

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
December 12, 2008**

RE: I.D. #12482, Zoning Map Amendment I.D. 3393, Rezoning of 2425 Atwood Avenue from R4 to C2

1. Requested Action: Approval of a rezoning from R4 (General Residential) to C2 (General Commercial) to allow an existing building to be remodeled for use as a restaurant with a second floor residential unit.
2. Applicable Regulations: Section 28.12(10) provides the process for zoning map amendments.
3. Report Prepared By: Heather Stouder, AICP, Planner

GENERAL INFORMATION:

1. Applicant: Theresa and Rachid Ouabel, Bunky's Cafe; 1621 Mayfield Lane, Madison, WI
Project Contact: Patrick Hannon, Schreiber/Anderson Associates; 717 John Nolen Dr.; Madison, WI
2. Development Schedule: The applicant wishes to begin construction after all approvals are obtained, and complete it for occupancy of the restaurant in March 2009.
3. Parcel Location: 2425 Atwood Avenue is a 12,600 square-foot (0.29-acre) parcel generally located on the south side of Atwood Avenue between Ohio Avenue and Hudson Avenue; Aldermanic District 6; Madison Metropolitan School District.
4. Existing Conditions: The site is currently developed with a vacant two-story building formerly used as the Atwood Community Center, zoned R4 (General Residence District).
5. Proposed Use: A mixed-use building with a restaurant on the main and lower levels and one residential unit on the second level.
6. Surrounding Land Use and Zoning:
North: Saint Bernards Church and 4-unit multifamily building, zoned R4 (General Residence District). Dane County Juvenile Shelter, zoned C2 (General Commercial District).
South: Single-family homes and Plymouth Congregational Church parking lot, zoned R4 (General Residence District).
East: 10-unit multifamily building zoned C2 (General Commercial District).
West: Plymouth Congregational Church, zoned R4 (General Residence District).
7. Adopted Land Use Plan: The Comprehensive Plan identifies this area as Neighborhood Mixed Use, where recommended land uses include but are not limited to commercial, residential, and mixed-use buildings. The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, adopted in March 2000, does not recommend a zoning change for this specific property. However, this may be due to the fact that when the plan was completed, the relocation of the Atwood Community Center to a new site was not anticipated.

8. Environmental Corridor Status: This property is not located within a mapped environmental corridor.
9. Public Utilities & Services: This property is served by a full range of urban services, including all basic utilities and Metro Transit Routes 3, 37, and 38.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments, Section 28.12 (10)

ANALYSIS

The applicant is requesting approval for a rezoning from R4 (General Residence District) to C2 (General Commercial District) in order to reconfigure the interior of an existing two-story building for use as a restaurant on the lower level and main levels, and one residential unit on the second level.

The subject site is 2425 Atwood Avenue, located on the south side of Atwood Avenue between Ohio Avenue and Hudson Avenue in R4 General Residence district zoning. The applicant hopes to initiate interior remodeling and site work in January of 2009 and complete it for March 2009 occupancy.

The site is currently developed with a vacant two-story building formerly used by the Atwood Community Center before their recent relocation to 149 Waubesa Street. According to City records, the 8,650 square foot building was originally built in 1916. Currently, the interior of the building is configured with common areas and office spaces for the former Atwood Community Center, which has been relocated to nearby Waubesa Street. Also on site is a basketball court to be replaced with green space and a rain garden, a mulched playground to be replaced by surface parking, and a small storage shed to remain. The site currently has no surface parking lot or vehicle access from Atwood Avenue.

Building Description

The footprint and exterior of the proposed building would remain the same as the existing building. The 2,910 square foot lower level of the interior as proposed includes a dining room for private parties, a warming kitchen, two small half bathrooms, mechanicals, and storage. The 3,040 square foot main level would include the main dining room for the restaurant as well as the main kitchen, pantry, lobby, storage, and a half bathroom are also proposed. The 2,560 square foot second floor as proposed includes one residential unit with three bedrooms and two full bathrooms. An existing elevator with service to all three floors would remain.

