



Report to the Plan Commission

October 15, 2012

Legistar I.D. #27946
7317 West Towne Way
Conditional Use/ Demolition Permit

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a conditional use and demolition permit to allow demolition of an existing restaurant and an auto repair business and construction of two new multi-tenant retail buildings generally located at 7317 West Towne Way in the West Towne Mall planned commercial site.

Applicable Regulations & Standards: Section 28.04(24) identifies a planned commercial site containing more than 40,000 square feet of gross floor area and where 25,000 square feet of gross floor area is designed or intended for retail use or for hotel or motel use as a conditional use. The same uses are included as conditional uses in C3 zoning in Section 28.09(4)(d). Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** a conditional use and demolition permit to allow demolition of an existing restaurant and an auto repair business and construction of two new multi-tenant retail buildings generally located at 7317 West Towne Way with future outdoor eating areas, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Ken Wittler, CBL & Associates Properties, Inc./West Towne District, LLC; 2030 Hamilton Place, Suite 500; Chattanooga, Tennessee.

Agent: Rice Williams, Artech Design Group, Inc.; 1410 Cowart Street; Chattanooga, Tennessee.

Proposal: The applicant proposes to demolish a vacant restaurant and auto repair business and construct two new multi-tenant retail buildings containing 22,500 square feet of floor area that may contain future outdoor eating areas. The applicant wishes to commence construction in January 2013, with completion scheduled in November 2013.

Parcel Location: The subject site occupies 3.4 acres of the larger West Towne Mall retail development located in the southwestern quadrant of the overall center on the south side of the mall ring road south of West Towne Way; Aldermanic District 9 (Skidmore); Madison Metropolitan School District.

Existing Conditions: The site is currently developed with the former 5,800 square-foot Mountain Jack's restaurant and 7,100 square-foot former National Tire & Battery. The subject site and larger West Towne Mall complex are zoned C3L (Commercial Service & Distribution District).

Surrounding Land Use and Zoning:

North: West Towne Mall (Dick's), zoned C3L (Commercial Service & Distribution District);

South: Toys-R-Us, Alliant Energy substation, zoned C3L; Beltline Highway (US Highway 12 & 14);

West: Best Buy, Savers, Kohl's, etc., zoned C3L;

East: Sears, zoned C3L.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and the overall West Towne Mall complex for Regional Mixed-Use and transit-oriented development.

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

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing C3L (Commercial Service & Distribution District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	Approx. 148,104 sq. ft.
Lot Width	50'	Adequate existing
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	N/A
Floor Area Ratio	3.0	Less than 1.0
Building Height	---	1 story
No. Parking Stalls	To be determined by Zoning	141 standard, 8 accessible
Accessible Stalls	5	5
Loading	1 10 X 35' stall	2
No. Bike Parking Stalls	15	15
Prepared by: Pat Anderson, Asst. Zoning Administrator		

Project Review, Analysis & Conclusion

The applicant is requesting approval of a demolition permit and a conditional use to allow the former 5,800 square-foot Mountain Jack's restaurant and an approximately 7,100 square-foot former National Tire & Battery to be demolished and for two one-story multi-tenant retail buildings containing 22,500 square feet of floor area to be constructed on an approximately 3.4-acre parcel located in the southwestern quadrant of the larger West Towne Mall regional shopping complex. The site is located on the southerly side of the private mall ring road that encircles the main mall building.

The exterior of the restaurant to be demolished consists of stucco and brick and was designed in a Tudor/ chalet style intended to convey the motif of the former tenant. The building has been vacant for many years (a specific date was not provided). The former auto repair business is an L-shaped 7,075 square-foot building located directly to the west of the restaurant. The building is primarily clad in decorative concrete block with EIFS trim accents along the front facades. Photos provided with the application suggest that the interior of the restaurant is deteriorated due to its long vacancy, while the auto repair business appears to be in better condition based on both the photos submitted and staff visits to the subject site. The buildings to be demolished are located directly north of an Alliant Energy electrical substation and Toys-R-Us store, with the Beltline Highway located further to the south. The buildings are otherwise surrounded by surface parking.

The two proposed retail buildings will straddle an existing sanitary sewer easement that extends north-south through the subject site just east of the existing restaurant. The western of the two buildings will be a 17,600 square-foot structure that will be comprised of three sections of 2,350, 10,000, and 5,250 square feet, which will be leased to individual tenants with the potential for the larger spaces to be further divided for additional tenants. East of the sewer corridor, the applicant proposes a 4,900 square-foot building that is intended for one tenant. The exteriors of the two buildings will consist of a combination of stone or brick bases, and walls that will include a variety of metal panels, EIFS and brick, with a variety of roof patterns proposed to convey a sense of façade modulation, especially for the larger western building. The space between the buildings will be improved as a plaza that will include landscaping, decorative pavers and a potential future outdoor eating area for the easternmost tenant space in the western building. A second potential outdoor eating area is shown along the eastern wall of the eastern building.

