

## PLANNING DIVISION STAFF REPORT

June 24 (UDC) and July 13, 2015 (PC)

PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION



**Project Address:** 4210-4214 East Washington Avenue and 2114 Continental Lane  
(District 17 – Ald. Baldeh)

**Application Type:** Demolition Permit and Conditional Use (in Urban Design District 5)

**Legistar File ID #** [37706](#) and [38514](#)

**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Jay Wendt, Principal Planner

### Summary

**Applicant & Contact:** Blair Carmosino; Woolpert; 1815 South Meyers Rd, Suite 120; Oakbrook Terrace, IL 60181

**Property Owner:** HFC2 LLC / Henry Chen; 3217 Knollwood Way; Madison, WI 53713

**Requested Action:** The applicant requests approval of a demolition permit and conditional use. The site is within Urban Design District 5.

**Proposal Summary:** The applicant proposes to demolish a restaurant and office building to construct new a restaurant with a vehicle access sales and service window and outdoor seating area in Urban Design Dist. 5

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [MGO Section 28.185(7)] and Conditional Uses [MGO Section 28.183]. The plans for the new site and building are also subject to the standards for Urban Design District 5 [MGO Section 33.24(12)].

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the demolition and conditional use requests to demolish a restaurant and office building to construct a restaurant with a vehicle access sales and service window and outdoor seating area at 4210-4214 East Washington Avenue and 2114 Continental Lane. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 67,515 square foot subject property is located on the north side of the East Washington Avenue frontage road at its intersection with Continental Lane. The subject site is within Aldermanic District 17 (Baldeh), Urban Design District 5, and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site includes a 11,338 square foot office building, a 7,500 square foot restaurant, and surface parking.

**Surrounding Land Use and Zoning:**

North: Single-family homes, zoned SR-C1 (Suburban Residential-Consistent 1 District);

**South:** East Washington Avenue with commercial development zoned CC-T (Commercial Corridor-Transition District) with East Towne Mall, zoned CC (Commercial Center District), beyond;

**East:** One-story multi-tenant buildings with vehicle access sales and service windows, zoned CC-T; and

**West:** Gas station zoned CC-T with other commercial, beyond.

**Adopted Land Use Plan:** The Comprehensive Plan recommends general commercial development for the subject site.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor Transition District). A report from the Zoning Administrator was not provided in time to be included in this report.

**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, Analysis, and Conclusion

The applicant, Chic-fil-A, requests approval to demolish two buildings for the purpose of constructing a new restaurant with a vehicle access sales and service window and outdoor eating area. The subject site is within Urban Design District 5. This request is subject to the approval standards for Demolition Permits and Conditional Uses. The plans for the new site and building are also subject to the standards for Urban Design District 5.

The first building proposed for demolition is a two-story, 11,338 square foot office building, constructed in 1963. City Assessor records indicate that the building's second story was added in 1983. The second building proposed for demolition is a one-story, 11,520 square foot (including basement) restaurant, constructed in 1960. Interior and exterior photos of these buildings are included in the applicant's [Letter of Intent](#), though no additional information on the buildings' condition was provided.

The proposed future use is a one-story, 5,035 square foot restaurant. The building is clad primarily in two tones of brick, as shown on the submitted plans. It features dual primary entrances, one oriented towards the street and one oriented towards the parking lot.

Staff notes that the plans now before the Commissions have been revised significantly since initial concepts were presented to staff. The building has been turned 90-degrees to maximize its street frontage and doors and windows have been added to the street-facing façade. Staff notes that the amount of surface parking has been significantly decreased. There are now 72 parking stalls provided, which is within the allowable limit set by the Zoning Code and no additional approvals are sought to exceed the parking maximum. Building and parking areas comprise approximately 65% of the site.

Conditional Use approval is required for both the proposed vehicle access sales and service window and the outdoor eating area. Staff believes that with the recommended conditions, the proposal can meet the applicable conditional use standards. The proposed site configuration locates the vehicle sales window to the building's east side, close to East Washington Avenue. Previously the drive up was located in closer proximity to the single-family residences that abut the rear of the property. Staff believes the current layout will lessen potential impacts on surrounding properties. Staff notes that the subject site sits between 7-8 feet lower than the abutting residential properties. Existing vegetation is planned to remain at the rear of the site and the

applicant proposes to add a new solid cedar fence at the rear of the property (details of the fence are not provided in the submitted materials.)

The proposed outdoor seating area includes 22 seats at seven tables along the building's west side. Staff notes the hours of operation are between 6:30 a.m. and 10:00 p.m. – Monday through Saturday. The seats are located at least 120 feet from the abutting residential property line.

Staff attended a neighborhood informational meeting hosted by Ald. Baldeh on June 4. The primary concern raised at that meeting was related to traffic resulting from the new development. Particular concern was raised on impacts to the intersection of Continental Lane and the East Washington Avenue frontage road. The Traffic Engineering Division provided the following non-standard comment related to this concern:

The intersection of Continental Lane and East Washington currently has congestion issues on the North Leg of East Washington Avenue due to the unique geometry at this location. Improving the intersection would require a major construction project that would likely remove existing businesses. The applicant has maintained the existing driveway access onto Continental Lane. This access point is crucial to limit additional congestion at the East Washington Continental Lane intersection. The applicant prior to sign off shall include a parking lot way finding signing package to direct patrons to use the Continental Lane exit to access East Washington Avenue.

