



**Project Address:** 555 West Washington Avenue (4<sup>th</sup> Aldermanic District – Ald. Verveer)  
**Application Type:** Conditional Use  
**Legistar File ID #** [63309](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

**Summary**

**Applicant:** Greg Norman; Isthmus Hardware, LLC; 517 North Street; Madison, WI 53704

**Owner:** PJB-II, Inc. 222 State St; Madison, WI 53703

**Requested Action:** Approval of a conditional use for a vehicle access sales and service window in the UMX (Urban Mixed Use) district per §28.075(2) MGO at 555 West Washington Avenue.

**Proposal Summary:** The applicant is seeking the operate an existing vehicle access sales and service window to serve a new hardware store at 555 West Washington Avenue.

**Applicable Regulations & Standards:** Section 28.183 M.G.O. provides the process for conditional uses. Supplemental regulations for vehicle access sales and service windows are found in Section 28.151 M.G.O.

**Review Required By:** Plan Commission, Urban Design Commission (Secretary’s Review)

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a vehicle access sales and service window at 555 West Washington Avenue subject to input at the public hearing and the conditions from reviewing agencies in this report.

**Background Information**

**Parcel Location:** The subject site is a 16,665 square-foot (0.38-acre) parcel located at the southeasterly corner of West Washington Avenue and South Bedford Street. It is within Aldermanic District 4 (Ald. Verveer) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is developed with a two-story building constructed in 1984. The building has most recently been used as a bank/credit union, with some additional office users. The site includes a banking drive-through and a 16-stall surface parking lot. The site is zoned UMX (Urban Mixed Use) District.

**Surrounding Land Uses and Zoning:**

- Northwest:** Across West Washington Avenue, a mix of commercial and residential buildings between one and four stories, zoned PD and UMX;
- Southwest:** Across South Bedford Street, a five-story mixed-use building, zoned PD;
- Southeast:** A one-story tavern and small two-story multi-family buildings, zoned UMX;
- Northeast:** Extending up West Washington Avenue, two- to four-unit “house-like” multi-family buildings, zoned DR-2.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Downtown Mixed Use and Medium Residential land uses for the site. The [Downtown Plan](#) (2012) identifies the site as “Downtown Mixed Use” and places it within the West Washington neighborhood. The site is also within the area of the [Mifflandia Neighborhood Plan](#) (2019), which does not include recommendations that differ from the [Comprehensive Plan](#) or [Downtown Plan](#).

**Zoning Summary:** The subject property is zoned UMX (Urban Mixed Use District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	16,665 sq. ft.
Lot Width	30’	99’
Front Yard Setback	Nonresidential or mixed-use buildings: None	None
Max. Front Yard Setback	10’	None
Side Yard Setback	None	None west side Adequate east side
Rear Yard Setback	10’	Adequate
Maximum Lot Coverage	90%	Existing lot coverage
Minimum Building Height	2 stories	2 story existing building
Maximum Building Height	4 stories	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	18
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	General retail: 1 per 2,000 sq. ft. floor area (6)	None (2)
Landscaping and Screening	Not required	Existing landscaping (3)(4)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

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

**Environmental Corridor Status:** The site is not within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description, Analysis, & Conclusion

The existing building was originally constructed in 1984 and was, until recently, occupied by a credit union with a surface parking lot and drive-through banking window and canopy. The applicant is seeking approval for a vehicle access sales and service window in an existing building for use by a hardware store.. The drive-through has not been used for over a year, so the conditional use has lapsed and must be re-approved in order to be legally used. The applicant intends to use the window for drive-through transactions for products bought online or over the phone. The drive-through is located on the northeast side of the building. Traffic enters from Bedford Street and exits onto West Washington Avenue. The bank pass-through box located beneath the window is intended to be used to pass purchased items to customers in their cars. The teller drawer is proposed to be used for payment and for smaller products. No exterior construction is proposed except for cutting out a space to move the pass-

through box under the drive-through window. The applicant proposes to operate the window during normal store business hours.

Changes to signage on the building will be handled through a separate application.

