

## PREPARED FOR THE PLAN COMMISSION



**Project Address:** 5454 Buttonwood Drive/ 4902 Amcenter Drive  
**Application Type:** Conditional Use  
**Legistar File ID #** [81921](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant:** Buttonwood Drive, LLC; 8391 Greenway Blvd., Suite 130; Middleton.

**Contact Person:** Jeff Kraemer, Kraemer Development, LLC; 8391 Greenway Blvd., Suite 130; Middleton.

**Property Owner:** American Family Mutual Insurance Company; 6000 American Parkway; Madison.

**Requested Action:** Consideration of a conditional use in the Commercial Center (CC) District for a vehicle access sales and service window for a coffee shop tenant in a proposed multi-tenant commercial building at 5454 Buttonwood Drive/ 4902 Amcenter Drive.

**Proposal Summary:** The applicant is proposing to construct a one-story, 6,308 square-foot multi-tenant commercial building on an undeveloped parcel located on the north side of Buttonwood Drive between American Parkway and Amcenter Drive. The building will initially be constructed with two tenant spaces: an 1,800 square-foot space that will be occupied by a coffee shop, and a 4,500 square-foot space that will be occupied by a veterinary clinic. The coffee shop is requesting a vehicle access sales and service window, which requires approval of a conditional use. Construction of the proposed building and vehicle access sales and service window will begin in June 2024, with completion anticipated in January 2025.

**Applicable Regulations & Standards:** Table 28D-2 in Section 28.061(1) of the Zoning Code identifies vehicle access sales and service windows as a conditional use in the CC (Commercial Center) zoning district subject to supplemental regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a vehicle access sales and service window for a coffee shop tenant in a proposed multi-tenant commercial building at 5454 Buttonwood Drive/ 4902 Amcenter Drive subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** An approximately 1.16-acre (50,556 square-foot) parcel located on the north side of Buttonwood Drive between American Parkway on the west and Amcenter Drive on the east; Alder District 17 (Madison); Sun Prairie Area School District. Both Amcenter Drive and this block of Buttonwood Drive are private streets owned and maintained by the American Center Owners Association.

**Existing Conditions and Land Use:** Undeveloped land, zoned CC (Commercial Center District).

### Surrounding Land Uses and Zoning:

North: Dental Health Associates–Sun Prairie Clinic; Kinder Care daycare center, zoned CC (Commercial Center District);

South: Kwik Trip, multi-tenant commercial building, and Erin’s Snug, all south of Buttonwood Drive, zoned CC;

West: Elevate Apartments and Summit Credit Union across American Parkway, zoned SEC (Suburban Employment Center District);

East: Eastpark Apartments across Amcenter Drive, zoned CC-T (Commercial Corridor–Transitional District).

**Adopted Land Use Plans:** The [Rattman Neighborhood Development Plan](#) recommends that the site and properties generally north of Buttonwood Drive on the east side of American Parkway be developed as Community Mixed-Use (CMU). Properties south of Buttonwood and east of American are recommended for Neighborhood Retail and Service uses.

The 2023 [Comprehensive Plan](#) recommends the subject site and properties to the north for Community Mixed-Use (CMU) development consistent with the [Rattman Neighborhood Development Plan](#) recommendations. Properties south of Buttonwood and east of American are recommended for General Commercial (GC).