In regards to the demolition standards, the Plan Commission must find that the proposed demolition and future use are compatible with both the purpose of the Zoning Code's demolition section and the purpose expressed in the Zoning Code for the subject CC-T (Commercial Corridor-Transition District). In making their finding, the Plan Commission may give weight to any relevant facts including the proposal's effects on the normal and orderly development of surrounding properties. From a use standpoint, the use is consistent with the Comprehensive Plan's recommendation for general commercial uses. Staff believes the demolition standards can be found to be met.

Urban Design District 5 was established to improve the appearance of East Washington Avenue as a significant entrance into the City. The requirements and guidelines for this district are generally very broad, pertaining to rights of way, off-street parking, building design, lighting, and landscaping. The code requires that any new parking space shall be within 70 feet from a canopy tree of at least a 2.5-inch caliper and the site plan appears to meet that requirement. An earlier version of this proposal was before the Urban Design Commission for an informational presentation in April 2015. Among the issues raised by the Urban Design Commission were the building's lack of activation along East Washington Avenue and screening of the vehicle access lane. The applicant has revised the street-facing elevation and increased the amount of window openings and added an ornamental fence with brick piers and landscaping to better screen the vehicle access service lane.

Staff believes the approval standards can be met with this proposal.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards are met and **approve** the demolition and conditional use requests to demolish a restaurant and office building to construct a restaurant with a vehicle access sales and service window and outdoor seating area at 4210-4214 East Washington Avenue and 2114 Continental Lane. This recommendation is subject to input at the public hearing 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. That the applicant provide details of the cedar fence for approval by the Planning Division and Zoning Administrator.

**City Engineering Division** (Contact Janet Schmidt, 261-9688)

2. The address of 4210 E Washington Ave will be retired with the demolition of the existing building. The address of the proposed building is 4212 E Washington Ave.
3. The proposed new building will cross underlying platted lot lines. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
4. A 3 foot wide Public Sanitary Sewer Easement along the southeast side of the site shall be granted by the required Certified Survey Map. Public sanitary sewer lies within approximately 3 feet of the property line. The easement is required to allow for repairs and maintenance of the line. No permanent improvements shall be allowed within the public sanitary sewer easement.
5. Storm sewer in East Washington Avenue is not available to be connected to as shown in the plan set. Either show the storm sewer installation to connect to the existing system at Continental Lane or modify the plans to show a curb outlet structure to discharge to the curb and gutter on East Washington Avenue.
6. Modify the proposed driveway to provide for a Type III Commercial Drive. This type of driveway requires main line sidewalk to be installed through the drive. Remove the curb ramps from the plans as they would not be necessary.
7. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
8. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
9. 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)
10. All damage to the pavement on East Washington Avenue Frontage Road, 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)
11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.

12. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
13. 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 by 80% off of the proposed development 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.
14. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division (storm/sanitary section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Plat name and lot lines (metes & bounds parcel lines if unplatted)
  - g) Platted lot numbers (noted "unplatted lands" if not platted)
  - h) Lot/Plat property dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

THE CAD FILE WILL ONLY BE REQUIRED PRIOR TO FINAL PLAN REVIEW SO THAT MULTIPLE FILES DO NOT NEED TO BE SUPPLIED OR REVIEWED.

NOTE: Email CAD file transmissions are preferred to: [jbendict@cityofmadison.com](mailto:jbendict@cityofmadison.com) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com). The party responsible for the CAD file email transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

15. 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.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

16. 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...
- d) 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. (POLICY and MGO 37.09(2))

17. 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>.

18. 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))

19. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (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))

20. 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)

21. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria. Please contact Tim Troester 608-267-1195 with question regarding this requirement.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

22. The intersection of Continental Lane and East Washington currently has congestion issues on the North Leg of East Washington Avenue due to the unique geometry at this location. Improving the intersection would require a major construction project that would likely remove existing businesses. The applicant has maintained the existing driveway access onto Continental Lane. This access point is crucial to limit additional congestion at the East Washington Continental Lane intersection. The applicant prior to sign off shall include a parking lot way finding signing package to direct patrons to use the Continental Lane exit to access East Washington Avenue.

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
24. 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.
25. 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.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

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

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

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| <ol style="list-style-type: none"><li>27. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.</li><li>28. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.</li></ol> |
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**Parks Division** (Contact Kay Rutledge, 266-4714)

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| <ol style="list-style-type: none"><li>29. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – <a href="mailto:dkahl@cityofmadison.com">dkahl@cityofmadison.com</a> or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <a href="http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf">http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf</a>.</li><li>30. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <a href="http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf">http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf</a>.</li></ol> |
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31. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
32. Please reference ID# 15130 when contacting Parks about this project.

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

33. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not located 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 will not need a copy of the approved plans.

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

This agency did not submit comments for this request.