



Report to the Plan Commission

June 20, 2011

Legistar I.D. #22831
2705 East Washington Avenue
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: The applicant requests approval of a conditional use to allow the construction of a McDonalds restaurant with a drive-up service window at 2705 East Washington Avenue.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find the conditional use standards are met and approve the proposed conditional use to allow the construction of a McDonald's restaurant with a drive-up service window at 2705 East Washington Avenue. This recommendation is subject to the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Applicant: Mike Mead; McDonald's Corp; 4973 North Larkin; Whitefish Bay, WI 53217
Contact: Steve Jeske, AIA, Haag Muller Inc; 101 E Grand Avenue; Port Washington, WI 53074
Property Owner: John Brigham; 2901 International Lane; Madison, WI 53704

Proposal: The applicant proposes to construct a one-story McDonald's restaurant in the parking lot of the Madison East Shopping Center.

Parcel Location: This planned commercial site is approximately 4.5 acres in area. The area proposed for this development measures approximately 0.7 acres. The site is located within Aldermanic District 15; Urban Design District 5; and the Madison Metropolitan School District.

Existing Conditions: The site includes the Madison East Shopping Center on East Washington Avenue. The subject property includes two multi-tenant buildings with square footages of 22,850 and 34,600 square feet. The new restaurant is proposed in a portion of the existing parking lot fronting East Washington Avenue. A variety of uses are located within the shopping center including various restaurants, a check-cashing store, and the Hawthorne branch of the Madison Public Library.

Surrounding Land Use and Zoning:

North: East Washington Avenue with commercial development zoned C2 (General Commercial District);
South: Primarily single-family residential development (with some 2-unit buildings) zoned R4 (General Residence District);
West: Commercial Development; zoned C2 (General Commercial District);and
East: Commercial Development; zoned C2 (General Commercial District).

Adopted Land Use Plan: The Comprehensive Plan recommends community mixed use development for this site. This general area is also recommended for transit-oriented developments.

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.

Zoning Summary: The property is zoned C2 (General Commercial District)

A zoning summary table was not received in time to be included in this draft of the report.

Analysis, Evaluation, & Conclusion

The applicant requests conditional use approval to construct a new McDonald's restaurant with a drive-up service window. The letter of intent states that this facility would replace the existing McDonald's restaurant, located roughly 1,500 feet east of this site on East Washington Avenue. This proposal is subject to the conditional use standards of Section 28.12 (11) of the Zoning Ordinance.

The new facility would be constructed within a portion of the Madison East Shopping Center parking lot. That property is part of a part of a larger planned commercial site. The subject property includes two multi-tenant buildings measuring 22,850 and 34,600 square feet in area. A variety of uses are located within these buildings including restaurants, a check-cashing store, a video rental store, the Hawthorne Branch of the Madison Public Library, and a satellite office for Dane County Public Health. Other commercial development is located to the east and west of this site along East Washington Avenue. A residential neighborhood is south of the shopping center. An additional parking lot is located behind the shopping center, accessed from Hermina Street.

This property is within Urban Design District 5 and the Urban Design Commission (UDC) granted final approval of these plans. The meeting minutes are attached. The proposed building is sited close to East Washington Avenue with a plaza area located between the building and sidewalk. While an earlier concept featured a traffic lane between the building and street, the plans were revised to eliminate this lane and bring the building closer to the street. The drive-up window is on the building's east side, with traffic circulating in a clockwise pattern along one side of the building. The west side of the building includes a mix of low-level deciduous and evergreen shrubs. This side of the building will have a fair amount of visibility from East Washington Avenue. As such, staff recommend that some additional taller plantings be introduced to help "break up" the rear of that façade that has only limited articulation.

The proposed 4,591 square foot building has a two-toned brick and cultured stone exterior with an arched painted metal roof. The tall one-story structure features day-lighting windows near the top of the façade along the front of the building.