The building will be surrounded on the north, south and east by surface parking for 149 automobiles. Two loading berths are proposed along the south side of the buildings. An existing sidewalk located on the south side of ring road will remain, and the applicant proposes to mark crosswalks across the ring road and an internal drive that extends to the north toward the Dick's Sporting Goods store located at the southwestern corner of the main mall building. The proposed crosswalks will connect the proposed buildings to an existing sidewalk that extends along the east side of the north-south drive that extends to the mall, which will provide a degree of pedestrian connectivity between the mall and new buildings.

The Planning Division believes that the proposed redevelopment can comply with the demolition permit and conditional use standards. While staff has no information that would indicate that the buildings are not structurally sound or capable of being rehabilitated or repaired and has not conducted a formal inspection of their interiors, staff believes that the demolition and new retail buildings proposed will allow this portion of the West Towne Mall complex to return to greater economically productivity than currently exists with two long vacant buildings. Both of proposed buildings are generally well designed and the site will be well landscaped.

The Urban Design Commission reviewed the proposed retail buildings on September 19, 2012 and recommended final approval (see attached report).

Staff also believes that the identification of future outdoor eating areas on the site plan in advance of specific tenants for those spaces is appropriate and can generally meet the conditional use standards despite not having all of the information that typically accompanies outdoor eating area applications. The proposed retail buildings and future outdoor eating areas are located in a heavily developed retail/commercial area and is well removed from the nearest residential properties, which are located to the south across the Beltline Highway along Watts Road and to the west along D'Onofrio Drive. Staff recommends a condition of approval that requires that a minor alteration to the conditional use be approved by the Director of the Planning Division for any future outdoor eating areas in the proposed multi-tenant retail buildings. The minor alteration requests will be required to identify the business, the hours of operation and whether any outdoor amplified sound is proposed, and will be required to include a seating plan that identifies the number of tables, chairs and total occupants for the outdoor eating area. In the event that staff cannot approve the minor alteration for a specific future outdoor eating area, the applicant will be required to apply to the Plan Commission for approval following a public hearing.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the conditional use standards met and **approve** a conditional use and demolition permit to allow demolition of an existing restaurant and an auto repair business and construction of two new multi-tenant retail buildings generally located at 7317 West Towne Way with future outdoor eating areas, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the developer submit a minor alteration to the approved conditional use for any future outdoor eating areas in the proposed multi-tenant retail buildings for approval by the Director of the Planning Division following a recommendation by the district alderperson. The minor alteration(s) shall identify the name and nature of the business requesting the outdoor eating area, and shall identify the hours of operation and whether any outdoor amplified sound is proposed. The request shall be accompanied by a seating plan that identifies the number of tables, chairs and total occupants for the outdoor eating area.

The following conditions have been submitted by reviewing agencies:

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

2. The applicant shall amend Easement Document No. 135553 & 2145961 clarifying that the City will not be held responsible for replacement of surface features other than concrete sidewalk, concrete curb and gutter, and asphalt in the event that the City sewer needs to be repaired. Alternatively, the sewer could be rerouted and a new easement provided to the City.
3. Modify the landscape plan to remove any plantings and light poles from the existing sanitary sewer easement.
4. The existing sanitary sewer main running through the lot is 8-inch diameter and not 6-inch diameter as it is shown on the plan set. Proposed laterals need to be installed and directed downstream.
5. The approved addresses that shall be used for this site are:
 - 2,350 sq ft retail shop A – address is 7327 West Towne Way
 - 10,000 sq ft retail shop B – address is 7323 West Towne Way
 - 5,250 sq ft retail shop C – address is 7319 West Towne Way
 - 4,900 sq ft retail standalone shop D – address is 7313 West Towne Way
6. 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.
7. 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.
8. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one acre of disturbance, for stormwater management and erosion control has been

transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement

9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; 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.
10. 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.
11. NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of options provided below:

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

12. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. 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).
13. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; 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.

14. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
15. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary or storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
16. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with the Developer's Agreement.
17. 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.

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

18. 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 2 feet overhang, and a scaled drawing at 1" = 20'.
19. 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.
20. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

21. Per MGO Sec. 28.11, provide a minimum of 15 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
22. Parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward

required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

23. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
24. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31, MGO, Street Graphics Code. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
25. Lighting is required. Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The max. light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).

Water Utility (Contact Dennis Cawley, 261-9243)

26. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Fire Department (Contact Scott Strassburg, 261-9843)

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| <ol style="list-style-type: none">27. Provide fire apparatus access as required by Comm. 62.0509 and MGO Sec. 34.19, as follows:<ol style="list-style-type: none">27a.) The site plans shall clearly identify the location of all fire lanes.27b.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building is fully sprinklered. Provide a minimum unobstructed width of 26 feet for at least 20 feet on each side of the fire hydrant27c.) Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 pounds.27d.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.27e.) Provide a fire lane with the minimum clear unobstructed width of 20-feet |
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Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.