

To: Urban Design Commission

From: Carrie Rothburd, 830 W Lakeside St, District 13 resident; Jeffrey Richter, 2239 Cliff Court, District 14

Re: #2, 1609 S. Park Street

Date: July 26, 2023

This proposal is for a drive-through-only establishment (with walk-up window or counter) in a Transit-Oriented Development (TOD) Overlay District (OD). The purpose of recent TOD OD rezoning is to “promote transit over automobile use.” To do so, it, among other things, “implements more stringent building form and site layout regulations for auto-oriented uses...

<https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/50000/1196099/pdf>

To this end, Subchapter 28.101 of the Zoning Code, which deals with OD, states that the “requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the base zoning district classification of those zoning lots.” The OD thus modifies the underlying zoning regulations of the base district, and “in the event of a conflict between the provisions of any overlay district and the underlying base zoning district, the provisions of the overlay district shall apply, except where otherwise specified.”

This particular OD along South Park Street also adheres to UDD7 guidelines and requirements, which focus on aspects of walkability and activation of the streetscape at street level, as does the TOD OD. According to UDD7 requirements and guidelines, South Park Street is ...“a critical street for the vitality of adjoining neighborhoods.” The purpose of these design guidelines “is to provide clear direction for how property owners can make improvements to their properties to collectively improve the visual character and safety of Park Street.” When applied, they will ensure against fragmented or incompatible development and will help prevent the negative visual and functional impacts of uncoordinated design decisions.” All development in UDD7 must also comply with the Zoning code.

**The OD zoning in many ways reinforces the UDD. Both share the same intent, an activated streetscape that is not auto-centric. Of particular importance here are the ways in which the OD prohibition against placing drive aisles between the building and its primary street coincides with UDD7 admonitions to activate the streetscape and ensure walkability and safety.**

TOD OD	UDD7
Automobile parking, loading, drives, drive aisles, driveways, vehicle access sales and service windows and drives...” shall not be allowed between the primary street-facing façades and the primary public or private street.” [Subchapter 28.104 (8) (b) 1] <i>Site Standards for Automobile Infrastructure</i> ]	<ul style="list-style-type: none"><li>• The front facade of the building and the primary entrance should face the primary street. If the public entrance is allowed on the side of the building, it should be positioned close to the primary street and preferably as a corner feature of the building.</li><li>• Additions to existing buildings should help bring the building closer to the street and minimize any "gap" in the street wall.</li><li>• The front yard setback should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.</li></ul>
All non-residential use buildings must have a principal building entrance...that remains “open to the public” and must “be oriented to their primary abutting street and be located within the maximum setback. “Entrances shall be barrier-free, clearly visible and identifiable from the street, and delineated with elements such as roof overhangs,	<ul style="list-style-type: none"><li>• Pedestrian areas ... should be separated from ... drive through areas, <i>and</i></li><li>• Walkways should be provided to connect the building entrance to the public sidewalk.</li><li>• Entrances to new buildings or additions located close to the sidewalk should include recessed entries to allow for pedestrian movement.</li></ul>

<p>recessed entries, landscaping or similar design features.”  <i>[Subchapter 28.104 (7), Site Standards for Buildings in ODs]</i></p>	<ul style="list-style-type: none"> <li>• The ground floors of commercial retail buildings shall have at least sixty (60) percent of the street wall area devoted to windows to enhance the pedestrian character of the primary street.</li> </ul>
<p>Vehicle access sales and service windows shall be located under the building in which they are located, and the building shall have commercial or residential uses as allowed in the base district along the primary street frontage.</p>	<ul style="list-style-type: none"> <li>• Blank building walls with little detail or variety along primary facades shall be avoided. Improvements to [renovated] buildings shall include details at the street level to create a more comfortable pedestrian scale and character.</li> </ul>
<p>Emphasis on density; minimum of two stories for new buildings.</p>	<p>Buildings shall be at least two stories in height or appear to be two stories.</p>

The Planning staff report appears to be inconsistent in the application of TOD OD requirements and UDD7 guidelines and requirements for 1609 South Park. The report takes for granted the necessary two-story nature of the building, while ignoring the requirement that the drive aisle not be located between the primary façade and the primary street. It also ignores the Supplemental Zoning requirement that the drive-through window be under the building—as it is elsewhere in other buildings in Madison. The Heartland Credit Union building, for example, at 944 Williamson Street, was fully extended to include the drive-through aisle and window; and at 1603 Monroe Street drive-through service is located in the basement of the Associated Bank. We should expect full compliance with rules of Section 28.104 throughout Madison as well as with base zoning requirements and UDD guidelines that are not in conflict with TOD OD zoning.