Site Description

In order to accommodate the proposed uses, the applicant has proposed a small parking lot with seven parking stalls, as well as a curb cut for access from Atwood Avenue. The parking lot is located on the west side of the lot, with five stalls for restaurant guests (including 1 accessible stall) in the northern portion of the lot. In the southern portion of the lot, behind part of the building, the proposal includes one stall for residential parking, one stall for van parking associated with the restaurant business, and a space for a vehicle turnaround. Four bicycle racks to accommodate eight bicycles are proposed in the northeastern corner of the property close to the sidewalk along Atwood

Avenue and very near the main entrance to the restaurant. As proposed, all loading would take place either from Atwood Avenue or from a 10' x 35' loading area on the eastern side of the parking lot during the morning or between 2:00 and 5:00 pm, when the restaurant is closed. The applicant has indicated that loading vehicles for this particular restaurant business are no larger than a small moving truck.

An existing storage shed, as well as a vegetable and herb garden in the southeastern corner of the property would remain. An existing basketball court in the south central portion of the property would be removed and replaced by a 200 square foot rain garden, and the entire southern edge of the property would be landscaped to screen the property from the single-family homes directly to the south. An existing chain link fence around the perimeter would remain along the eastern edge of the property, but would be replaced along the southern and western edges by a 6-foot solid fence. Wooden enclosures approximately four feet six inches tall for trash and compost bins are located along the rear of the building.

The landscaping plan shows the maintenance of existing landscaping on the site as well as two new canopy trees along the western edge of the property, and new evergreen and deciduous shrubs distributed along the eastern and southern edges of the property and near the foundation of the building. At the time of this writing, a detailed landscape plan showing exactly where each species will be located has not been submitted, but on the list of species provided, all trees and a majority of all plants proposed (26 of the 31 species) are native to Wisconsin. The evergreen buffer plantings along the southern edge of the property will be 4 feet to 7 feet tall at the time of planting, and together with the new solid fence, should provide adequate screening from the properties to the south. The new curb cut would necessitate the relocation of one small street tree, which the applicant proposes to move to the western portion of the terrace within the City right-of-way. At the time of this writing, the applicant has contacted the City Forester to discuss the project, and City Forestry is reviewing plans.

Operations

Operations of the proposed restaurant will be virtually identical to the existing restaurant located at 2827 Atwood Avenue. As proposed, the new restaurant would have 23 part-time and full-time employees and a capacity for 80 guests. The applicant would like to utilize the use of the lower level as a space for occasional private parties, and indicates that in the current facility, these occur roughly 10-15 times per year. The current restaurant has a class B beer and class C wine licenses, which would remain the same. As indicated in the letter of intent from the applicant, hours of operation would also remain the same, as follows: Sunday (November through May only), 4:00-9:00pm; Closed Monday; Tuesday through Friday, 11:00am-2:00pm and 5:00pm-9:00pm; Saturday, 11:00am-10:00pm.

EVALUATION

Land Use

The proposed restaurant with a second floor residential unit is consistent with the Comprehensive Plan, which recommends Neighborhood Mixed-Use for the property. The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, adopted in March 2000, does not specifically recommend the rezoning of this property, but that is likely due to the fact that at the time the plan was adopted, the relocation of the Atwood Community Center was not anticipated. Further, the

proposed use is consistent with many aspects of the neighborhood plan as adopted. Of eleven major issues identified by the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Steering Committee (see attached excerpt), this proposal specifically helps to further the following three:

Issue #4) Physical improvements along Atwood Avenue;

Issue #5) Redevelopment of underutilized properties for residential and commercial uses (with a specific mention of mixed use buildings with residential properties on upper floors), and;

Issue #6) Create a pedestrian-friendly, walkable business district (includes a recommendation to reduce parking requirements for commercial properties)

The rezoning would simply incorporate the property into a larger existing C2 (General Commercial District) area with a mix of commercial and institutional uses adjacent to an R4 (General Residence District) area with residential properties ranging from single-family homes to 4-unit buildings. Under C2 zoning, a building may contain as a permitted use up to four residential dwelling units, as long as they are located above the ground floor and do not exceed 50% of the total building floor area. The second floor residential unit proposed as part of this project falls easily within those parameters.

