

**PLANNING UNIT REPORT**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**April 4, 2005**

**RE: I.D. #00781, Zoning Map Amendment LD. 3082, to rezone 3826 Atwood Avenue from C1 to C2 and I.D. #00906, Conditional Use Application for a drive-up window**

1. Requested Action: Approval of a request to rezone a 9,900 square-foot parcel located at 3826 Atwood Avenue from C1 (Limited Commercial District) to C2 (General Commercial District) and approval of a conditional use at to allow the addition of a drive-up window to an existing restaurant on this parcel and the parcel to the south.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments. Section 28.09 (3) (d) identifies drive-in establishments as conditional uses in C2 zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Drafted By: Timothy M. Parks, Planner

**GENERAL INFORMATION**

1. Applicant & Owners: Michael's Frozen Custard; 407 W. Verona Avenue; Verona, Wisconsin 53593.  
  
Agent: Paul Fisher, Glueck Architects; 116 N. Few Street; Madison, Wisconsin 53703
2. Development Schedule: The applicant wishes to commence development as soon as all necessary approvals have been granted.
3. Location: Approximately 0.52 acres located 3826 Atwood Avenue, between Olbrich Avenue and Cottage Grove Road; Aldermanic District 15; Madison Metropolitan School District.
4. Existing Conditions: Existing 2,700 square foot restaurant, zoned C1 (Limited Commercial District) and C2 (General Commercial District).
5. Proposed Land Use: A 120 square-foot addition with drive-thru window, for a total of 2,820 square feet.
6. Surrounding Land Use and Zoning:  
North: Single-family residences, zoned R2 (Single-Family Residence District);  
  
South: Numerous low-rise retail and office buildings centered on the Atwood-Cottage Grove intersection, zoned C2 (General Commercial District);

East: Single-family residences, zoned R2;

West: Multi-family buildings along the Lake Monona waterfront in the City of Monona.

7. Adopted Land Use Plan: This area is identified as "Residential, Low Density – Single Unit District" according to the 1988 Land Use Plan. Land south of this site is recommended for "Community Commercial" uses reflecting the commercial nature of the Atwood-Cottage Grove intersection
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities And Services: The property is served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the standards for zoning map amendments and the standards for conditional use standards.

### **ANALYSIS AND EVALUATION**

The applicant is requesting approval of a request to rezone a 9,900 square foot platted lot that represents approximately the northern half of the 22,500 square-foot zoning lot addressed 3826 Atwood Avenue from C1 (Limited Commercial District) to C2 (General Commercial District). The applicant is also requesting approval of a conditional use permit to allow construction of a 120 square foot building expansion that will include a drive-thru service window to serve the existing 2,700 square-foot Michael Frozen Custard restaurant located on the southern half of the property.

#### ***Background***

The existing 2,700 square-foot restaurant was first approved by the Plan Commission on August 15, 1989 as a conditional use for an outdoor eating area. The restaurant and outdoor eating area were located on an approximately 12,600 square-foot parcel located at 3826 Atwood Avenue. The original restaurant site included the minimum number of parking spaces required by the Zoning Ordinance accessed by a single driveway from Atwood Avenue.

Shortly after the restaurant opened, the owners of the restaurant appeared before the Plan Commission on July 10, 1989 seeking approval of a demolition permit to raze a single-family

home at 3822 Atwood Avenue and a conditional use permit to accommodate an accessory parking facility on the R2 zoned property to relieve the parking and access issues the new restaurant was experiencing. The Commission rejected the applications, noting concerns expressed by the Planning Unit about expansion of this commercial district and potential impacts to the adjacent single-family properties caused by the proposed demolition and accessory parking lot.

