



PREPARED FOR THE PLAN COMMISSION

Project Address: 2302 Atwood Avenue
Application Type: Conditional Use
Legistar File ID #: [33074](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant and Contact: Dave Deadman, Chocolate Shoppe Ice Cream; 2221 Daniels St., Madison, WI, 53718

Property Owner: Teresa P Ouabel; 1621 Mayfield Ln., Madison, WI 53704

Requested Action: The applicant requests conditional use approval for a walk-up service window associated with a new ice cream shop in the TSS (Traditional Shopping Street) District:

Proposal Summary: The applicant proposes to utilize an existing small building as an ice cream shop, and to create a walk-up service window on the Atwood Avenue side of the building, where all customers will queue to make purchases.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses (MGO Section 28.183).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 2302 Atwood Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: 2302 Atwood Avenue is located at the northeast corner of Jackson Street and Atwood Avenue; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The 600 square foot parcel has a site currently has a vacant 354 square foot building, which has had a few different commercial tenants in recent years.

Surrounding Land Use and Zoning:

North: Capital City Trail, owned by the City of Madison Engineer

East: Three-family residential building in the TSS District

South: Across Atwood Avenue to the south, a record store with residential units above, in the TSS District.

West: Across Jackson Street to the west, the Capital City Trail, owned by the City of Madison Engineer.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low density residential (LDR) uses for this particular area, which may include a limited amount of other land uses such as the neighborhood serving commercial uses and mixed-use buildings that currently exist near the subject property along both sides of Atwood Avenue.

Zoning Summary: The subject property is in the Traditional Shopping Street (TSS) District.

Dimensional Requirements	Required	Proposed
Front Yard Setback	N/A	Existing
Side Yard Setback	None unless needed for access	0
Rear Yard Setback	20'	Existing
Maximum Lot Coverage	85%	Less than 85%
Maximum height	3 stories / 40'	Existing 1 story

Site Design		
Number parking stalls	0	0
Accessible Stalls	0	0
Bike Parking	1 per 2,000 sq. ft. of retail, 2 minimum	TBD
Landscaping	N/A	N/A (on public right-of-way)
Lighting	No	No
Building Forms	Yes	Meets building forms
Other Critical Zoning Items: 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, including Metro Transit Routes 3 and 38.

Project Description, Analysis, and Conclusion

The applicant is proposing to utilize an existing commercial building as a seasonal ice cream store, which would have no interior customer space, but rather utilize a walk-up service window along Atwood Avenue for all transactions. The 354 square foot building, likely the smallest building in the City, sits on a 600 square foot parcel. The applicant has worked with City Real Estate and City Engineering staff to secure an option to lease space behind the building within the East Rail Corridor adjacent to the Capital City Trail, to be used as an outdoor seating area with space for landscaping and bicycle parking.

The walk-up service window is located on Atwood Avenue, and the applicant has indicated that the line of customers would bend around to Jackson Street and head north, to minimize impacts on the Atwood Avenue sidewalk. Proposed hours of operation would be 10am to 10pm at the latest, and the store would be open seasonally between late spring and fall.

With the width of the East Rail Corridor and Saint Paul Avenue, the outdoor eating area behind the building is over 100 feet away from the nearest residence on the north side of Saint Paul Avenue, and with seating for only approximately 25 people, staff believes that the noise from the establishment will be minimal.

Staff believes that the proposal can meet all of the conditional use standards, so long as all conditions of approval are addressed, and the queuing of customers at the walk-up service window is well-managed and does not impede normal pedestrian circulation in the area.

On the whole, staff believes that the proposed use on both the private property and within public right-of-way will have a positive impact on this corner, providing a popular seasonal gathering area for area residents, community gardeners, bicycle commuters, and others.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the requested conditional use for a walk-up service window at 2302 Atwood Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The configuration of the Patio Area proposed to be constructed within the City of Madison owned Isthmus Bike Path Corridor shall be approved by City of Madison Engineering Staff. Upon approval of the plan by staff, the Applicant shall work with City of Madison Office Real Estate Services to draft a lease agreement. The lease agreement will require approval by the City of Madison Common Council and shall be ultimately recorded with the Dane County Register of Deeds. Specific guidelines for the construction are as follows: 1) maintain a minimum of 6 feet clearance from the bike path; 2) maintain a minimum of 2 feet clearance from the sidewalk; 3) do not remove any trees or brush unless specifically approved by the City.
2. The Applicant shall confirm if any proposed awnings or signs will encroach into the Atwood Avenue right of way. If any should encroach into the right of way, the Applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services.
3. The landscaping plan should include the type of surface the bike racks are to be located on and the type of surface the patio is to be made of.
4. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
6. 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)

Water Utility (Contact Dennis Cawley, 266-4651)

7. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
8. This property is not in a wellhead protection district.

9. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

10. Installation of the service window may impede the public sidewalk.

11. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
12. 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.

Zoning Administrator (Contact Pat Anderson, 266-5978)

13. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes, prior to sign installations. The maximum distance a projecting sign may project is 24" into the right-of-way, as authorized by Sec. 31.04(6).
14. If exterior lighting is provided, it shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets.

Parks Division (Kay Rutledge, 266-4816)

This agency provided no comments pertaining to this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency provided no comments pertaining to this request.