Many properties along Atwood Avenue adjacent to residential properties to the south already have uses similar to that which is proposed. The proposed landscaping and solid fence along the southern border of the property will help to screen these properties from vehicle lights, as well as noise from customers in the parking lot. Since the business closes at 9:00 on weeknights, evening conflicts due to noise will be minimized.

Based on its success, it is unlikely that the proposed business will fail at this site. However, in the case of a future change in ownership and specific use, Planning Division staff believe that many other uses permitted in C2 (General Commercial District) zoning would also be appropriate for the site in the long term, as they are for the existing C2 district adjacent to the property.

Parking Concerns

The placement of the parking lot, as well as the placement of the accessible stall within it, appear to be the most efficient configuration on the site, and staff believes it would be infeasible to provide additional on-site parking. As proposed, there are a total of seven proposed parking stalls: one for the residential unit, one for a catering van associated with the business, and five (including one accessible stall) for restaurant guests. With one residential unit and a capacity for 80 customers, this particular site would be required to have 25 parking stalls without an approved parking requirement reduction. Based on Madison General Ordinance Sec. 28.11(3)(1)4.g, a restaurant is typically required to have a number of stalls equal to 30% or their capacity, in addition to one stall which would be required for the residential unit. The applicant has submitted an application for an off-street parking reduction of 18 stalls. A Reduction of 10-19 stalls may be approved by the Director of the Department of Planning and Community and Economic Development according to MGO Sec. 28.11(2)(c). Staff has reviewed the application and supports the request, which can be approved administratively. In the future, should the restaurant seek to enlarge capacity beyond 80, a greater reduction of parking stall requirements would need to be pursued, which would require a conditional use permit.

There is strong support in the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan for relaxed off-street parking requirements. Further, on this particular site, the use of non-

automobile transportation by customers is highly probable. There are over 2,700 households within one-half mile of the site, well-utilized pedestrian infrastructure, a major regional bicycle path located approximately a block to the north, and three transit routes serving the property. Also, if nearby churches have complementary schedules, perhaps formal or informal shared parking arrangements can be explored for the vehicles of restaurant guests during specified hours. The applicant has indicated that they will continue to explore such opportunities.

The applicant indicated to staff that at an early neighborhood meeting about the project, at least one resident of a property directly south of the project expressed concerns about customers parking vehicles on Sommers Avenue. The applicant has proposed the removal of an existing gate at the southwest corner of the property that would otherwise enable customers parking on Sommers Avenue (or in the parking lot behind Plymouth Congregational Church) easy access to the restaurant. While some customers may certainly utilize neighborhood streets for vehicle parking, staff believes it unlikely that Sommers Avenue will bear the majority of these vehicles.

CONCLUSION

On the whole, Planning Division staff believes that this proposal has many strong attributes and meets the standards for approval of the rezoning request. If approved, an existing structure will be creatively remodeled as a mixed-use building to support a successful existing neighborhood business. Not only is the land use consistent with the Comprehensive Plan land use recommendation of Neighborhood Mixed Use for the site, but the incorporation of additional bicycle parking and minimal surface parking for vehicles on-site is consistent with the adopted neighborhood plan. Finally, the addition of native plants and a rain garden to handle a portion of the stormwater management help to round out the positive attributes of the project.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the rezoning standards can be met and forward the rezoning request to the January 6, 2009 meeting of the Common Council with a recommendation of **approval** subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. Final plans submitted for approval by Planning Division staff will include a detailed landscape plan indicating the location of plantings by species and size.
3. Prior to final approval, the applicant must continue to work with staff from City Forestry to reach agreement regarding the proposed relocation of the street tree as proposed.
4. That approval be granted based on the assumption that the restaurant maintains a capacity for 80 total guests. Any desire for increased capacity in the future may require a conditional use permit if it necessitates a reduction of 20 or greater required off-street parking stalls, as specified in MGO 28.11(2)(c).