The restaurant owners returned to the Plan Commission on September 26, 1989 requesting approval of a request to rezone the same R2 single-family house parcel to C1 in addition to a second demolition permit request to allow additional parking to be provide on the north side of the restaurant as well as a second driveway to Atwood Avenue. The Planning Unit expressed similar concerns with the modified request about the impact on adjacent residential properties. The Commission, however, recommended approval of these requests to the Common Council, who on October 17, 1989, approved the zoning map amendment subject to a deed restriction that use of the C1 zoned parcel be relegated to accessory parking for the restaurant at 3826 Atwood Avenue. Other conditions were included related to the landscaping and screening of the parking lot in an effort to minimize the impacts of the lot on the remaining single-family parcels to the north and east. The deed restriction was approved by the City and executed on October 30, 1989 by the owners restricting the C1 zoned parcel to an accessory parking lot and stating that no buildings will be "*construed thereon.*" [Emphasis added.]

Since the rezoning was approved in 1989, the two parcels have been combined into one with the address of 3826 Atwood Avenue. The zoning line shown on the docket maps is located along the platted line between the two original parcels.

### ***Rezoning and Conditional Use Plan Review***

In late 2004, the applicants applied for conditional use approval to add a drive-thru service window as part of a 120 square-foot building addition off the existing north wall of the building. The application was scheduled for Plan Commission review on February 7, 2005. In preparation of the hearing materials, it was discovered that approximately four feet of the addition as well as the drive-thru ordering kiosk and most of the queue for the window were located on the C1 zoned parcel. Drive-thru windows for commercial uses other than banks are not permitted in C1 zoning, hence the request to rezone that portion of the property to C2, where such uses are identified as conditional uses.

Presently, the 2,700 square foot restaurant is located near the center of the site, with the outdoor eating area located between the building and Atwood Avenue. Driveways are located on both the north and south sides of the buildings, with approximately 34 parking spaces located around the

building. Seventeen of the spaces are located adjacent to the southern and eastern walls of the restaurant, with the remaining seventeen spaces located between the north wall and the northern and northeastern property lines. The applicant is not requesting any modification to the southernmost seventeen spaces or either driveway location.

The proposed drive-thru window will eliminate approximately five spaces located adjacent to the north wall of the restaurant to accommodate the queue for the drive-up and the eight-foot wide and approximately 15-foot deep angular addition. Patrons using the drive-thru will enter from the southern driveway and circle the eastern wall of the building. The ordering kiosk will be located at the northeastern of the building. A painted line will demark the drive-thru queue lane from the through-traffic lane for vehicles headed to the northern driveway and Atwood Avenue, with only outbound one-way traffic permitted from the northeastern corner of the building around to the northwestern corner of the property. The southern driveway and parking aisle will remain in two-way operation. Eight new diagonal parking spaces will be striped along the northern property line, reducing the number of parking spaces for the restaurant to 25 from 34. The dumpster that is currently located along the eastern wall of the restaurant will be moved across the drive aisle from the same wall and will be placed in a six-foot tall wood enclosure to match the wood fencing that surround the site on three sides.

The proposed addition will be faced with corrugated metal siding similar in nature to the siding located along most of the Atwood Avenue elevation and portions of the eastern and southern walls of the restaurant. The remainder of the building, including most of the northern wall, is constructed of concrete block painted white. No modifications to the six-foot tall wood fencing that encloses the north and eastern edges of the property or existing landscaping are proposed. Staff believes the existing fencing and landscaping of the site to be adequate and in reasonable repair.

### CONCLUSION

This application represents an additional accommodation for Michael's Frozen Custard and will increase the automobile orientation of the commercial use on a site that was zoned C1 primarily to address parking and circulation deficiencies on the smaller original site. While adding drive-thru service may benefit the existing business, the Planning Unit remains concerned about potential impacts from the proposed expansion.

The introduction of the drive-thru window at the site may have some additional impact on the adjacent residential properties beyond existing conditions. There is increased potential for noise due to vehicles idling in the queue and customer-employee exchanges at the ordering kiosk and pick-up window, which could negatively impact the adjacent residences. City ordinances limit

the sound level of commercial enterprises— such as a restaurant drive-thru window— next to residentially zoned lots, but these regulations allow sound levels that nearby residents may still consider annoying. Arguably, however, additional noise or emissions from idling autos may not be significantly different from existing conditions, as customers may currently leave their auto running while purchasing and/ or consuming goods at the restaurant, and a certain amount of customer noise is generated in the outdoor seating area.

