

From: [Craig Weinhold](#)
To: [Plan Commission Comments](#)
Subject: agenda item 6 - oppose drive-thru coffee shop
Date: Monday, March 3, 2025 1:08:35 PM

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re: drive-through coffee shop on Lien Rd

I do not understand how this free-standing, single-use, auto-oriented project can be permitted in a Transit-Oriented Development (TOD) overlay district. TOD's stated goal is to encourage *"pedestrian-oriented, compact, mixed-use development"*. This project is anathema to that. The residents of the adjacent apartments can't even get a cup of coffee here as they walk to the bus stop since the building has no public entrance or counter to serve them (though they will have a good view of its dumpster). This building's farcical second floor is only there to satisfy zoning requirements. Is this really the best use of 0.8 acres of land that sits 900' from a BRT station?

This is a 1990's development. Madison should not allow it in 2025.

-Craig Weinhold

From: [James Kreft](#)
To: [Plan Commission Comments](#)
Cc: [Evers, Tag](#)
Subject: Oppose: Legistar 86523 (3915 Lien Road (District 3): Consideration of a conditional use)
Date: Monday, March 3, 2025 2:23:42 PM
Attachments: [image.png](#)

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Dear members of the planning commission-

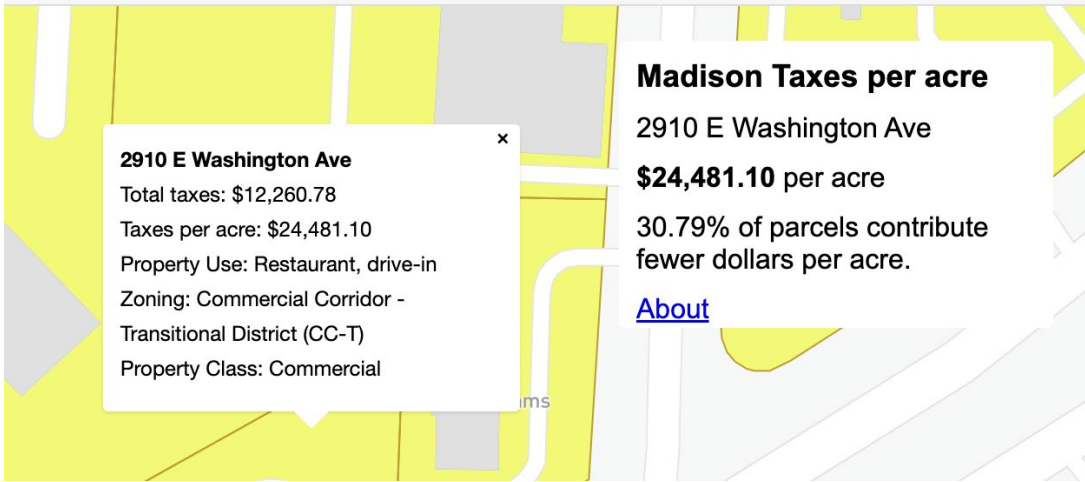
I am writing to oppose the conditional use to allow the building of another car-exclusive development within the TOD overlay, and only a short walk from a BRT station. This kind of development is the opposite of transit oriented development. Even if, technically, a person could stand in between two SUVs and get a coffee, noone is going to do that. This is a business that will exclusively cater to cars.

I have read the staff analysis, and understand that staff doesn't think that a denial would hold up in court, because the building, with its window-dressing second story, technically meets the requirements of the TOD, while completely going against the statement of purpose. If that is the case, I encourage plan commission, city staff, and our alders to revise the TOD overlay such that these kinds of developments at least don't happen here.

There is another reason to figure out how to block this development or ones like it, and that is that it is 8 tenths of an acre and locking it into an extremely low-value development will do little to nothing to help the city fund its services into the future. As an example, the Moka down the street, which actually HAS a dining space, but is primarily a drive through, is in the 30th percentile of property taxes paid per acre, and this includes all the tax exempt parcels in the city (https://datarocks.github.io/madison_parcels_data/). For increasing its operating budget, Madison depends on net new construction. Low value developments in high-value locations do almost nothing to contribute to this net new construction number.