Neighborhood Issues

The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Steering Committee identified 11 major issues that would enhance this near east side neighborhood. The common threads that emerged from the planning process include:

1. *Increase pedestrian and bicycle safety with traffic calming measures, traffic enforcement, and physical improvements.* East Washington Avenue, Atwood Avenue, Eastwood Drive, Fair Oaks Avenue, and Milwaukee Street are a few of the major thoroughfares within the neighborhood. Neighborhood residents will develop traffic management plans to help slow traffic on the major thoroughfares and residential streets. Efforts such as neighborhood involvement in the Neighborhood Traffic Management Program, Speed Watch Program, increased traffic enforcement, and restructuring troublesome intersections at East Washington/Winnebago and Marquette/Clyde Gallagher/Darbo Drive will also help in making the neighborhood streets safe for pedestrians and bicyclists.
2. *Increase affordable non-school activities for high school aged youth.* Neighborhood residents are well aware of the burgeoning population of high school aged youth and the limited free programming for youth after middle school age. Both for the well-being of the neighborhood youth and of the neighborhood itself, neighborhood residents want to establish evening, weekend, and summer educational, recreational, and employment opportunities for high school aged youth.
3. *Upgrade neighborhood parks.* The neighborhood is in an older, built-up section of the City with limited space for expansion of the existing park system. Additional plantings, better signage, upgraded lighting, and overall maintenance to the existing neighborhood parks will provide recreational enjoyment for neighborhood residents.
4. *Make physical improvements along East Washington Avenue and Atwood Avenue.* Beautification of the neighborhood's major gateways through entrance signage, landscaping of buildings and parking lots, and private and public property maintenance will improve the overall appearance of the edges of this older, near east side neighborhood. Reconstruction of East Washington Avenue will be an opportunity
5. *Redevelop underutilized properties for residential and commercial uses.* The former Bowl-A-Vard on East Washington Avenue, the former Clark Gas Station on East Washington Avenue, and the 2500 block of East Washington Avenue are a few sites that have potential for redevelopment. Residential and/or mixed-use developments (with residential on the upper floors) are highly encouraged on the sites to promote commercial vitality in the area and to provide additional housing opportunities within the neighborhood. A physical development plan for these sites will help guide the redevelopment.
6. *Create a pedestrian-friendly, walkable business district.* Madison East Shopping Center and Atwood Avenue are the major commercial focal points of the neighborhood. Many patrons arrive by foot or bicycle to the commercial areas. Design aspects such as sidewalks leading to the storefronts, well-defined pedestrian walkways through parking lots, and attractive storefronts built to the sidewalk edge will help build upon the pedestrian-friendly business areas that are in the neighborhood. Review existing neighborhood commercial parking requirements for older neighborhoods with the intent to reduce parking ratios.
7. *Enhance Starkweather Creek as a recreational asset.* The east and west branches of Starkweather Creek flow southerly through the neighborhood. The east and west branches, which merge south of Milwaukee Street near O.B. Sherry Park, enter Lake Monona at Olbrich Park. Land acquisition, natural landscaping, non-motorized boat launches, and pedestrian and other trail development along the shores would provide greater recreational opportunities for neighborhood residents.
8. *Develop a master plan for Olbrich Gardens expansion and environs.* Olbrich Botanical Gardens has acquired 20 acres north of its existing property for future expansion. Garden areas, playground areas, trail development, and other amenities will provide greater recreational and educational opportunities for neighborhood residents.

9. *Build capacity among the Schenk-Atwood, Starkweather, and Worthington Park residents.* Neighborhood leaders recognize the value of neighbors working together to accomplish shared goals. The Schenk-Atwood Revitalization Association, Worthington Park Neighborhood Association, Atwood Community Center, Friends of Elmside Circle Park, and the newly formed Schenk-Atwood-Starkweather-Yahara River Neighborhood Association are only a few organizations that are working toward making this Near East side neighborhood better. The East Isthmus Neighborhood Council is another organization that will help identify shared goals and forge the working relationships that are necessary to make things happen.

10. *Expand Hawthorne Branch Library at or near its present location.* The Hawthorne Branch Library is located in the Madison East Shopping Center. The neighborhood encourages expansion at the former Aldi Grocery Store site. Renovation of the site should provide additional space but also include architectural features that would enhance the appearance of the storefront such as attractive windows and greenspace.

