



PREPARED FOR THE PLAN COMMISSION

Project Address: 7402 Mineral Point Road
Application Type: Conditional Use
Legistar File ID # [49917](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: John Flad, Flad Development and Investment Co.; 3330 University Avenue; Madison.
Contact: Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

Requested Action: Approval of a conditional use to construct a coffee shop with vehicle access sales and service window 7402 Mineral Point Road.

Proposal Summary: The applicant proposes to construct a one-story, approximately 440 square-foot “MOKA” coffee shop with a drive-up service window on a mostly vacant parcel addressed as 7402 Mineral Point Road. The subject site is part of the larger “Cambridge Court” commercial development, which includes a one-story multi-tenant retail building at 7406 Mineral Point, and a one-story restaurant at 7440 Mineral Point. Construction of the project will commence as soon as all regulatory approvals have been granted, with completion anticipated in June 2018.

Applicable Regulations & Standards: Table 28D-2 in Section 28.061 of the Zoning Code identifies vehicle access sales and service windows as a conditional accessory use in the CC (Commercial Center) zoning district subject to supplemental regulations in Section 28.151. Section 28.183 of the Zoning Code 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 to construct a coffee shop with vehicle access sales and service window at 7402 Mineral Point Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The project site is a 0.36-acre (15,548 square-foot) parcel located on the north side of Mineral Point Road, approximately 500 feet east of Randolph Drive; Aldermanic District 9 (Skidmore); Madison Metropolitan School District. The larger Cambridge Court complex (including the subject site) is 3.8 acres in area and extends 630 feet in length along the north side of Mineral Point Road from Randolph Drive east.

Existing Conditions and Land Use: The subject parcel is undeveloped with the exception of a drive-up automated teller machine, which will be removed, and seven existing parking spaces for the Cambridge Court commercial development. The site and larger Cambridge Court complex are zoned CC (Commercial Center District).

Surrounding Land Uses and Zoning:

North: Sunset Memory Gardens, zoned CN (Conservancy District);

South: Multi-tenant retail center (Pier 1 Imports, etc.), zoned PD; Shopko, West Towne Mall, zoned CC (Commercial Center District);

West: PDQ/Kwik Trip across Randolph Drive, zoned CC;

East: Sunset Memory Gardens.

Adopted Land Use Plans: The Comprehensive Plan identifies the subject site and commercial properties to the west on both side of Mineral Point Road for General Commercial uses; West Towne Mall to the southeast of the site is recommended for Regional Mixed-Use development with a Transit-Oriented Development node; Sunset Memory Gardens is recommended for Park and Open Space uses.

Zoning Summary: The property is zoned CC (Commercial Center District).

Requirements	Required	Proposed
Front Yard	85' maximum	42.9'
Side Yards	One-story: 5'	Adequate
Rear Yard	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories / 68'	1 story
Auto Parking	No minimum	7 proposed stalls + 7 existing stalls = 14 total stalls
Accessible Stalls	Yes	1
Bike Parking	Coffee shop: 5% of capacity of persons (2 minimum)	None (See conditions)
Loading	Not Required	0
Building Forms	Free-standing Commercial Building	(See conditions)
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The subject site is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including daily Metro Transit service along westbound Mineral Point Road.

Project Description

The applicant and property owner is requesting approval of a conditional use to construct a vehicle access sales and service window as part of the construction of a one-story, approximately 440 square-foot coffee shop on an approximately third-acre parcel located at the southeastern corner of the 3.8-acre Cambridge Court commercial center located at the northeastern corner of Mineral Point Road and Randolph Drive. The overall Cambridge Court complex consists of two existing one-story multi-tenant commercial buildings containing approximately 24,000 square feet of floor area (O’Grady’s, La Baguette, Rejuvenation, etc.) and a standalone 5,400 square foot Pizza Hut

restaurant. Currently, the site of the proposed coffee shop is mostly undeveloped with the exception of a drive-up ATM and seven surface parking stalls that serve the overall complex. The ATM will be removed to accommodate the new building and drive-thru proposed.

