



PREPARED FOR THE PLAN COMMISSION

Project Address: 3801 E. Washington Avenue (District 17 – Ald. Baldeh)
Application Type: Conditional Use
Legistar File ID # [62602](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Justin Frahm; JSD Professional Services, Inc.; 7402 Stone Ridge Drive, Suite 4; Weston, WI 54476

Property Owner: Hy-Vee Inc.; 5820 Westown Parkway; West Des Moines, IA 50266

Requested Action: The applicant requests conditional use approval for a vehicle access sales and service window in the Commercial Corridor-Transitional (CC-T) District to allow construction of a detached grocery pick-up facility for a grocery store at 3801 E. Washington Avenue.

Proposal Summary: The applicant requests approval to modify 26 existing parking stalls in the East Washington Avenue Hy-Vee Grocery Store parking lot in order to construct an online grocery kiosk and associated canopy with eight (8) drive-through lanes.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses in MGO §28.183.

Review Required By: Plan Commission. (The Secretary of the Urban Design Commission reviewed this request administratively on behalf of the Urban Design Commission).

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use approval standards are met and **approve** the request for a vehicle access sales and service window at 3801 E. Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 488,100-square-foot (11.2-acre) subject property is located to the east of the intersection of E. Washington Avenue and Mendota Street. The site is within Aldermanic District 17 (Ald. Baldeh), Urban Design District No. 5, City of Madison Wellhead Protection District No. 15, and the limits of the Madison Municipal School District.

Existing Conditions and Land Use: The subject site is currently developed with a large surface parking lot in the front (northwest) two-thirds of the site and a large grocery store at the rear (southeast). While the two small parcels at the corner of E. Washington Avenue and Mendota Street occupy the majority of the subject site's frontage along E. Washington Avenue, the subject site does have one access point onto E. Washington Avenue at the north of the site. (The two small parcels also share cross-access with the subject site). The site's three other access points are located to the southeast, along Mendota Street. The site is zoned CC-T (Commercial Corridor – Transitional District).

Surrounding Land Use and Zoning:

Northwest: Commercial development lining the majority of the E. Washington Avenue frontage, zoned CC-T (Commercial Corridor – Transitional District);

Northeast: A hotel, zoned CC-T, and personal indoor storage, zoned IL (Industrial Limited District);

Southwest: An auto repair station, zoned CC-T and single-family residences, zoned SR-C1 (Suburban Residential – Consistent 1 District); and

Southeast: Office Buildings, zoned CC-T.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends community mixed-use (CMU) development for the subject site. While the [East Town-Burke Heights Neighborhood Development Plan \(1987\)](#) recommends commercial development for the subject site, it provides no guidance relevant to the conversion of parking stalls for a detached grocery pick-up facility.

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

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback: Other cases	None unless needed for access	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	TBD <i>(See Comment #8)</i>
Maximum Building Height	5 stories/ 68'	1 story accessory building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	Yes <i>(See Comment #7)</i>
Accessible Stalls	Yes	Yes <i>(See Comment #7)</i>
Loading	Not required	No change
Number Bike Parking Stalls	Not required	No change <i>(See Comment #7)</i>
Landscaping and Screening	Yes	Yes <i>(See Comment #9)</i>
Lighting	Not required	No change
Building Forms	Not required	Accessory building

Other Critical Zoning Items	
Yes:	Urban Design, Utility Easements, Barrier Free (ILHR 69), Wellhead Protection (WP-15)
No:	Floodplain, Wetlands, Historic District, Adjacent to Park,

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.

Project Description

The applicant requests conditional use approval to allow construction of a detached grocery pick-up facility for a grocery store at 3801 E. Washington Avenue. The Zoning Administrator has determined that this use is considered a “vehicle sales and service window” and therefore requires conditional use approval.

The detached grocery pick-up facility is associated with Hy-Vee’s *Aisles Online* grocery service. According to the submitted materials, while it is meant first and foremost to help address the high number of online orders the store is receiving due to the Covid-19 public health crisis, Hy-Vee believes the number of online orders will increase steadily in the coming years.

The grocery pick-up facility is proposed to be located near the western corner of the store, and will occupy the majority of the two short parking trays located in front of the store's wine & spirits department. The eastern tray, which currently contains 17 angled parking stalls, will be completely repurposed into the eight drive-through parking lanes/stalls. The lanes will be oriented perpendicular to the drive aisle and be accessed via the drive aisle to the west, which is one-way (heading north). A canopy will be located above the eight lanes to provide shade as well as protection from the rain. The canopy will also span across the drive-aisle to the roughly 40-foot by 16-foot kiosk which will be oriented parallel to the drive aisle and occupy five stalls of the western parking tray. According to the submitted materials, the kiosk is itself a shipping container which will serve as a place to store the groceries waiting for pickup. The other existing stalls to the north of the kiosk will also be removed and the area restriped to allow for safe pedestrian circulation in and around the kiosk and drive-through lanes.

