



Legistar I.D. #24538
1438 Northport Drive
Conditional Use Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for the reuse of an existing drive-up service window in the C2 (General Commercial) District.

Applicable Regulations & Standards: 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 finds that the conditional use standards can be met and **approve** the request for the conditional use.

Background Information

Applicant/Project Contact: Matt Anderson; Pizza Hut of Southern WI; 434 S. Yellowstone Dr.; Madison, WI; 53719

Property Owner: Lisa McKenzie; Livesey Company, LLC; 1818 West Beltline Hwy; Madison, WI 53713

Proposal: The applicant proposes to reutilize an existing drive-up service window in a vacant commercial space for new restaurant tenant.

Parcel Location: 1438 Northport Drive is located on the north side of Northport Drive between the western and eastern portions of Troy Drive; Aldermanic District 18 (Weier); Madison Metropolitan School District.

Existing Conditions: The property currently has a PDQ gas station and convenience store, along with two additional tenant spaces. The easternmost tenant space is vacant, but was formerly a bank with a drive-thru window. There is one drive-thru lane adjacent to the building, with a passing lane immediately adjacent to it. The drive-thru lane exit wraps around the rear of the building. Portions of the passing and exit lanes lie on an adjacent property with an apartment complex.

Surrounding Land Use and Zoning:

North and East: A 128-unit apartment complex in the R4 (General Residence) District.

South: Across Northport Drive to the south is Warner Park, in the C (Conservancy) District.

West: An existing Pizza Hut restaurant on land that the UW-Credit Union hopes to redevelop in the near future, in the C1 (Limited Commercial) and C2 (General Commercial) Districts.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Neighborhood Mixed-Use (NMU) for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The property is served by a range of urban services and Metro Transit Routes on nearby Jenifer Street and East Washington Avenue.

Zoning Summary: The property is in the C2 (General Commercial) District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	38,436 sq. ft.
Lot width	50'	294.06'
Front yard	0'	Adequate
Side yards	0'	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0 maximum	Less than 1.0

Site Design

No. Parking stalls	TBD	28 existing (See p. 4, Condition No. 10)
Accessible stalls	2	1 (See p. 3, Condition No. 5)
Loading	N/A	N/A
No. Bike Parking stalls	4	Not shown (See p. 3, Condition No. 6)
Landscaping	Yes	Yes (See p. 3, Condition No. 8)
Lighting	Yes	TBD (See p. 3, Condition No. 7)

Other Critical Zoning Items

Urban Design	No
Floodplain	No
Utility easements	None shown
Adjacent to park	Yes (Existing Development)
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description, Evaluation, and Conclusion

The applicant would like to move a Pizza Hut pick-up restaurant into the vacant tenant space from their existing site on property just to the west. As is the case in their current location, this particular Pizza Hut will not provide seating, and instead will offer only call ahead and pick-up options. With the move, they propose to reutilize the existing drive-thru facility which was formerly used by a bank tenant.

The existing drive-thru passing lane and the exit lane behind the building encroach onto the adjacent multifamily residential property, as does the three to four foot retaining wall separating the drive-thru lanes from the apartment complex property. While recognizing that this is an existing condition, and that the grade change and retaining wall provide a helpful buffer between the two uses, staff recommends that the applicant be required to provide a copy of the private easement which allows for this encroachment, prior to final staff sign-off.

Proposed physical changes to the building and site are minimal. The applicant will initiate interior renovations to accommodate the use, and proposes to relocate the pick-up window on the eastern facade of the building several feet to the south to better address the needs for the interior layout. Final plans submitted for staff review and approval should include greater detail on the relocated window, as well as the proposed treatment for the existing window area.

Existing graffiti on the building will be removed, and proposed pruning and cleanup of existing landscaping between the parking lot and the street should offer a minor improvement to the look of the property. Further landscaping changes proposed involve the removal of eight evergreen trees and replacement with eight arbor vitae and a line of eight burning bush shrubs, but these changes are all proposed on the adjacent property. While these changes may be supportable, and perhaps provide better screening between the two properties, the applicant should work carefully with zoning staff on the final landscape plan to ensure that all landscape requirements are met on the subject property itself, and that changes on the adjacent property will not affect its compliance with zoning requirements. Finally, the landscape plan submitted for final staff review and approval should include a landscape schedule identifying the species and size of existing and proposed plantings.

Public Input - The District 18 Alder and the Lake View Hill Neighborhood Association have indicated support for the request, and would like to keep this business in the neighborhood.

Staff recommend that the Plan Commission find that the conditional use standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

1. Final plans submitted for staff review and approval shall include detail on the proposed changes on the eastern facade of the building, including the location and specifications for the new window and the proposed treatment of the existing window opening.
2. Prior to final staff sign-off, the applicant shall provide a copy of an executed private easement which allows for the drive-thru lanes to utilize portions of the adjacent multifamily residential property.

The following conditions have been submitted by reviewing agencies:

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

3. The applicant indicates the owner is currently working with the adjacent property owner to the north and east to secure a new recorded easement on the adjacent property for ingress and egress purposes to replace an apparent expired easement. Provide Engineering Mapping (epederson@cityofmadison.com, 608-266-4056) a copy or recording information when this information becomes available so that city records may be updated as well.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. The submitted site plan is in "sketch" form, which does not meet plan submittal requirements of MGO Sec. 28.11(2)(f) and 28.12(5)(b). Because of lack of detail, it is not clear that all improvements reflect compliance with provisions of MGO Ch. 28. There appear to be encroachments onto adjacent properties, which do not appear in the City's permit/site plan approval record. These issues must be resolved prior to final site plan review and the issuance of building permits.
5. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)(m) which includes all applicable State accessibility requirements, including but not limited to:
 - a) Provide two accessible stalls to serve the parking lot, striped per State requirements. A minimum number 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 60" 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.
6. Bike parking shall comply with MGO Section 28.11. Provide four (4) bike parking stalls for the restaurant site, in a safe and convenient location on an impervious surface to be shown on the final plan. Identify and dimension bike stalls in final site plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of proposed bike rack.
7. If outdoor lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards.
8. Landscaping plans show required landscaping being provided off-site. Contact Zoning Staff to clarify landscaping requirements, to prepare a landscaping plan in compliance with Sec. 28.04(12).
9. Pursuant to MGO Sec. 28.04(12)(c), screening is required where a site shares a zoning district boundary with residential development. This development must provide effective 6'-8' high screening between this commercial district and the adjoining residential district.

10. The new occupancy may require a parking stall reduction, depending on the final parking requirement. Information regarding parking has not been provided to date. This can be resolved with an administrative-level parking reduction at the time of final site plan review, prior to the issuance of a building permit.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

11. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress easements and updated easements for the drive-thru.

Fire Department (Contact Bill Sullivan, 266-4420)

12. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

13. A building code change of use may trigger requirements for fire sprinklers.

Water Utility (Contact Dennis Cawley, 261-9243)

14. This property is not in a Wellhead Protection District. All wells on the property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not submit a response for this request.