To some extent, the proposed building addition and drive-thru will improve the appearance of the existing building. Presently, the northern wall of the of the restaurant includes a number of mechanical pedestals and storage areas adjacent to the building, while the eastern wall is unsightly given the location of a kitchen service door and dumpster. The appearance of both walls should be improved with the conversion of the north wall from storage and parking to window service and queuing, and the removal of the open dumpster pad from the eastern wall into an enclosure located opposite the building.

The potential long-term impact of expanding C2 zoning onto the portion of the site adjoining the R2 zoned single-family residences could become a concern if the current business should vacate the site at some future time. While many allowed C2 uses would generate less negative impact on surrounding properties than the current automobile-oriented restaurant, which generates a significant amount of vehicle noise and traffic during peak periods, and the potential for the introduction of a large C2 use on the property is somewhat limited by the size of the parcel, staff does not support general expansion of this commercial district to the north, or more intensive commercial development immediately adjacent to the single-family residences to the north. Staff believes that the low-density residential land use recommended for the east side of Atwood Avenue from this site north to Dennett Avenue remains valid and that the housing stock in this area should be preserved.

If after reviewing agency reports and any testimony given during the public hearing, the Plan Commission concludes that no additional negative impacts on the adjacent properties are likely, the Planning Unit could support a finding that the conditional use standards can be met for the proposed addition of a drive-thru window. The Planning Unit would qualify that support of the rezoning of the entire parcel at 3826 Atwood Avenue to C2 does not represent support for any further encroachment of commercial zoning north along Atwood Avenue.

To reinforce the limited purpose of this rezoning, staff recommends that the existing deed restriction be maintained and revised to limit use of the portion of the property described thereon for accessory parking for the restaurant and the proposed drive-up window. The language should also be amended to clarify that no buildings shall be *constructed* on that portion of the site aside from the drive-up window proposed.

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**RECOMMENDATION**

The Planning Unit recommends that the Plan Commission forward Zoning Map Amendment I.D. 3082, rezoning the northern 9,900 square feet of the parcel located at 3826 Atwood Avenue from C1 to C2, to the Common Council with a recommendation of **approval**, and that the Commission find the conditional use standards met and **approve** the addition of a drive-thru window to the existing restaurant at the same address, subject to input at the public hearing and the following condition(s):

1. Comments from reviewing agencies.
2. That the existing deed restriction for Lot 6, Block 4, Olbrich Park Addition be amended prior to final approval of the conditional use to reflect the addition of the proposed drive-thru window serving the restaurant at 3826 Atwood Avenue, and that the language of the restriction be clarified to state that no additional buildings will be **constructed** on that lot. The City Attorney shall approve the deed restriction.



## Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH. 608/266-4761  
TTY 608/267-9623  
FAX 608/267-1158

March 25, 2005

TO: Plan Commission

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

SUBJECT: **3826 Atwood Ave. – Rezoning – C1 to C2 – Drive-up Window Restaurant**

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

### GENERAL OR STANDARD REVIEW COMMENTS

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

2. None

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Paul Fisher  
Fax: 608-251-2550  
Email: glueckarch@sbcglobal.net

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DECLARATION OF RESTRICTIONS

Re: Lot Six (6), Block Four (4), Olbrich Park Addition, in the City of Madison, Dane County, Wisconsin.

The undersigned, John Kuehl and Michael Dix, the owners of the above-described real property, hereby restrict the use of the said property to an accessory parking lot for the adjacent commercial lot (located at 3822 Atwood Avenue) only, and agree that no building will be construed thereon.

As a condition to a rezoning of the said property from R2 Residential to C1 Limited Commercial District, the undersigned agree that they will neither terminate nor amend this Declaration, so long as the zoning for the property is C-1 or a corporate commercial designation, unless such termination or amendment is approved by the Common Council of the City of Madison. The undersigned agree that these restrictions shall run with the land for the benefit of the City of Madison and property owners within two hundred feet of the said property.