Although many South Side residents, as well as the South Madison Plan, would argue that a more appropriate type of development along South Park Street would have sit-down options and contribute to community wealth building, there is nothing inherent to OD zoning that would prevent Starbucks from occupying this site. However the thrust of both the OD zoning and the UDD7 criteria are clear and this proposal should be redesigned to move its line of waiting cars off the street.

Furthermore, many residents oppose the use of residential Beld Street as the entrance and egress route for what is likely to become a highly trafficked drive-through. Beld is already a busy street that provides primary access to South Park Street for parts of Bay Creek, Bram’s Addition, and Capitol View.

**We sincerely hope that the UDC will oppose both the proposed vehicle queue between the building and South Park Street and the access route via Beld** on the grounds that it will detract from the street-level experience of the segment of South Park Street in question, compromise the safety of pedestrians on both South Park and Beld, and contribute to unsafe traffic volume and congestion conditions on residential Beld Street.

**We ask that you require the current proposal to do the extra work of ensuring that the proposed drive-through establishment fits the criteria established by a TOD OD and UDD7.**

**We endorse the other public comments written by South Madison resident Dave Davis and South Madison business owner Lindsay Lee.**

**From:** [Lindsey Lee](#)  
**To:** [Urban Design Comments](#)  
**Subject:** 1609 S. Park Street (Agenda item #2)  
**Date:** Tuesday, July 25, 2023 12:57:52 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Plan Commission,

I am writing you to state my opposition to a drive-thru-only restaurant on South Park Street.

First, let me acknowledge that I am wearing multiple hats in commenting on this proposal.

On April 28, writing as the owner of Cargo Coffee, located at 1309 S. Park Street, I did respond to concerns raised on the Bay Creek Neighborhood listserv that a Starbucks opening down from us would potentially hurt our business. I responded that while I appreciated the concern and support, I am quite positive that Cargo will be just fine. My main reason for believing this is that Park Street is becoming a much more prosperous place with many more people living and visiting our corridor. The proverbial pie is getting larger.

The developer of the property at 1609 South Park Street, where the proposed Starbucks would be located, noted my comments in their application. (And, as you know, the members of the Urban Design Commission and other land use decision makers for the City of Madison can not factor in how existing businesses might be affected by new competition when considering their applications.)

But, over the past twenty-two years, I have also worn other hats beyond just being a retail business owner on Madison's south side. These include: I served on the Urban Design Guidelines advisory group; I was a member of Park Street Partners, including serving as president; and I was a member and chaired the meetings of the Wingra BUILD Study Group.

There have been many other ways in which I have been active in helping to plan and encourage the development of a great new Park Street. I am proud that we are now well on our way and that this planning work is paying off.

A common theme of this work over the past quarter of a century is that Park Street should not be just an auto thoroughfare that turns its back on the neighborhoods that are connected by it. Instead, new development should be more dense, less exclusively auto-focused, and contribute to Park Street becoming a more dynamic, walkable urban center.

Obviously, this proposal does not help with achieving those goals. Instead, it would create a precedent for drive-thru-only restaurants on Park Street. (And, other similar streets in Madison.) This precedent would allow other existing fast-food restaurants on Park Street to transition to this car-centric business model, and for new drive-thru-only ones to be built.

Over multiple years, Park Street Partners, the Urban Design Guidelines advisory group, the Wingra BUILD study group, etc. did work to discourage such outcomes for Park Street. By allowing this drive-thru-only concept to take root you would be negating the work of many individuals who came together to envision a better Park Street.

Thank you for your service,

Lindsey Lee

Sent from my mobile phone

July 21, 2023

To: City of Madison Urban Design Commission

RE: **Legistar # 78428**, 1609 S. Park Street, Application for Conditional Use

I am writing to request that the Urban Design Commission withhold approval of this project as currently designed.

The plans for this project include a section of pavement which would serve as the drive aisle leading to a new drive through service window. The proposed drive aisle would run between the front of the building and South Park Street, the primary street for this project. The new service window would be located on the south side of the building. The recently adopted revisions to the city's Transit Oriented Development Overlay District, 28.104, prohibit a drive aisle in the proposed location.

28.104 - TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.

(8) Site Standards for Automobile Infrastructure .

a) Applicability . The following standards are applicable to non-residential uses and buildings with over three residential units.

(b) **Automobile** parking, loading, drives, **drive aisles, driveways, vehicle access sales and service windows and drives**, gas pumps, gas station canopies, car wash vacuum stalls and electric vehicle charging facilities:

1. **Shall not be allowed between the primary street-facing façades and the primary public or private street.**

In an e-mail response to me, dated July 20, 2023, city zoning staff wrote, in part, *"To be clear, the auto infrastructure section does apply to the relocated drive thru window, but the drive aisle accessing it is existing and so it can remain."* It is true that the pavement in question has long existed and previously served as one or two routes for vehicles to exit after leaving Arby's drive through service window, which was located on the north side of the building. However, Arby's ceased operation at this location over one and a half years ago. At the time the Transit Oriented Development Overlay District revisions were adopted, Arby's had been out of operation for over a year.

