterior lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
39. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area 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. Submit a detail of the trash enclosure.
40. Bicyclist use of sales and service windows shall not be prohibited.
41. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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