

PLANNING DIVISION STAFF REPORT

April 22, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 4706 East Washington Avenue (District 17 – Ald. Baldeh)
Application Type: Conditional Use
Legistar File ID # [54406](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Steve Doran; Highline Capital, LLC; 6430 Bridge Road #230; Madison, WI 53713

Contact: Brad Koning; Sketchworks Architecture; 7780 Elmwood Avenue, Suite 208; Middleton, WI 53562

Requested Action: Approval of a conditional use to construct a new commercial building in a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square feet of floor area is intended for retail use or for hotel or motel use at 4706 East Washington Avenue.

Proposal Summary: The applicant proposes to construct a one-story, 5,500-square-foot, multi-tenant commercial building with an adjacent parking lot on a vacant lot that is part of a planned multi-use site.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO §28.183], as MGO §28.137 states that a “a planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.”

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to construct a one-story, multi-tenant commercial building as part of a planned multi-use site at 4706 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 0.6 acre subject property is located on the north side of E Washington Avenue, along the E Washington Avenue Frontage Road. The site is in Aldermanic District 17 (Ald. Baldeh), Urban Design District 5, and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: In 2017, the property owner demolished a two-story, 6,792-square-foot office building constructed in 1976 ([Legistar #48770](#)). The subject site is currently vacant.

Surrounding Land Use and Zoning:

North: Low and medium density residential neighborhoods zoned SR-C3 (Suburban Residential – Consistent District 3) and PD (Planned Development District) with SR-C1 (Suburban Residential – Consistent District 1) and Suburban Residential – Varied District 2 (SR-V2) beyond;

South: Single and multi-tenant regional commercial buildings, including Applebee's and Qdoba, zoned CC-T;

East: General commercial, zoned CC-T; and

West: General commercial multi-tenant building, owned by Galway Companies (the project applicant), zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends general commercial uses for the subject site.

Zoning Summary: The property is zoned CC-T (Commercial Corridor – Transitional District).

Requirements	Required	Proposed
Front Yard Setback	25' maximum	20'
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6 feet of lot line	One-story: 5'	Adequate (27)
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/ 68'	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	13
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	General retail; service business; office: 1 per 2,000 sq. ft. floor area (3)	4 (28)
Landscaping and Screening	Yes	Yes (29)(31)
Lighting	Yes	Yes
Building Forms	Yes	Free-standing commercial building(30)

Other Critical Zoning Items	Urban Design (UDD #5), Barrier Free (ILHR 69), Utility Easements
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Table prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services. The site is serviced by multiple bus routes including Madison Metro Routes 6, 25, and 26.

Project Description

On October 16, 2017, the Plan Commission approved a demolition request to raze a two-story office building located on this site. At the time of that Plan Commission approval, the applicant did not specify a proposed future use.

The office building has since been demolished, and now the applicant requests approval of a conditional use to construct a one-story, 5,500-square-foot, multi-tenant commercial building and parking lot. Vehicle access to the site is provided off the East Washington Avenue Frontage Road via a shared driveway with the properties to the west, qualifying this property as a planned multi-use site.

As proposed, the building will be located near the front of the site, abutting the East Washington Avenue Frontage Road, with parking in the rear of the site. There will be entrances to each tenant space off the sidewalk along East Washington Avenue, as well as off the customer parking lot. There will be a patio area on located at the front of the building, with the potential for an outdoor eating area. Staff notes that as part of this conditional use request, the applicant is not requesting conditional use approval for an outdoor eating area. Once a tenant is secured and outdoor eating is determined, the applicant will need to obtain another conditional use. It is important to note that the applicant is not proposing to sprinkle the building at this time. Therefore, the Fire Department cannot approve a restaurant or other general assembly tenant as currently proposed. In terms of building materials, the applicant proposes to use primarily fiber cement paneling, with brick masonry and EIFS area accents.

Project Analysis and Conclusion

This proposal is subject to the standards for conditional uses [MGO §28.183], as MGO §28.137 states that a “a planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.” In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met.