11. *Promote homeownership, rehabilitation programs, and housing counseling through existing organizations.* Neighborhood residents wish to increase the percentage of homeowners, increase owner-occupancy of two- and three-unit dwellings in the area, and maintain the quality of existing housing.

12. *Increase affordable childcare and after-school care.* Quality childcare (especially infant) and after-school care that is readily accessible by the Madison Metro bus system is important to residents living in the Starkweather and Worthington Park Neighborhoods. As of January 2000, there were no City-accredited childcare providers operating in the area and existing pre-school and after-school programs were at full capacity. With the thrush of back-to-work initiatives, it is important for family households to have quality childcare options that are accessible by mass transit.

Neighborhood Vision Statement

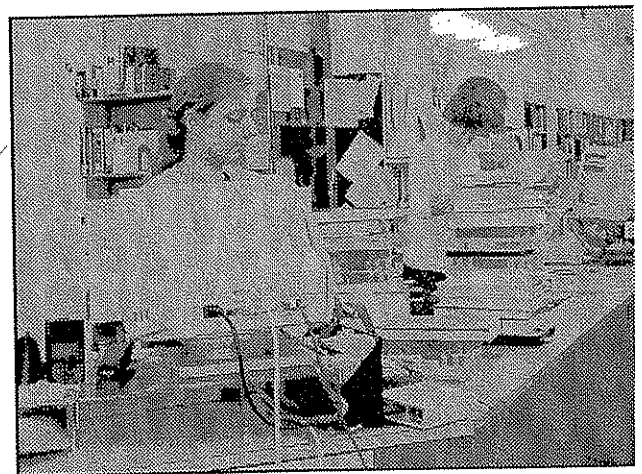
The Schenk-Atwood-Starkweather-Worthington Park Neighborhood envisions diverse, community-oriented places, activities, and people. Achieving this vision will require community, citizen, public, and business interests to continually work together. This will be a

neighborhood where vibrant residential areas, community activities, and business corridors continually build upon each other's strengths.

The neighborhood must continually face challenges, including ex-urban commuter traffic, rising housing costs, and stressed community services. This neighborhood plan contains detailed proposals to address these challenges and to move toward the vision of a neighborhood in which:

- traffic is calmed for a safe and pleasant walking, bicycling, and transit environment;
- mixed-use, urban in-fill, and owner-occupied housing are developed so the elderly will be able to stay in their homes and all people will be able to flourish throughout the neighborhood;
- social services/community facilities serve all residents;
- schools are maintained to the highest standards;
- all residents feel safe and secure;
- each neighborhood is represented and supported;
- strong, community-supported businesses preserve the human-scaled neighborhood character;
- neighborhood parks, waterways, and rail-trails are linked by park-like neighborhood streets;
- East Washington Avenue is an attractive, safe corridor; and
- District Alderpersons work with neighborhood associations to develop and utilize a mechanism to keep track of public improvement projects funded by the City, County, or State so that the neighborhood has input into the planning process.

In short, neighbors want to improve on the many great qualities in their neighborhood and keep an eye to its long-term sustainability.



Neighbors are looking forward to the expansion of Hawthorne Branch Library. It is a true asset of the neighborhood!



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
1 866 704 2315 Textnet

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager
James C. Whitney, A.I.A.

Operations Manager
Kathleen M. Cryan

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

Financial Officer
Steven B. Danner-Rivers

DATE: December 1, 2008

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 2425 Atwood Avenue Rezoning

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 applicant shall dedicate a two foot wide permanent limited easement for sidewalk along Atwood Avenue and relocate the existing sidewalk in accordance with plans prepared by the City Engineer. The existing terrace has a tree surrounded by a tree grate and the tree grate measures approximately 4 feet by 4 feet. Approximately one half of the tree grate is located in the main line sidewalk because the terrace is extremely narrow. These tree grates are problematic because they are small and the roots to the trees heave the tree grates causing a trip hazard in the main line sidewalk. The two foot easement allows the sidewalk to be relocated away from the tree and the tree grate to be removed. **NOTE:** The owner/applicant shall decide whether the required sidewalk easement is to be conveyed to the City of Madison by the recording of a Certified Survey Map or by separate recorded easement conveyance document administered by the City of Madison Office of Real Estate Services.
2. A street excavation permit is required for the construction of the driveway to be included with the required sidewalk work.

