



PREPARED FOR THE PLAN COMMISSION

Project Address: 2083 Atwood Avenue (6th Aldermanic District, Ald. Rummel)
Application Type: Conditional Use
Legistar File ID # [45462](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant/Property Owner: Joe Krupp; Prime Urban Properties; 2020 Eastwood Dr., Madison, WI 53704

Contact: J. Randy Bruce; Knothe and Bruce Architects; 7601 University Ave., #201, Middleton, WI 53562

Requested Action: The applicant requests approval of a conditional use to allow limited production and processing for a food and related goods sales business at 2083 Atwood Avenue; 6th Ald. District.

Proposal Summary: The applicant proposes to add retail and small scale production of chocolate and confectionary items to a mixed-use building currently under construction.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [Section 28.183]. Section 28.061(1) of the Zoning Code lists *Limited Production and Processing* as a conditional use in the TSS (Traditional Shopping Street) district. The Supplemental Regulations [Section 28.151] contain further regulations for this type of use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to allow limited production and processing for a food and related goods sales business at 2803 Atwood Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: 2087 Atwood Avenue is a through-lot with frontage on the south side of Atwood Avenue and the north side of Eastwood Drive between Amoth Court and Division Street; Aldermanic District 6 (Rummel); Madison Metropolitan School District.

Existing Conditions and Land Use: The 15,700-square-foot property contains a four-story mixed-use building currently under construction. When finished the building will have approximately 1,800 square feet of commercial space on the first floor, an additional 1,500 square feet of commercial storage space in the basement, and 30 residential units on upper levels. Thirty parking stalls are located on two levels of the building to serve the residential units and five angled parking stalls are located on the east side of the building and are associated with the subject commercial space. These commercial parking stalls are accessed via the one-way drive aisle which circles clockwise around the neighboring parcel to the east (at 2089 Atwood Avenue) before roughly following the boundary line of the two properties. Note: this shared access arrangement is formalized

through an access easement which follows the path of the drive aisle. Furthermore, while the five parking stalls will be associated with the subject building’s commercial space, they will also be available to the building’s residential visitors as well as diner patrons of the restaurant establishment (Monty’s Blue Plate) to the east on a first-come, first-serve basis. Given the popularity of the restaurant and the competition for these shared parking stalls, it is likely that the parking associated with the proposed commercial space and residential visitors may be on-street, which is typical in this area.

Surrounding Land Use and Zoning:

North: Across Atwood Avenue to the north, a small multifamily apartment building and a one-story commercial building in the Traditional Shopping Street (TSS) District, and the Barrymore Theater in the Traditional Residential- Varied 1 (TR-V1) District.

East: Monty’s Restaurant, a one-story commercial building in the TSS District.

South: Across Eastwood Avenue and the Capital City Trail to the south, are a 31-unit residential building (currently under construction) in the TSS District as well as Schoeps Ice Cream, an industrial building in the Traditional Employment (TE) District.

West: United Way building, a 4-story commercial building in the TSS District.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Community Mixed-Use for this block. For the Schenk-Atwood Business District, the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) recommends supporting the continuing development of businesses that would be compatible to neighborhood residents and the Madison shopping community. While the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) does not have a specific recommendation, the [Schenk Atwood Business District Plan \(2000\)](#) states that one of its primary goals is to enhance the business mix, including neighborhood-oriented and community destination businesses, that fit the scale and character of the district and strengthen the district as an activity center. The Plan also notes that the subject parcel as located within what it describes as the ‘Central Atwood’ retail/business segment (i.e. Atwood Avenue from Amoth Court to Division Street) for which it recommends ground floor specialty retail – whose primary market would be the near eastside area - and entertainment uses with housing or office space on the upper floors.

Zoning Summary: The project site is currently zoned Traditional Shopping Street (TSS).

Requirements	Required	Proposed
Front Yard Setback	None	1.0’ existing setback
Side Yard Setback	Two-story or higher: 6’	6.0’ existing setback
Rear Yard Setback	20’	20.0’ existing setback
Usable Open Space	40 sq. ft./ unit	Existing open space for multi-family dwelling
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	3 stories/ 40’	4 stories existing building
Number Parking Stalls	Limited production and processing: 1 per 2 employees (7) Multi-family dwelling: 1 per dwelling (30) Restaurant (Monty’s): 15% of capacity of persons (15) (52 total)	30 garage 5 surface 19 Monty’s (54 total)
Accessible Stalls	Yes	1
Loading	None	None
Number Bike Parking Stalls	Limited production and processing: 1 per 5 employees (3) Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add’l	30 garage (long-term) 0 surface (short-term) 8 Monty’s (short-term) <i>(See Comment #7)</i>

	bedroom (30) 1 guest space per 10 units (3) Restaurant: 5% of capacity of persons (5)	
Landscaping	No	Existing landscaping
Lighting	No	Existing lighting
Building Forms	No	Existing building
Other Critical Zoning Items	Barrier Free (ILHR 69)	

Table Prepared by Jenny Kirchgatter, 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 Route 3 running along Atwood Avenue.