The [Comprehensive Plan \(2018\)](#) recommends general commercial land uses, and there is no neighborhood plan for the subject site. The area is zoned CC-T, which was established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. Considering the existing development pattern immediately surrounding this site, staff believes this proposal can be found compatible with the adopted Plan recommendations. Furthermore, the subject site is located within Urban Design District #5. At their February 27, 2019 meeting, meeting in regular session, the Urban Design Commission (UDC) voted to refer this item due to the lack of orientation towards East Washington Avenue. In making their finding the UDC requested that the applicant give the building a true front facing East Washington Avenue façade and allowed the applicant to place the parking lot at the side or front of the building. Due to site constraints, namely the significant steep grade at the rear of the site, the applicant did not change the location of the parking lot, but did make some site changes to improve the activation and orientation of the East Washington Avenue frontage. These improvements include additional bike parking at the front of the building, a larger front patio area with the potential for outdoor eating, steps leading to the building directly from the driveway, significantly more landscaping, and fabric awnings for each tenant space.

The applicant returned to the UDC on April 10, 2019 and received final approval, with the following conditions:

- Encourage the applicant to prohibit tenants from blocking windows per the glazing requirements in MGO §28.060(2)(d);
- Encourage Planning staff to monitor this requirement and enforce other projects on East Washington Avenue; and
- Add a stairway on East Washington Avenue, widen the stairs on the western side of the building, and use oak trees in the rear rather than serviceberry trees.

The UDC summary report is attached for reference. Given that the UDC approved the revised site plan, and that this proposal conforms to the adopted plan recommendations, the Planning Division believes that the Conditional Use Approval Standards can be found met. Staff does not believe that this proposal will impede the normal and orderly development of East Washington Avenue commercial corridor.

At the time of report writing, staff did not receive any public comment on this proposal.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to construct a multi-tenant commercial building and parking lot as part of a planned multi-use site at 4706 East Washington Avenue. This recommendation is 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

Planning Division (Contact Sydney Prusak, 243-0554)

1. The proposed building shall conform to the design standards for door and window openings per MGO §28.060(2)(d).

Engineering Division – Main Office (Contact Brenda Stanley, 231-9127)

2. This site shall be required to direct its runoff to the public ROW. No drainage onto adjacent private property shall be allowed without a recorded private easement.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO16.23(9)(d)(4))
4. 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. (POLICY)
5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
6. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. 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: 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) Private on-site

sanitary sewer utilities (including all connections to public sanitary) k) Private on-site storm sewer utilities (including all connections to public storm) All other levels (contours, elevations, etc) are not to be included with this file submittal. NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

7. 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. (POLICY and MGO 37.09(2)) 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 k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. 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. (POLICY and MGO 37.09(2))
9. 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. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOlivares@cityofmadison.com final document and fee should be submitted to City.
10. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
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 Reduce TSS by 80% off of the proposed development when compared with the existing site.
12. 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 infiltration in accordance with Chapter 37 of the Madison General Ordinances.
13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates.

14. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

15. Provide the recorded copy of the Joint Access Easement/Agreement for the joint driveway access over the adjacent property to the southwest located at 4630 E. Washington Avenue.
16. Provide the recorded copy of the Private Storm Water Management, stairs and retaining wall Easement/Agreement for the proposed stormwater management facilities, stair improvements and retaining wall located and over the lot line on the site located at 4630 E. Washington Avenue
17. Tenant space labeled as 103 has an address of 4702 E Washington Ave. Tenant space labeled as 102 has an address of 4704 E Washington Ave. The larger Tenant space labeled as 101 has an address of 4706 E Washington Ave. 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.

Traffic Engineering (Contact Sean Malloy, 266-5987)

18. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings 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.
19. 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.
20. 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.
21. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
22. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
23. 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.

24. 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.
25. "Stop" signs shall be installed at a height of seven (7) feet 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.
26. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Zoning (Contact Jenny Kirchgatter, 266-4429)

27. Show the east side yard setback distance on the site plan.
28. As each tenant space is leased, the entire development must reflect compliance in the required number of bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Submit a detail of the proposed bike rack.
29. Submit an overall landscape plan for 4630 and 4706 E Washington Ave. There are inconsistencies between the existing site at 4630 E Washington Ave and the approved landscape plan for the site. The landscape plan and landscape worksheet shall be 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.
30. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings.
31. On the rooftop plan, show the location of any proposed rooftop mechanical equipment and screening. Provide a detail or profile demonstrating that rooftop mechanical equipment will not be visible to view above the height of the parapets. 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). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
32. 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.
33. 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.

Fire Department (Contact William Sullivan, 261-9658)

34. Based on the preliminary architectural plans, a restaurant or other assembly use would not be permitted.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

35. The proposed development may require the installation of a fire protection/automatic sprinkler system depending on occupancy/intended use (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.
36. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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 Ave. 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.