This proposed development would result in net the loss of roughly 60 stalls for the larger shopping center. Approval of an administrative-level parking reduction is required, though the Zoning Administrator has determined this would not be a conditional use-level parking reduction (of more than 20 stalls or more than 25% of the required total) requiring Plan Commission approval. However, parking should be carefully considered by the Commission, noting that conditional use standard 5 requires the Plan Commission make a finding that the proposed parking is adequate.

The letter of intent states that the building will have a 90-seat occupancy. There will be a total of 45 employees with a maximum of 16 working during peak business hours. The drive-through is proposed to be open 24 hours a day.

The Comprehensive Plan recommends community-mixed use development for this site and the surrounding area. That recommendation states that buildings should be well-designed and placed close to the sidewalk and street. The plan also recommends that developments include pedestrian-friendly design amenities including decorative paving, lighting, plazas, and landscaping. Staff believes the proposal is consistent with these recommendations. The East Washington Avenue – Old East Side Master Plan, adopted in 2000, also provides some direction for larger-scale redevelopment of the subject property. The concept plan shows a reconfigured shopping center, with a new building sited in a very similar location to that proposed by McDonalds.

Staff has received a large amount of correspondence in opposition to this proposal. This information is attached. The noted concerns vary. Some common themes include concerns over the loss of convenient parking, increases in traffic, and the increase in pedestrian and vehicular conflicts resulting from the drive-through traffic.

The Madison Public Library has also provided a letter of opposition noting many of the same concerns. An additional point raised by the library is the anticipated loss of visibility due to the proposed building's placement. Staff believes that visibility will be most impacted from west-bound traffic along East Washington Avenue, where the open parking lot and location of the library makes it among the more visible tenant spaces from this direction. Staff note, the aforementioned East Washington Avenue Plan does discuss improving the library's "civic presence" as part of a more comprehensive redevelopment effort on this site. In that concept, green space is provided directly in front of a reconfigured library building, with additional buildings placed in the parking lot. The McDonald's building placement is consistent with the approved plan.

While the proposed development form is generally consistent with the recommendations in adopted plans, the inclusion of a drive-through does provide some additional considerations that relate to the conditional use standards. One consideration is that this shopping center functions as both an auto-oriented development and a neighborhood commercial serving area. Several nearby residents have noted concerns that this development could increase conflicts between pedestrian and vehicles. While an increase in vehicular traffic will likely result as part of this development, staff note that the existing on-site sidewalk network will continue to separate pedestrian and vehicular traffic.

Staff have also given consideration to the proposed drive-up hours of operation. Staff are not aware of any approved time restrictions on the hours of operation on the nearby McDonalds that this facility would replace. While the site is in fairly close proximity to a residential neighborhood, the businesses are oriented towards East Washington Avenue with homes located behind the shopping center. Staff estimate the nearest residential property is about 315 feet to the south. While direct impacts such as sound from idling cars or speaker boxes may be limited, the proposed 24-hour drive-up window would introduce a late night use to the center. While staff anticipate a majority of the traffic will enter and leave the site through the already busy East Washington Avenue, it is possible that there may be some additional traffic using the rear shopping center entrance along Hermina Street.

Related to parking, staff note that the inclusion of the drive-through likely results in a parking lot design with fewer stalls compared to a development without a drive-through.

Staff conclude that from an aesthetic standpoint, this is a well-designed McDonald's building. The placement of the building is consistent with adopted plans that seek to minimize building setbacks along East Washington Avenue to create a more urban environment. Staff believes it may be possible for the Plan Commission to find the conditional use standards are met. Careful consideration should be given to testimony at the public hearing and the submitted materials. If the hours of operation are a significant issue, the Commission has two options. First, the Commission could further restrict the hours of operation or operating details. Secondly, staff note that as a conditional use, the Plan Commission retains continuing jurisdiction. If problems arise, this item could return to the Plan

Commission for further consideration. If the Commission cannot find the standards are met, the ordinance requires that the Commission indicate what specific standards were not met and the reasons for which that finding was made.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find the conditional use standards are met and approve the proposed conditional use to allow the construction of a McDonald's restaurant with a drive-up service window at 2705 East Washington Avenue. This recommendation is subject to the conditions recommended by the Planning Division and other reviewing agencies.

