

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
October 24, 2005

CONDITIONAL USE APPLICATION:

1. Requested Action: Approval to construct an accessory parking lot located at 2220 Daniels Street to serve the Chocolate Shoppe Ice Cream plant located across the street at 2221 Daniels Street.
2. Applicable Regulations: Section 28.10(4)(d)10 requires that accessory parking facilities located elsewhere than on the same zoning lot as the use being served must obtain a conditional use permit.
3. Report Drafted By: Peter Olson, Planner II.

GENERAL INFORMATION:

1. Applicant: Dave Deadman, Chocolate Shoppe Ice Cream Company, Inc., 2221 Daniels Street, Madison, WI 53718; and Steve Ring, All Construction & Design, Inc., 4916 Triangle Street, McFarland, WI 53558.
2. Status of Applicant: Property owner and builder.
3. Development Schedule: The applicant wishes to construct the new parking facility as soon as all land use approvals have been obtained. Once this parking facility is available for use, the applicant wishes to expand their existing ice cream manufacturing facility at 2221 Daniels Street.
4. Parcel Location: The existing ice cream plant is located on the east side of Daniels Street at the intersection with Helgason Drive, and the proposed parking facility is located across Daniels Street at the southwest corner of the intersection of Daniels Street and Helgason Drive, being located east of South Stoughton Road and north of Pflaum Road, Aldermanic District 16, Madison Metropolitan School District.
5. Parcel Size: The parcel on which the proposed parking facility would be located contains 43,550 square feet (approximately one acre).
6. Existing Zoning: M1 Limited Manufacturing District.
7. Existing Land Use: Vacant lot.
8. Proposed Land Use: 20-stall off-street parking facility to serve the existing Chocolate Shoppe Ice Cream Company plant located across the street.

9. Surrounding Land Use and Zoning: This property is located in a large industrial area containing a variety of manufacturing uses, storage and warehousing facilities, auto repair facilities, and other heavy commercial and industrial uses, zoned M1.
10. Adopted Land Use Plan: I, Industrial.
11. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

PUBLIC UTILITIES AND SERVICES:

This property is served by a full range of urban services.

STANDARDS FOR REVIEW:

This application is subject to the conditional use standards.

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant, Chocolate Shoppe Ice Cream Company, wishes to construct an accessory parking lot on a vacant lot located at 2220 Daniels Street, which is across the street from their existing ice cream manufacturing plant located at 2221 Daniels Street. The proposed parking facility will provide 20 off-street parking stalls. The Chocolate Shoppe's long-term plans are to construct an addition onto their manufacturing facility which will contain approximately 11,700 square feet. The construction of this addition, anticipated to take place in 2006, will result in the displacement of parking on the existing Chocolate Shoppe property. The proposed parking facility will accommodate this displaced parking. Once the new addition has been completed, a new storage and distribution building will be constructed on the new parcel at 2220 Daniels Street with additional parking to support that building (see attached site plans).

The Zoning Code requires that accessory parking facilities not located on the same parcel as the use being served must obtain a conditional use permit. The rationale behind these facilities requiring a conditional use permit is to ensure that required accessory parking being provided on separate zoning lots not be sold or otherwise disposed of, thereby reducing required parking below the level the use requires. In this case, the applicant has purchased the secondary lot and proposes to construct a warehouse and distribution center on this second parcel. Had that structure been constructed prior to or at the same time as the proposed parking facility, a conditional use permit would not be required. Since the applicant has purchased this second parcel, the applicant also has control over the provision and maintenance of required parking for this operation.

The subject property is located in the M1 Limited Manufacturing District. The proposed parking facility will be permanent in nature and will be provided with appropriate stormwater management facilities, screening and landscaping as required by City Ordinance. Planning Unit staff support the relocation of parking from the existing facility located at 2221 Daniels Street to

a new parking facility and future warehouse and distribution center located at 2220 Daniels Street for this existing business.

RECOMMENDATIONS:

The Planning Unit recommends that the Plan Commission find that the ordinance standards are met and approve a conditional use permit for an accessory parking lot located elsewhere than the principal use being served, subject to input at the public hearing and reviewing agency comments.

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Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

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David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: October 25, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 2221 Daniels Street Conditional Use

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The comments of the City Engineer only pertain to the proposed parking lot at 2220 Daniels Street. The plan routed included construction on 2221 Daniels Street as well as 2220 Daniels Street. Per direction of the Planning staff, only 2220 is to be considered (as auxiliary parking for 2221).
2. Current improvements do not require a stormwater management or erosion control plan but future improvements are additive when total "new" impervious area exceeds 20,000 SF. All stormwater requirements shall be retroactively applied. The applicant can meet requirements at this time if desired.
3. The applicant is advised to plan utility services to the future building on 2220 Daniels Street, to avoid the possibility of excavating the parking lot presently proposed.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 2221 Daniels Street Conditional Use

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing



and proposed utility locations and landscaping.

- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 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.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. 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.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **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.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way

shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.

- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 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.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 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.
- 4.7 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 4.11 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.
- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain 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.)

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.14 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 the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

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.

Utilities General

- 5.1 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.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary 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.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

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Traffic Engineering Division

David C. Dryer, City Traffic Engineer

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October 27, 2005

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **2221 Daniels Street– Conditional Use – Accessory Parking Lot**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. When the applicant submits final 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 property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls, 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'.
3. The applicant shall modify the driveway approach according to the design criteria for a "Class III" driveway in accordance to Madison General Ordinance Section 10.08(4). The applicant shall modify the Class 3 approach with sidewalk across the top and concrete apron, noted on site plan.
4. 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.

5. The Developer shall post a deposit or reimburse the City for all costs associated with any modifications to Street Lighting, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
6. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Steve Ring
Fax: 608-838-6860
Email: steve@allconstruct.net

DCD:DJM:dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: October 25, 2005

To: Plan Commission

REVISED

From: Kathy Voeck, Assistant Zoning Administrator

Subject: 2220 Daniels St., Accessory parking lot for 2221 Daniels St.

Present Zoning District: M-1

Proposed Use: Accessory parking to the Chocolate Shoppe Ice Cream Co. at 2221 Daniels St. for employee parking

Conditional Use: 28.10(4)(d)10 Parking facilities for the storage of private passenger automobiles, when located elsewhere than on the same zoning lot as the principal use served, is a conditional use.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). NONE.

GENERAL OR STANDARD REVIEW COMMENTS

1. On the 2221 Daniels St property, meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of two accessible stalls striped per State requirements. A minimum of one 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.
 - b. Show the accessible path from the stalls to the building .

2. On the 2221 Daniels St property, provide a minimum of **three** bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. 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.

3. Provide a detailed landscape plan. Show species and sizes of landscape elements. 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.)
4. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet). Lighting will be limited to .08 watts per square foot.
5. Obtain Certified Survey Map approval for the 2220 Daniels Street property to clear up a land division issue.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	43,550 sq. ft.
Lot width	50'	385'
Usable open space	n/a	n/a
Front yard	0'	n/a To be reviewed at future
Side yards	0'	n/a development
Rear yard	10' 1 story, 30' 2 story +	n/a
Floor area ratio	2.0	n/a

Site Design	Required	Proposed
Number parking stalls	----	20 on accessory site 14 existing site Total 34
Accessible stalls	2 at existing site 2221 Daniels	(1)
Loading	n/a	n/a
Number bike parking stalls	3	(2)
Landscaping	Yes	(3)
Lighting	No	(4)

Other Critical Zoning Items	
Flood plain	No
Utility easements	No
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

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