Regarding materials, the shipping container/kiosk will be clad with a combination of medium brown brick, and light beige, medium beige, and dark grey composite panels, all chosen to match and/or complement the existing store's material palette. The canopy will be clad with a mid-tone gray aluminum panel.

For landscaping, the applicant has noted while the proposal will displace one tree and 42 perennials, they will be replaced in kind within the landscape island located at the northern end of the drive-through lanes.

Analysis and Conclusion

The Zoning Administrator has determined that the proposed use is a "vehicle access sales and service window" which is a conditional use in the CC-T (Commercial Corridor – Transitional) zoning district. As such, this proposal is subject to the approval standards for Conditional Uses. As it is also located in Urban Design District No. 5, this proposal is also subject to the standards for that district.

Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Community Mixed-Use (CMU) uses for the subject site. It notes that among other things, retail uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas.

While the [East Town-Burke Heights Neighborhood Development Plan](#) (1987) recommends commercial development for the subject site, it provides no guidance relevant to the location, orientation, or design of drive-through lanes.

The Planning Division believes the proposal is compatible with adopted plan recommendations.

Conditional Use Standards

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

Staff believe that the Conditional Use standards can be found met. Firstly, Staff believe that this proposal is compatible with both adopted plans, as noted above. Staff also note that while the proposal is located within Urban Design District No. 5, due to the relatively modest scope of the changes, the Urban Design Commission Secretary reviewed the plans on behalf of the Urban Design Commission. The Secretary's recommended

modification is for the applicant to reduce the height of the parapets on the eastern and western façades by two (2) feet (i.e. to a height of roughly six (6) inches). With this change added as a condition of approval, Staff believe the Conditional Use standards can be found met.

Supplemental Regulations for Vehicle Access Sales and Service Windows

Vehicle Access Sales and Service Windows are also subject to the Supplemental Regulations of M.G.O. §28.151. The supplemental regulations for this use are the following:

- a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)*
- b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.*
- c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.*
- d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.*
- e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.*
- f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.*
- g) Bicyclist use of sales and service windows shall not be prohibited.*

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and offer the following comments related to select regulations:

Regarding Supplemental Regulation (a) and the prohibition of vehicle access sales and service windows being located between the principal structure and public street in the CC-T District, Staff note that the City's Zoning Administrator has determined that this requirement is not applicable in the case of the subject proposal. This is due to the fact that there are already two buildings, an Erik's Bike Shop and a former bank building, which are located to the northwest of the subject site, along E. Washington Avenue. As these two buildings are already between the Hy-Vee Grocery store and E. Washington Avenue, the additional supplemental requirement is not applicable.

Regarding the requirement, also in Supplemental Regulation (a), that vehicle access sales and service windows be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building, Staff note that the residential properties located to the southwest, across Mendota Street, are roughly 170 feet from the proposed pick-up lanes and roughly 130 feet from the proposed kiosk building.

Regarding Regulation (e), Staff note that the proposal was reviewed by the Secretary of the Urban Design Commission on behalf of the Commission, and that she did not have concerns related to the proposed materials and details of the proposal. Therefore, Staff believe the Plan Commission may find this standard met.

Conclusion

The Planning Division believes that the proposal can be found to meet the conditional use approval standards, as well as the applicable supplemental regulations. Considering the existing large format retail (i.e. grocery store) already on the site, Staff believes the proposed grocery pick-up facility is compatible with adopted plans. Given the limited scope of the proposal and location off to the side of a large parking lot, staff does not believe the proposal will result in new or negative impacts on the rest of the site or the surrounding properties.

At the time of report writing, Staff was not aware of any concerns regarding this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use approval standards are met and **approve** the request for a vehicle access sales and service window at 3801 E. Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The applicant shall reduce the height of the parapets on the eastern and western façades by approximately two (2) feet (i.e. to a height of roughly six (6) inches). The final design and dimensions shall conform to all necessary screening requirements and shall be approved by UDC and Zoning staff prior to final sign-off.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

2. 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.
3. 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.
4. 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.
5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

7. Submit a parking lot summary including the number of existing vehicle stalls to remain, accessible stalls, and bicycle stalls.
8. Provide a calculation and plan detail for lot coverage. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.
9. Submit the landscape plan and landscape worksheet for the project area stamped by the registered landscape architect. Show the existing trees and landscaping to remain as well as new or relocated landscaping. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
10. 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.
11. 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 Bill Sullivan, (608) 261-9658)

12. Include the all of the fire access lanes for the entire site that are visible on the fire access plans.

The following agencies reviewed this request and had no recommended conditions of approval:

City Engineering – Main Office, City Engineering – Mapping, Parks, Forestry, Water Utility, Metro