1. That a revised landscape plan be provided for staff approval. The revised plan shall include additional planting variety along the west building wall with the inclusion of some taller species to provide further visual interest along rear portion of that wall.

The following conditions have been submitted by reviewing agencies:

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

2. On April 10, 1952, the City of Madison vacated portions of North Lawn Avenue, Sachs Street and a public alley as platted by the Reuter Subdivision by city ordinance. This city ordinance was recorded with the Dane County Register of deeds in Volume 246 Miscellaneous, Pages 424-426 as Document No. 832493. Per Wisconsin Statutes 66.1005(2), public easements are retained for all public utilities that existed within the vacated right-of-ways at the time of the vacation ordinance. Show the location of these retained easement rights on the plan over the surveyed location of all existing public facilities.
3. This is a parking lot reconstruct. A 40% TSS control is required off the new pavement.
4. Locate by field surveying, and show on the plan, all existing public utility facilities (storm and sanitary sewers and water mains) and their respective public easements they are contained within for the entire proposed project area.
5. Show all existing and proposed utility lateral connections on the site plan.
6. The approved address for this proposed site will be 2733 E. Washington Avenue.
7. No buildings will be allowed over existing public utility infrastructure of any type. When the existing facilities are field surveyed and accurately depicted on the site plan, there may need to either be some utility relocation by applicant/owner or modifications to the proposed building location.
8. A City/Developer Agreement shall be required if public utilities are relocated or public infrastructure is effected as determined by the City Engineer.

9. The applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
10. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
11. All damage to the pavement on East Washington Avenue adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
12. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Control 40% TSS (20 micron particle) off of new paved surfaces; b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and c) Complete an erosion control plan and 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.
15. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
16. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) izenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
17. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

18. 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, and d) Sediment loading calculations.
19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7)
This permit application is available on line at:
<http://www.cityofmadison.com/engineering/permits.cfm>.
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) 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))
21. 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).

Traffic Engineering Division (Contact John Leach, 267-8755)

22. The Applicant shall provide to Traffic Engineering for approval, a Queuing Model showing provision for adequate queue storage that prevents queue interference with pedestrian or other vehicular movements.
 23. The center driveway approach to East Washington Avenue west of the building intersection shall be so designed to accommodate the City's sight triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting property lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance. This approach is major vision with pedestrian, bike and vehicle active. The applicant will need to relocate the planter and bike rack easterly out of the vision sight-triangle.
24. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
 25. The applicant shall provide scaled drawing at 1" = 40' or larger on one contiguous plan sheet showing all the facility's access, existing and proposed buildings, layouts of parking lots, loading areas, trees, signs, semitrailer and vehicle movements, ingress/egress easements and approaches.
 26. "Stop" and "No Left Turn" signs shall be installed at a height of seven (7) feet to the bottom of the first sign at the driveway approaches where medians prohibit turns. "Stop" signs shall be installed at a height of seven (7) feet at driveway approaches. The applicant shall show signage securing the one-way operation for McDonald's. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

27. The applicant shall design the surface for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The applicant shall show dimensions for the proposed and existing parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned. The applicant shall dimension drive-thru lanes and back-up as not to interfere with park vehicles or pedestrian pathways.
28. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
29. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
30. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Fire Department (Contact Bill Sullivan, 261-9658)

31. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
32. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not received in time to be included in this report.