Project Description

The applicant, on behalf of their tenant, Gail Ambrosius Chocoiatier, is requesting approval of a conditional use to allow limited production and processing for a food and related goods sales business, at the subject site. Gail Ambrosius Chocoiatier, which has been operating at the current location at 2086 Atwood Avenue for more than ten years, intends to relocate across the street to the subject site and occupy the 1,800 square feet ground floor commercial space for retail sales and the 1,500 square feet basement space for the limited production and processing of confectionary items including chocolate.

The retail component will offer a variety of chocolates and other confectionary items, gift items, and beverages available for purchase. A few tables and chairs will be located inside for customers. While staff will not provide service to the tables, they will bus the tables after the patrons are finished. For both the retail sales and production components, the applicant is requesting the hours of operation be 10:00 am-6:00 pm, Monday through Friday, and 10:00 am-4:00 pm, Saturday and Sunday.

Delivery loading for the production and retail will occur either at the rear of the building for larger deliveries (these are usually ~1 pallet in size and occur roughly once per month), or along the east side of the building, via the drive aisle shared with Monty's Blue Plate, for smaller deliveries (usually handled by a dolly). The applicant anticipates deliveries occurring during normal business hours at a frequency of less than two per month. Outgoing shipments, when needed, are typically handled in the afternoons via a courier service.

The business will employ 15 full-time employees with an additional three to five seasonally as needed. It is anticipated that parking for the staff will be accommodated on site as there is an agreement between the Chocoiatier and the property owner which will allow employees to park in the building's underground parking stalls during business hours.

The applicant anticipates construction commencing at the beginning of the end of January 2017 and being completed by the end of April 2017.

Analysis and Conclusion

Land Use and Plan Consistency – The Planning Division believes the proposed use is consistent with the [Comprehensive Plan \(2006\)](#), the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) and the [Schenk Atwood Business District Plan \(2000\)](#). The [Comprehensive Plan \(2006\)](#) recommends Community Mixed-Use for this block

and specifically recommends such land uses as retail serving both adjacent neighborhoods and wider community markets. Similarly, the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) recommends supporting the continuing development of businesses that would be compatible to neighborhood residents and the Madison shopping community and the [Schenk Atwood Business District Plan \(2000\)](#) specifically recommends ground floor specialty retail – whose primary market would be the near eastside area - and entertainment uses with housing or office space on the upper floors, for the subject block.

Conditional Use Standards – The Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met. Staff believes the conditional use standards can be met and provides the additional informational analysis.

Standard #16 states that, *“When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process.”* The applicant has noted that that the odors from the production will be greatly limited as 1) the production of the actual chocolate is done offsite whereas it is merely heated and melted onsite and 2) the light roasting and candying of various nuts is done in limited batches on site and in a convection oven, which helps contain the odors. The same methods of production and operation as have been used for the past ten years at the current location will be used at the new location across the street, though at a larger scale. While the current facility has one exhaust hood (containing filters to further mitigate odors), the new facility will have two. It is anticipated that one of the hoods will vent towards Monty’s and the other to the south.

Staff believes that this and other standards are met, given the anticipated limited impacts including the minimal odors and lack of noise from the production process, the limited number of monthly deliveries, and the limited hours of operation which will restrict operations to hours when the majority of nearby residents are not expected to be present.

Additionally, as noted in MGO Section 28.151, the supplemental regulations for *Limited Production and Processing* state: *“All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component.”* Staff also believes this regulation to be met, for the reasons stated above.

Conclusion - The Planning Division believes that if the limited processing operations are well-managed, this proposal should not result in significant impacts to the surrounding properties. Factors such as the limited scale of production; the limited hours of operation; and the anticipated limited odors and noise generated during the production process are anticipated to result in limited impacts to surrounding properties. The Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

At the time of report writing, staff was not aware of any neighborhood concerns related to this request.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to allow limited production and processing for a food and related goods sales business at 2803 Atwood Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. The hours of operation for the production will be 10:00 am to 6:00 pm, Monday through Friday; and 10:00 am to 4:00 pm, Saturday and Sunday. Future modifications to the hours of operation may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.

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

2. The City is proposing a separate billing class for purposes of billing sanitary sewerage generated by food processing entities. This use may fall into this new billing class. Applicant may wish to separately meter water useage for this part of the facility.

Traffic Engineering Division (Contact Eric Halvorson, (608) 266-6527)

3. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
4. 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.
5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4569)

7. A bicycle parking reduction of 5 stalls (3 short-term residential guest stalls and 2 short-term commercial stalls) was previously approved for the mixed-use development. A new bicycle parking reduction will be required based on the revised calculation for limited production and processing use of three (3) bicycle stalls (1 bicycle stall per 5 employees). Submit a request for a bicycle parking reduction with the final plan submittal including information to support the reduction. Note that the bicycle stalls located in the public right of way do not count toward the minimum requirement.
8. 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.