**Zoning Summary:** The site is zoned CC (Commercial Center District):

| Requirements                                                   |                                                                                                   | Required                                                                                                | Proposed           |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--------------------|
| Minimum Front Yard                                             |                                                                                                   | 0’ or 5’                                                                                                | Adequate           |
| Maximum Frint Yard                                             |                                                                                                   | 100’                                                                                                    | Will Comply        |
| Side Yards                                                     |                                                                                                   | One-story: 5’   Two-story or higher: 6’                                                                 | Adequate           |
| Rear Yard                                                      |                                                                                                   | Lesser of 20% of lot depth or 20’                                                                       | 28’10”             |
| Maximum Lot Coverage                                           |                                                                                                   | 85%                                                                                                     | Less than 85%      |
| Maximum Building Height                                        |                                                                                                   | 5 stories/ 78’                                                                                          | One-story, 19’     |
| Auto Parking (Coffee Shop)                                     |                                                                                                   | No minimum                                                                                              | 33                 |
| Electric Vehicle Stalls                                        |                                                                                                   | Not required                                                                                            | None               |
| Accessible Parking                                             |                                                                                                   | Yes                                                                                                     | 2                  |
| Bike Parking                                                   |                                                                                                   | Coffee Shop: 5% of capacity (To be determined); Veterinary Clinic: 1 per 5 employees (To be determined) | 8 (See conditions) |
| Loading                                                        |                                                                                                   | None                                                                                                    | 0                  |
| Building Forms                                                 |                                                                                                   | Free-standing Commercial Building                                                                       | Will Comply        |
|                                                                |                                                                                                   |                                                                                                         |                    |
| Other Critical Zoning Items                                    |                                                                                                   |                                                                                                         |                    |
| Yes:                                                           | Barrier Free, Utility Easements                                                                   |                                                                                                         |                    |
| No:                                                            | Urban Design, Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, Landmarks; TOD Overlay |                                                                                                         |                    |
| Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator |                                                                                                   |                                                                                                         |                    |

**Environmental Corridor Status:** The property is not located in a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including Metro Transit, which operates daily service along American Parkway and Eastpark Boulevard 500 feet south of the site on the A2 spur

of the future Bus Rapid Transit line scheduled to begin operation in late 2024. Metro Transit operates daily all-day transit service with trips at least every 60 minutes (every 30 minutes or less during the day on weekdays and Saturdays). Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 32 Weekday and 23 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

## Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations apply to Vehicle Access Sales and Service Windows in the CC zoning district:

- (b) Points of vehicular ingress and egress shall be located at least 60 feet from the intersection of two streets and at least 60 feet from abutting residentially zoned property.
- (c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (g) Bicyclist use of sales and service windows shall not be prohibited.

## Project Description, Analysis and Conclusion

The applicant is proposing to construct a one-story, approximately 6,300 square-foot multi-tenant commercial building on an undeveloped 1.16-acre parcel located on the north side of Buttonwood Drive between American Parkway on the west and Amcenter Drive on the east parcel in the American Center. The building will initially be constructed with two tenant spaces: a coffee shop that will occupy the western 1,800 square feet, and a veterinary clinic that will occupy the remaining 4,500 square feet. The coffee shop will include a vehicle access sales and service window.

The proposed building will be oriented southerly towards Buttonwood Drive, with parking for 33 parking stalls to be primarily located between the building and Buttonwood. Full-access driveways into the development will be provided from both Buttonwood Drive and Amcenter Drive, while a third exit-only driveway will be provided to Buttonwood directly opposite the egress for the coffee shop drive-thru. The service window will be located on the westerly side wall of the building, with the queue proposed to wrap around the northerly rear wall of the building. The ordering board will be located at the northwesterly corner; the plans submitted do not show the number of standard automobiles that will be accommodated between the ordering board and service window, though staff estimates that the space shown will accommodate five cars. A small outdoor seating area for the coffee shop is shown between the parking lot and pedestrian entrance.

Coffee/ tea shops and veterinary clinics/ animal hospitals are permitted uses in the existing CC (Commercial Center District) zoning of the site. However, the proposed vehicle access sales and service window is a conditional use requiring Plan Commission approval. The Planning Division believes that the Plan Commission may find that the conditional use standards and supplemental regulations are met to allow the vehicle access sales and service window. The vehicle access sales and service window has been reviewed by City agencies, and no concerns have been raised that would suggest that the standards for approval and applicable supplemental regulations could not be met. The location of the drive-thru on the northerly and westerly sides of the building closest to American Parkway should have limited or no impact on nearby uses, which include other one-story commercial uses to the north and south and new residential development to the east across Amcenter Drive.