### **Adopted Plan Recommendations**

The majority of the site, along Bedford Street, is identified as Downtown Mixed Use in the [Comprehensive Plan](#) (2018). A small portion, approximately the northeast third, of the site, is included in the Medium Residential land use recommendation. Downtown Mixed Use is discussed in the [Downtown Plan](#) and Medium residential generally includes larger multifamily buildings or complexes, sometimes interspersed with other smaller housing types. The [Downtown Plan](#) (2012) identifies the site as "Downtown Mixed Use" and places it within the West Washington neighborhood. The site is also within the area of the [Mifflandia Neighborhood Plan](#) (2019). The land use recommendations in the Mifflandia Neighborhood Plan do not differ from the [Comprehensive Plan](#) or [Downtown Plan](#), but the Neighborhood Plan does recommend additional urban design considerations that Staff does not believe are applicable, as there is no construction proposed. Staff believes the proposal can be found consistent with adopted plan recommendations.

### **Conditional Use Standards**

This request is subject to the standards for conditional uses as vehicle access sales and service windows are a conditional use in the UMX district per MGO §28.075(2). In regards to conditional use approval standards, 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 Madison General Ordinances §28.183(6) are met.

Supplemental regulations for vehicle access sales and service windows are found in Section 28.151 M.G.O. The supplemental regulations require that, in UMX 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. As noted in zoning comment 1, a variance is required from the Zoning Board of Appeals for compliance with the residential separation requirements of Supplemental Regulations Section 28.151 for Vehicle Access Sales and Service Windows. The Zoning Board of Appeals approved a zoning variance for the residential separation requirement of the Supplemental Regulations at its March 18, 2020 meeting, with the condition found in the list of zoning conditions. Staff believes this request complies with all other applicable supplemental regulations.

Because of the use of the proposal is similar to the previous drive-through use, because staff do not anticipate a higher level of use, and with a variance approved by the Zoning Board of Appeals, staff believes all applicable conditional use approval standards can be found met.

### **Conclusion**

Staff believes that with the required variance from the Zoning Board of Appeals, the applicable conditional use approval standards can be found to be met.

A time of report writing, Staff has received a letter of support from the neighborhood association, which has been attached to the Plan Commission materials. Staff is unaware of any public comment regarding this request.

## Recommendation

### Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a vehicle access sales and service window at 555 West Washington Avenue, subject to input at the public hearing and the following conditions:

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

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

1. Per the Zoning Board of Appeals variance approval granted March 18, 2021, only the drive lane adjacent to the building and service window may be used to service customers.
2. Bicycle parking for the hardware store (general retail use) shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of six (6) 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.
3. Screening is required adjacent the Zoning district boundary along the northeast side property line. Screening shall be provided along side and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail or photo of the screening fence with the final plans.
4. Show the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it 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 if provided outside the building. Note that City issued trash containers are not required to be screened.
5. 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.
6. 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.

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

7. 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. (MGO 16.23(9)(d)(4))
8. The property is an open contaminant site with the WDNR (BRRS #02-13-579240 HEARTLAND CREDIT UNION). Submit proof of coordination with the WDNR to remediate and close the site to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com). WDNR contact is Luke Lampo, luke.lampo@wisconsin.gov, (608) 206-5809).
9. 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).

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

10. 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.
11. 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.
12. 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.
13. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
14. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
15. 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.
16. The applicant shall reduce the width of their existing West Washington Avenue driveway to restrict ingress into their site.

**Forestry Section** (Contact Brad Hofmann, 267-4908)

17. 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 (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 plan set

18. 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 the plan set.
19. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
20. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction 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 the plan set.
21. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. 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.
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 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

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

23. 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 W Washington Avenue, east of South Bedford Street (#0967).
24. 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.
25. Metro Transit operates daily all-day transit service along W Washington Avenue, adjacent this property. Bus stop ID #0967 is on the south side of W Washington Avenue, east of South Bedford Street.

*The Planning Division, Parks Division, City Engineering Division Mapping Section, and Water Utility have reviewed this request and have recommended no conditions of approval.*