IN WITNESS WHEREOF, the undersigned have executed this Declaration this 30<sup>th</sup> day of October, 1989.

John H. Kuehl  
John Kuehl  
Michael Dix  
Michael Dix

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF DANE        )

Came before me this 30<sup>th</sup> day of October, 1989 the above-named John Kuehl and Michael Dix, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Robert R. Stroud  
Notary Public, Dane County, WI  
My Commission: is permanent

Drafted By: Return to:  
Attorney Robert R. Stroud  
Madison, Wisconsin



**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** January 24, 2005

**To:** Bill Roberts, Planner III  
**From:** Kathy Voeck, Assistant Zoning Administrator  
**Subject:** 3826 Atwood Ave.

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**Present Zoning District:** C-2

**Proposed Use:** An addition for a drive-up window for Michael's Frozen Custard Rest.

**Conditional Use:** 28.09(3)(d)9 A drive-up facility is a conditional use.

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). **NONE**

**GENERAL OR STANDARD REVIEW COMMENTS**

1. Meet all applicable State accessible requirements, including but not limited to:
  - a. Provide a minimum of two accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stalls.
  - b. Show the accessible path from the stalls to the building.
  
2. Screen or landscape the parking lot. Continue to maintain the required 6' to 8' high screening fence along the northerly and easterly property district boundary lines between the residential and commercial districts.

If you chose to landscape in lieu of screening, parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

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3826 Atwood Ave.

January 24, 2005

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**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	22,565 sq. ft.
Lot width	50'	151'
Usable open space	n/a	n/a
Front yard	0'	adequate
Side yards	6'	62'
Rear yard	10'	61' to addition
Floor area ratio	3.0	less than 1.0
Building height	--	1 story

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	27	27
Accessible stalls	1	(1)
Loading	n/a	n/a
Number bike parking stalls	2 stalls minimum	provided
Landscaping	Yes	(2)
Lighting	no	existing

<b>Other Critical Zoning Items</b>	
Urban Design	No
Historic District	No
Landmark building	No
Flood plain	No
Utility easements	No
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.



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  
608 267 8677 TDD

**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.  
David L. Benzschawel, P.E.  
Gregory T. Fries, P.E.

**Operations Supervisor**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

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

DATE: March 21, 2005  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 3826 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.)

- |   |
|---|
| <p>1. There is an existing problem with the sanitary sewer service to this facility. Prior to approval, the owner shall meet with the City Engineer (contact Mike Dailey at 266-4058) to determine a plan to correct the problem. Said plan shall be incorporated into this conditional use approval and implementation by the owner.</p> |
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**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: 3826 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 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 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

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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.

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.
- 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.
- 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.
- 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

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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.

**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.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 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.
- 4.7 This site is greater than one (1) acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement.
- 4.8 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.
- 4.9 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.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Please contact Greg Fries at 267-1199 to discuss this requirement.
- 4.11 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.
- 4.12 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.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg), MicroStation (dgn) or Universal (dxf) formats and contain 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.)

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in this transmittal.

- 4.14 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.

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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 dedicate 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.

#### 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.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 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.
- 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 be 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.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 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 and alignment of the proposed service.

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## Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608/266-4761  
TTY 608/267-9623  
FAX 608/267-1158

January 28, 2005

TO: Plan Commission

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

SUBJECT: 3826 Atwood Ave. -Conditional Use- Addition for Drive-Up Window

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

### GENERAL OR STANDARD REVIEW COMMENTS

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

2. 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), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
3. The Applicant shall provide to Traffic Engineering for approval at time of sign off, a Queuing Model showing provision for adequate queue storage that prevents queue interference with pedestrian or other vehicular movements, based on the approved land use and number of windows.
4. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan as approved by the City Traffic Engineer.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items.