No alder, public, or neighborhood association comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the request as submitted subject to the proposed conditions. As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about the vehicle access sales and service window, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for a vehicle access sales and service window for a coffee shop tenant in a proposed multi-tenant commercial building at 5454 Buttonwood Drive/ 4902 Amcenter Drive subject to input at the public hearing and the following conditions:

#### **Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.).
2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder ((608)261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
3. An Erosion Control Permit is required for this project.
4. A Storm Water Management Report and Storm Water Management Permit is required for this project.
5. A Storm Water Maintenance Agreement (SWMA) is required for this project.
6. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-

5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.

7. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
8. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11- by 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.
9. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
10. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website. The Storm Water Management Plan & Report shall include compliance with the following:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.
  - Detain the 200-year storm events, matching post-development rates to pre-development rates and using the design storms identified in MGO Chapter 37.
  - Provide infiltration of 90% of the pre-development infiltration volume.
  - Treat the first half inch of runoff over the proposed parking facility and/or drive-up window.
  - Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.
12. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division–Mapping Section** (Contact Jeff Quamme, (608) 266-4097)

13. Show and label the Private 20-Foot Wide Sidewalk and Landscape Easement per Document No. 3975781 along the easterly side of this site.
14. Provide for review a private reciprocal sidewalk easement or amendment to Document No. 3975781 for the private sidewalk along the southerly side of this site.
15. Remove all references of 4902 Amcenter Drive. On the floor plans remove Suite 1, Suite 2, Suite 3. The addresses for the tenant spaces are: Suite 1 shall have an address of 5450 Buttonwood Drive, Suite 2 shall have an address of 5454 Buttonwood Drive, Suite 3 shall have an address of 5458 Buttonwood Drive. The site plan, floor plans, and documents shall reflect proper street addresses for the property as reflected by official City of Madison Assessor's and Engineering Division records.

**Traffic Engineering Division** (Contact Sean Malloy, (608) 266-5987)

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16. The applicant shall sign their westernmost driveway as "Right Turn Only."                                                                                                                                                                                     |
| 17. The applicant shall provide a queuing model showing the capacity for six (6) vehicles from the ordering board and three (3) additional vehicles from the service window. If the six-vehicle requirement cannot be met, a second queuing lane may be required. |
| 18. All vehicle service window access aisles shall have a minimum outside turning radius of 30 feet.                                                                                                                                                              |
19. The applicant shall submit for review a waste removal plan, which shall include vehicular turning movements.
  20. The applicant shall submit for review a commercial delivery plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
  21. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
  22. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
  23. 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.
  24. All parking facility design shall conform to MGO Section 10.08(6).

25. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
26. All pedestrian walkways adjacent parking stalls shall be seven (7) feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the Traffic Engineering Division.
27. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to: substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
28. The applicant shall provide a clearly defined five-foot walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
29. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
30. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

**Parking Division** (Contact Trent W. Schultz, (608) 246-5806)

31. The applicant shall submit a Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto:tdm@cityofmadison.com). The TDM Plan is required per MGO Section 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

32. Show the building setback distances measured from the building to the property lines.
33. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Work with Zoning staff to determine the minimum bicycle parking requirement. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.
34. Provide adequate development frontage landscaping adjacent the Buttonwood Drive and Amcenter Drive frontages per Section 28.142(5) Development Frontage Landscaping. One overstory deciduous tree and five shrubs shall be planted for each 30 lineal feet of lot frontage. Two ornamental trees or two evergreen trees

may be used in place of one overstory deciduous tree. Note that landscaping must be installed on the private property.

35. Provide details showing that the primary street façade meets the door and window opening requirements of MGO Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three feet of grade. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to 20% of the required area of the openings.
36. Exterior lighting shall be provided in accordance with MGO Section 29.36. Provide an exterior lighting photometric plan and fixture cut sheets with the final plan submittal.
37. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
38. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Matt Hamilton, (608) 266-4457)

This agency reviewed this request and has recommended no conditions of approval.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

39. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

This agency reviewed this request and has recommended no conditions of approval.

**Forestry Section** (Contact Jeffrey Heinecke, (608) 266-4890)

This agency reviewed this request and has recommended no conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency reviewed this request and has recommended no conditions of approval.