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: 2425 Atwood Avenue Rezoning

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

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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 Submit a PDF of all floor plans to Lori Zenchenko lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:

1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.

2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall receive the invoices to pay the outstanding impact fees at the time of permit issuance. The following shall be required prior to plat sign off;

a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..

b) All information shall be transmitted to Janet Dailey by e-mail at jdailey@cityofmadison.com, or on a CD to:

Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703

c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.

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.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 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.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City

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.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
- 4.7 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.
- 4.8 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.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:

- Detain the 2 & 10-year storm events.
- Detain the 2, 10, & 100-year storm events.
- Control 40% TSS (20 micron particle) off of new paved surfaces
- Control 80% TSS (5 micron particle) off of new paved surfaces
- Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
- Provide substantial thermal control.
- Provide oil & grease control from the first 1/2" of runoff from parking areas.
- 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 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.
- 4.11 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.
- 4.12 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

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred izenchenko@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.

- 4.13 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.

- 4.14 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.

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).

- 4.15 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.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 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 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 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, invert elevation, and alignment of the proposed service.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

December 4, 2008

TO: Plan Commission

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

SUBJECT: **2425 Atwood Avenue – Rezoning – Convert Former Atwood Community Center into Restaurant with Residence Above**

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

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

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

3. 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), dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
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. 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: Patrick Hannon

Fax: 255-7750

Email: phannon@saa-madison.com

DCD: DJM: dm

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: December 15, 2008

To: Plan Commission

From: Patrick Anderson, Assistant Zoning Administrator

Subject: 2425 Atwood Ave.

Present Zoning District: R-4

Proposed Use: Convert former Atwood Community Center into Restaurant with residence above.

Requested Zoning District: C-2

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).

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet applicable state building codes, including but not limited to, requirements for restaurant capacity.
2. On the final plan sets label 2nd floor rooms.
3. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
4. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of one (1) van accessible stall striped per State requirements. Stalls shall be 8' wide with an 8' striped out area on the passenger's side.
 - b. Show signage at the head of the stalls.
 - c. Show the accessible path from the stalls to the building.
5. The site shares a zoning district boundary with a residential development to the west and south. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district. Provide detail of proposed fence.

6. Lighting is not required. However, if it is provided, it must comply with the attached ordinance. Lighting will be limited to .08 watts per square foot.
7. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
8. Obtain a Certificate of Occupancy for the building conversion, once approved.
9. The submitted plans reflect that the proposal is 18 parking spaces deficient of the required number of spaces for the proposed restaurant and single family dwelling unit. Please submit a parking stall reduction request application, to be approved by the Director of Planning and Community and Economic Development, upon recommendation from the ~~Parking Utility Manager and Traffic Engineer.~~
10. Occupancy of the dwelling unit is restricted to the maximum allowed per the City's family definition, Chapter 28 of the Madison General Ordinances.

C-2 ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	11,949 sq. ft.
Lot width	50'	100' +
Usable open space	480 sq. ft.	Adequate
Front yard	0'	0'
Side yards	6'	26' R / 17' L
Rear yard	30'	36'
Floor area ratio	3.0	Less than 1.0
Building height	--	2 stories

Site Design	Required	Proposed
Number parking stalls	1 per dwelling unit 24 for restuarant	(9)
Accessible stalls	1 Van accessible	1 (4)
Loading	1 – 10' x 35'	n/a
Number bike parking stalls	2	(3)
Landscaping	Yes	(5)
Lighting	Yes	(6)

Other Critical Zoning Items	
Urban Design	No
Historic District	No
Landmark building	No
Utility easements	None shown
Water front development	No
Adjacent to park	No
Barrier free (ILHR 69)	Yes

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