

## PLANNING DIVISION STAFF REPORT

June 3, 2013

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION



**Project Address:** 2919 University Avenue  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #** [29657](#) and [29718](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

### Summary

**Applicant:** Barry Berman; Bagels Forever; 2974 University Avenue; Madison, WI 53705  
**Contact:** Robert Mangas; Potter Lawson; 15 Ellis Potter Court; Madison, WI 53711  
**Property Owner:** Same as the applicant

**Requested Action:** The applicant requests approval of a demolition permit to raze an existing building and a conditional use to allow the construction of an off-site private parking lot in Urban Design District 6.

**Proposal Summary:** Upon demolition of the existing one-story auto repair business, the applicant proposes to build a 14-stall parking lot. The parking lot would serve Bagels Forever, which is located at 2947 University Avenue.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)], Conditional Uses [Section 28.183] and the Standards for Urban Design District 6 [33.24(13)].

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Urban Design Commission finds the applicable standards met and approve the proposal. Staff further recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the demolition of an existing building for the purpose of constructing an off-site private parking facility at 2919 University Avenue. Both recommendations are subject to input at the public hearings and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 6,630 square foot subject property is located on the south side of University Avenue, west of its intersection with Ridge Street. The site is within Aldermanic District 5; Urban Design District 6; and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently developed with a one-story, 3,768 square foot office building. City Assessor records indicate that the structure was built in 1948. The building encroaches into the City right-of-way.

**Surrounding Land Use and Zoning:**

North: Post Farm Park in the Village of Shorewood Hills, on the opposite side of University Avenue;

South: Multi-family apartment units, zoned TR-U1 (Traditional Residential-Urban 1);

East: Liquor Store, zoned CC-T (Commercial Corridor- Transition) with other commercial uses, beyond and;

West: Portion of University of Wisconsin-owned residential development, zoned TR-U1, with other commercial uses, including the applicant's business (Bagels Forever), beyond.

**Adopted Land Use Plan:** The Comprehensive Plan recommends community mixed use development for this site and surrounding properties. There is not a more specific neighborhood plan recommendation.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor Transition District)

Category	Required	Proposed
Front yard setback	n/a	n/a
Side yard setback:	n/a	n/a
Rear yard setback	n/a	n/a
Maximum lot coverage	85%	Less than 85%
Maximum height	n/a	n/a
Site Design	Required	Proposed
Number parking stalls	n/a	n/a
Accessible stalls	1	1
Loading	n/a	n/a
Number bike parking stalls	n/a	n/a
Landscaping	Yes	Yes
Lighting	Yes	Yes
<b>Other Critical Zoning Items</b>	Urban Design District #6; Utility easements; Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, 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 proposes to demolish the existing 3,768 square foot office building for the purpose of constructing a 14-stall surface parking lot. Photos of the building proposed for demolition can be viewed online at the following link: [http://www.cityofmadison.com/planning/projects/reports/2919ua\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/2919ua_photos.pdf)

The proposed parking lot will be an off-site lot serving Bagels Forever, which is located west of this site. The lot includes a central drive aisle with two rows of parking. Planting and pervious areas are proposed along the University Avenue frontage. West of the driveway is a lawn area planted with a Skyline Honey Locust. The tree is outside of the required vision triangle. To the east is the site's infiltration area, which will be planted with a "prairie seed mix," as specified in the provided Site and Landscape Plan. A new Horizon Elm is also proposed for this area.

The perimeter of the parking lot consists of a low concrete wall and curb, with a six foot high wooden privacy fence along the south and west sides. This screening is required as these sides abut residentially zoned properties. An existing block retaining wall will remain along the east side of the property.

## **Analysis and Conclusion**

This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)], Conditional Uses [Section 28.183] and the Standards for Urban Design District 6 [33.24(13)].

### **Demolition Approval Standards**

Staff believes the Demolition Approval Standards can be met. In order to approve the requested demolition, the Plan Commission must find that the proposed demolition and future use are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. The demolition standards also state that the proposed use should be compatible with adopted plans.