Contact Person: Paul Fisher  
Fax: 251-2550  
Email:  
DCD:DJM:dm

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Department of Planning & Development  
 Planning/Inspection/Real Estate/Community & Economic Development  
 Mark A. Olinger, Director

Bradley J. Murphy  
 Planning Unit  
 215 Martin Luther King, Jr. Boulevard  
 P.O. Box 2985  
 Madison, WI 53701-2985  
 (608) 266-4635

**REVIEW REQUEST FOR:**

- PRELIMINARY
- FINAL PLAT
- LOT DIVISION
- CONDITIONAL USE
- REZONING
- INCLUSIONARY ZONING
- OTHER: \_\_\_\_\_

3826 ATWOOD AVENUE.  
 120 SQUARE FOOT BUILDING ADDITION FOR DRIVE-UP WINDOW  
 MICHAELS FROZEN CUSTARD/ PAUL FISHER - GLUCK ARCHITECTS

PLANNING UNIT CONTACT: TIM DAVKS

RETURN COMMENTS BY: 28 JANUARY 2005

PLEASE ALSO EMAIL OR FAX ANY COMMENTS TO THE APPLICANT:

Applicant E-mail: \_\_\_\_\_ Fax: 251-2550

Date Submitted: 15 DECEMBER 2004 Plan Commission: 07 FEBRUARY 2005

Date Circulated: 04 JANUARY 2005 Common Council: \_\_\_\_\_

**CIRCULATED TO:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> ZONING                  | <input type="checkbox"/> DISABILITY RIGHTS - SCHAEFER | <input checked="" type="checkbox"/> ALD. <u>Markle</u> DIST. <u>15</u> |
| <input type="checkbox"/> FIRE DEPARTMENT         | <input type="checkbox"/> POLICE DEPT. - THURBER       | <input type="checkbox"/> MADISON GAS & ELECTRIC                        |
| <input type="checkbox"/> PARKS DIVISION          | <input type="checkbox"/> CITY ASSESSOR - SEIFERT      | <input type="checkbox"/> ALLIANT ENERGY                                |
| <input type="checkbox"/> TRAFFIC ENGINEERING     | <input type="checkbox"/> MADISON METRO - SOBOTA       | <input type="checkbox"/> SBC   |
| <input type="checkbox"/> CITY ENGINEERING        | <input type="checkbox"/> BOARD OF EDUCATION C/O SUPT. | <input type="checkbox"/> MID PLAINS TELE                               |
| <input type="checkbox"/> WATER UTILITY           | <input type="checkbox"/> PUBLIC HEALTH - K. VEDDER    | <input type="checkbox"/> MT. VERNON TELE                               |
| <input type="checkbox"/> CDBG - HURIE            | <input type="checkbox"/> NEIGHBORHOOD ORGANIZATION    | _____  |
| <input type="checkbox"/> REAL ESTATE - D. WARREN |   | _____  |

- Review the above as per time schedule set in Chapter 16.23(5)(b)2; 16.23(5)(3)3; or Chapter 28, City of Madison Ordinance; OR your agency's comments cannot be considered prior to action.
- One copy for your files; one copy for file of appropriate telephone company; PLEASE RETURN one copy with joint comments.
- The above is located in your district. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- The above is located within or near the limits of your neighborhood organization. A copy is on file in the Planning & Development Office for review. If you have any questions or comments, contact our office at 266-4635.
- A resolution will be before the Common Council within a few weeks regarding this matter.

**RETURN COMMENTS TO: PLANNING UNIT, DEPARTMENT OF PLANNING & DEVELOPMENT**

NO COMMENTS / YOUR COMMENTS:

I HAVE NO OBJECTION TO THIS PROJECT BUT WOULD LIKE TO SEE BUTTER PECAN AS THE FLAVOR OF THE DAY MORE OFTEN. (SELECTIONS OF THE FLAVOR OF THE DAY HAS NOT AND WILL NOT CHANGE MY SUPPORT OF THIS PROJECT.)

Markle 1516