The proposed coffee shop is designed to serve customers located entirely outside of the building, from either the drive-up service window proposed along the southern wall, or through a walk-up service window proposed along the eastern wall, which will face a small patio. No interior customer space is proposed, as shown on Sheet A-1.1. The building will stand 14.5 feet in height and be clad in stone veneer and dark gray metal panels intended to match the existing buildings in the Cambridge Court complex. Access to the vehicle access sales and service window will be provided by a one-way drive entering the site from the west, which will exit onto a shared driveway from Mineral Point Road that serves both Cambridge Court and the adjacent Sunset Memory Gardens cemetery. Parking for the coffee shop will be added along the south side of the existing main east-west drive aisle that serves the commercial complex and along the south side of the one-way drive-thru lane.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Vehicle Access Sales and Service Windows as they apply in the CC (Commercial Center) district (excerpt):

- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (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.

Analysis & Conclusion

Vehicle access sales and service windows are identified as a conditional accessory use in the CC zoning district subject to supplemental regulations in Section 28.151, as noted in the preceding section. The Planning Division believes that the Plan Commission may find the standards for approval met to allow the proposed vehicle access sales and service window. The Traffic Engineering Division has reviewed the layout of the proposed facility and has offered no major or non-standard comments, and staff does not feel that the proposed conditional use will have an adverse impact on the uses, values and enjoyment or normal and orderly development of the site or surrounding properties, many of which are similarly auto-oriented commercial developments like the subject site. The use should also have no tangible impacts on the adjacent cemetery. Staff is aware of no public comments for or against the request as of the writing of this report.

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 to construct a coffee shop with vehicle access sales and service window at 7402 Mineral Point Road subject to input at the public hearing and the following conditions:

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

Planning Division

1. Revise the plan sets prior to final sign-off and issuance of permits as follows:
 - a.) correct the zoning on Sheet L-2.1 to say "CC;"
 - b.) provide a lot coverage calculation for 7402 Mineral Point Road and an estimate of lot coverage for the planned multi-use site on Sheet C-1.0;
 - c.) provide an overall auto and bike parking count for the overall Cambridge Court complex.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Tim Troester, 267-1995)

2. The applicant shall obtain a recorded private sanitary sewer easement for the proposed sanitary sewer lateral extending thru the neighboring lot to the west.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
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.
5. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR) in order to comply with TMDL limits.
6. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all

connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com or ttroester@cityofmadison.com. The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

7. The applicant shall 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 (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
8. 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.
9. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5 x 14" size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff has reviewed the draft document and approved it with any required revisions, submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. The draft SWMA document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Jeff Benedict (east) at jbenedict@cityofmadison.com. The final document and fee should be submitted to City Engineering.
10. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0-tons per acre per year.
11. For commercial sites less than one (1) acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, 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.
12. The lots within this site plan are interdependent 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 County Register of Deeds.

13. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off of the proposed development when compared with the existing site.
14. 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 Madison General Ordinances.
15. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
16. All work in the public right of way shall be performed by a City-licensed contractor.
17. All damage to the pavement on the Mineral Point Road adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

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

18. Show and label the Cross Easement for Ingress-Egress per the plat of Mineral Point Road Commercial Plat (Document No. 1792278), as amended by Document No. 1856003.
19. The lot for this new construction requires access from the west over the adjacent lot for the main drive-thru. Provide a recorded copy of the access easement agreement between Lots 1 and 3 of CSM 4463 providing the necessary vehicular access.

20. The site plan shall show and label the 12' wide Utility Easement and the 10' Wide Limited Highway Easement along the south side of the site.

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

21. The applicant shall submit one contiguous plan for approval showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
22. 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.
23. All parking facility design shall conform to the standards in MGO Section 10.08(6).

24. One-way operation of the site shall be secured by placing "Do Not Enter" sign(s) at the exit.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

25. This project is designed as part of a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
26. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
27. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Show the existing landscaping at Cambridge Court Shopping Center (7404-7436 Mineral Point Road) as well as the proposed landscaping for the project area at 7402 Mineral Point Road.
28. Show the refuse disposal area on the site plan or provide details how the coffee shop will be disposing of its refuse. All developments, except single family and two family developments, shall provide a refuse disposal area.
29. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
30. Provide details showing that the primary street façade meets the door and window opening requirements of 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 (3) feet of grade.
31. 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.
32. 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 Bill Sullivan, 261-9658)

The agency reviewed this request and has recommended no conditions or approval.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

This agency did not submit a response for this request.

Parks Division (Contact Kathleen Kane, 261-9671)

The agency reviewed this request and has recommended no conditions or approval.

Metro Transit (Contact Tim Sobota, 261-4289)

The agency reviewed this request and has recommended no conditions or approval.