Water Utility (Contact Dennis Cawley, 261-9243)

33. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

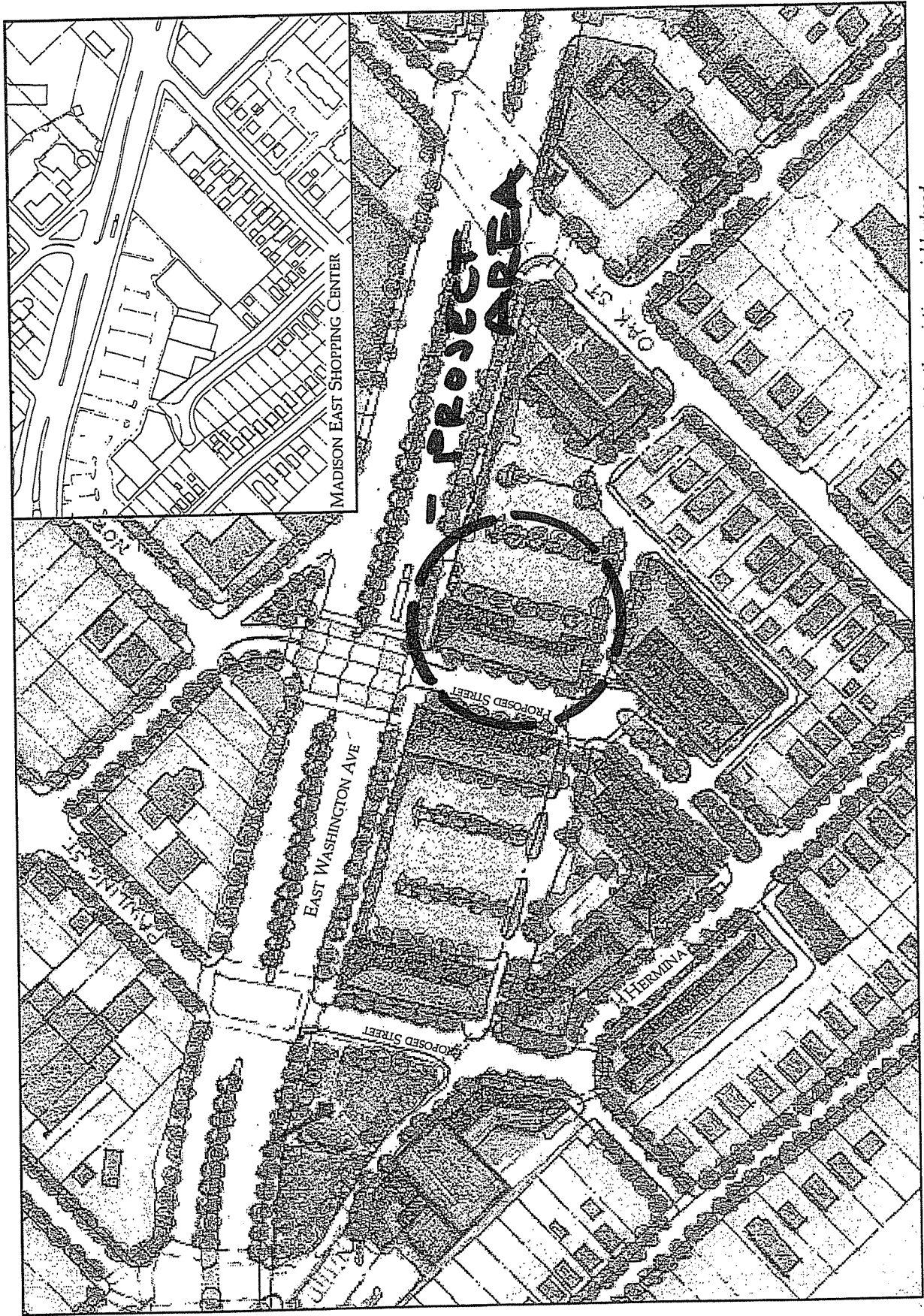
Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

Parks Division (Contact Kay Rutledge 266-4717)

This agency did not submit a response to this request.

EXCERPT FROM:
OLD EAST SIDE MASTER PLAN



A redeveloped Madison East Shopping Center is based on a street and block pattern that reconnects to the existing neighborhood.