Private parking facilities are permitted in the CC-T zoning district, with conditional use approval. While staff generally discourages the demolition of buildings for surface parking, a few similar requests have been approved in recent years. The applicant has stated their need for additional surface parking. With plans to expand retail operations to include additional on-site dining, the applicant anticipates that customer parking demand will continue to increase. The letter of intent states that the existing parking lot is already undersized during their peak business periods.

In regards to visual impacts, staff notes that the property is relatively narrow, just wide enough to accommodate the parking lot as proposed. The parking stalls are pulled back from University Avenue, leaving some green space areas along the street frontage. Staff notes that the building partially encroaches into the City right-of-way.

As with all demolition requests, the Preservation Planner provided these plans to the Landmarks Commission who found that the existing building has no known historic value.

### **Conditional Use Approval Standards**

Staff believes that the conditional use standards can also be met. The code requires solid screening adjacent to residentially zoned properties. That should limit impacts on the adjacent apartment buildings. The lighting plan will need to comply with applicable standards regarding fixture type and light spill over.

### **Urban Design District 6 Standards**

Urban Design District 6 was established to improve the appearance of University Avenue as a major transportation corridor. Most new development requires Urban Design Commission approval. The development shall meet the District's specific standards and conform as much as possible to the recommended guidelines. Staff believes the standards are met, with the exception of the "Off-Street Parking and Loading Area" requirement that requires conformance with the Zoning Code. That code requires additional frontage landscaping. Specifically, it requires two canopy trees (which are provided) and five shrubs for every 30 feet of lot frontage. The Assistant Zoning Administrator has provided a formal comment noting compliance with the

landscape standards are required. The Planning Division also requests clarifying details be provided on the relationship between the existing retaining wall and new fence along the property's east side.

## Conclusion

The Planning Division believes the applicable standards can be met and recommends approval of this request. At the time of report writing, staff has received correspondence from the Rocky Bluff Neighborhood Association which is generally supportive of the request.

## Recommendation

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

The Planning Division recommends that the Urban Design Commission finds the applicable standards met and approve the proposal. Staff further recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the demolition of an existing building for the purpose of constructing an off-site private parking facility at 2919 University Avenue. Both recommendations are subject to input at the public hearings and the conditions recommended by the reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The Planning Division requests a clarifying details be provided on the relationship between the existing retaining wall and new fence along the property's east side.

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

2. Verify the chord bearing / curve data on curve C-2 and C-6.
3. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
4. Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
5. 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)
6. All damage to the pavement on University 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)

7. 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
8. Value of sidewalk installation under \$5000. The Applicant shall install public sidewalk along Morrison Street. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
9. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (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. 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
12. 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.
13. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
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) Reduce TSS off of the proposed development by 80% when compared with the existing site; 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 applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

16. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
17. 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.
18. 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>.
19. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

20. When the applicant shall submit plans 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 and proposed property lines, addresses, one contiguous plan (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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
21. 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.
22. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
23. No parking stalls shall be within 20 feet of the ROW to ensure orderly parking and circulation.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

24. 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.

25. 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 said information within 60 days of completion of demolition.
26. 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 prior to sign installations.
27. Pursuant to section 28.14 (4) (e) Parking Requirements For Persons With Disabilities. The provisions contained in Wis. Stat. §§ 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
28. Lighting must comply with City of Madison outdoor lighting standards. Submit a lighting plan and fixture cut-sheet detail with final plans.
29. Provide landscape plans pursuant to Sec. 28.142. Landscape Plan and Design Standards should include but are not limited to: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Screening shall be provided along side and rear property boundaries between commercial, mixed use or industrial 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, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. Provide details of fence along south and west property lines.

**Fire Department** (Contact Bill Sullivan, 261-9658)

30. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

**Water Utility** (Contact Dennis Cawley, 261-9243)

31. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is in Wellhead Protection District WP-06. This use is permitted in this district. Any proposed change in use shall be reviewed by the Water Utility General Manager or his designee. 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 will not need a copy of the approved plans.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

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

This agency did not provide comments for this request.