How long should this long unused section of pavement retain its right to be used as a now prohibited drive aisle located between the building and the primary street? The twelve-month standard for discontinuation of a nonconforming use, defined in 28.191, would seem to establish a reasonable period of time.

28.191 - NONCONFORMING USES.

(1) **The lawful nonconforming use of** a building, structure, or **land** existing on the effective date of this ordinance **may be continued although it does not conform to the provisions of this ordinance, provided that:**

(c) **The building or structure does not become and remain vacant for a continuous period of twelve (12) months.**

(d) **The nonconforming use of the land does not cease for a continuous period of twelve (12) months.**

Additionally, Urban Design District No. 7 criteria include the following:

(a) Statement of Purpose:

... The purpose of these design requirements ... **improve the visual character and safety of Park Street.**

(d) Basis for Design Review

(1) Building Setbacks and Orientation

b. Guidelines

i. **The front yard setback should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.**

iii. **Walkways should be provided to connect the building entrance to the public sidewalk.**

(7) Parking and Service Areas

(c) **Pedestrian areas ... should be separated from ... drive through areas.**

Allowing the currently unused section of pavement in question to be used as a drive aisle for the new drive through service window would require pedestrians entering and exiting the building to pass through the proposed new drive aisle.

Allowing a line of vehicles to be queued up between the front of the building and S. Park Street, while waiting to reach the drive through window, will not enhance the streetscape and will, in fact, interrupt the rhythm of the street. It would detract from the street-level experience of that segment of S. Park Street and would also compromise the safety of pedestrians entering and exiting the building.

AN ALTERNATE SOLUTION IN KEEPING WITH UDD 7 GUIDELINES:

It appears to be entirely possible to redesign this proposed project in a way that would not require a drive aisle between the front of the building and S. Park Street. The use of a driveway shared with the business to the north of this location would provide one option for accomplishing that. The subject land and the land to the north are part of a single parcel with a single owner. That owner has historically allowed the shared use of all drive aisles and driveways (see the aerial view shown below). There are undoubtedly other options available to the applicant.

UDC has the power to withhold its approval by virtue of:

**33.24 - URBAN DESIGN COMMISSION:**

**(4) Powers And Duties .**

(a) General Powers and Duties . In addition to other duties specifically enumerated herein, in Chapter 31 (Sign Control Ordinance), and elsewhere in these ordinances, **the Urban Design Commission (UDC) shall make recommendations to the City Plan Commission, Common Council and any other concerned commission on all matters referred or assigned to it under the provisions of this ordinance and other City ordinances.**

And,

**(14) Urban Design District No. 7 .**

(c) **Design Review Required** . All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, signs, and new parking facilities or alterations to existing parking facilities), except residential buildings containing two (2) or fewer dwelling units and development/redevelopment on properties within the Meriter and St. Mary's Hospital campuses that are part of adopted master plans for the campuses shall require approval of the Urban Design Commission or the Secretary if authorized under [Sec. 33.24\(4\)\(g\)](#), and **shall be designed, erected, and maintained in compliance with this ordinance**, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance.

For reference, an aerial view of the site is shown below. Note the existing shared use of the parking lots and driveways belonging to the building to the north of this site.



Respectfully submitted,

Dave Davis

**From:** [Carrie Rothburd](#)  
**To:** [Cleveland, Julie](#); [Jeffrey Richter](#)  
**Subject:** For UDC packet re 1609 S Park  
**Date:** Friday, July 21, 2023 10:54:09 AM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello, Julie,

Please include this email in the Urban Design commissioner's packets for 1608 S Park along with the attachment in either Word or as a PDF.

The attachment is a City of Madison publication entitled, "PARK STREET CORRIDOR: MAIN STREET FOR THE SOUTHSIDE, URBAN DESIGN GUIDELINES For Private Property Improvements and Public Streetscape Design."

Here's the link to it online:

[https://www.cityofmadison.com/dpced/planning/documents/ParkStDesignGuidelines\\_2004.pdf](https://www.cityofmadison.com/dpced/planning/documents/ParkStDesignGuidelines_2004.pdf)

This publication is the basis or rationale for the UDD # 7 guidelines and requirements. Much of the exact language included in Municode 33.24 with respect to UDD #7 comes directly from this booklet. In fact, the portion of 33.24 that lays out UDD #7 cites this publication for further explanation of its intent.

As such, this publication grounds and augments Section 33.24 of the Municode and serves as a companion document to interpreting the specific aspects of UDD #7 guidelines/requirements that come to bear in the UDC's evaluation of the plan submitted for 1609 S. Park, among them site access by cars and by pedestrians.

Thanks,  
Carrie Rothburd