Thanks,

Jim Kreft
1206 Fish Hatchery Rd
District 13



From: [Ben Noffke](#)
To: [Plan Commission Comments](#)
Subject: Oppose Legistar 86523
Date: Monday, March 3, 2025 3:15:25 PM

You don't often get email from bnoffke3790@gmail.com. [Learn why this is important](#)

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Plan Commission,

I'm writing in opposition to Legistar 86523. Putting a drive through in the TOD overlay betrays the spirit of what it intends to achieve. While I understand it may technically comply with ordinances and other developments have succeeded in getting approval, it seems that we should update the TOD definition to better implement the spirit of the ordinance. Drive throughs significantly degrade the non-motorist experience and perpetuate the autocentricity of E Wash Ave.

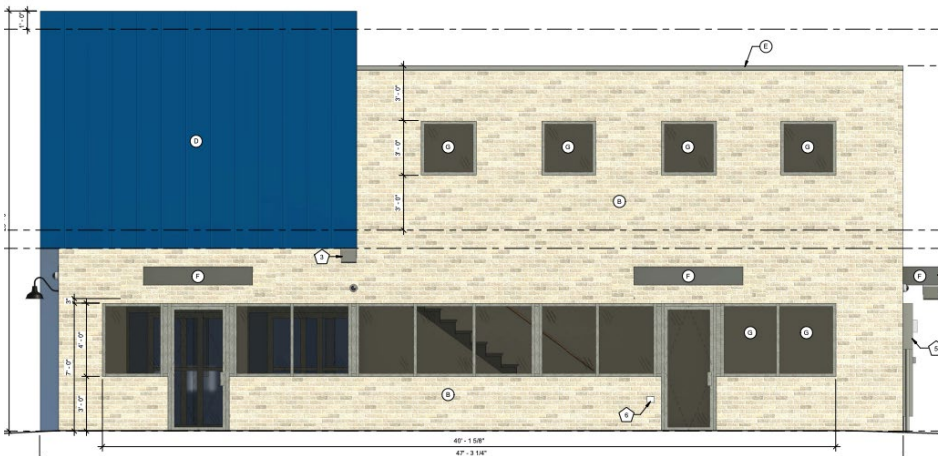
At the very least, please reduce the impact the drive through has on pedestrian access to the business and prioritize the pedestrian experience of walking by the business.

Thanks for your consideration,
Ben Noffke

Therefore, the only parts of the building where you can clearly interact with the business are on the side oriented *away from* the primary abutting street.

2. There is no identifiable public entrance.

This is what the facade facing E Wash will look like:



The TOD ordinance is very clear that the primary public entrance needs to be architecturally distinct. But given this facade, a pedestrian would have to make a coin-flip decision about which door--if any--is for them. From the floorplan, it doesn't look like the area inside either of these doors has a clear public service counter or other point of sale. The door on the west side of the building would be another (potentially misleading) candidate for the primary public entrance.

The pedestrian routing also plays a role in this requirement, because if the pedestrian could take a direct route from the sidewalk to one of these doorways, that would help indicate which one is the right one. However, a doorway that *may be* a public entrance but isn't accessible from the sidewalk will not be identifiable to a pedestrian on the sidewalk as being a public entrance.

If pedestrians must take an indirect route to reach that entrance, then there needs to be pedestrian wayfinding, showing them where to turn off the sidewalk to reach this business. Otherwise, these two elements--the unreachable doorways and the stairs/sidewalk extending eastward--share no visual connection.

3. The entrance is not barrier-free.

From the sidewalk on E. Wash, the 20 feet between you and the public entrance (whichever door that actually is) will be obstructed by a retaining wall (and a corresponding steep grade). That won't be insurmountable for everyone, but for some people, it will render that approach inaccessible.

4. 300 feet > 20 feet

It is an essential premise of the TOD ordinance that the public entrance must be located within the maximum stepback distance *so that pedestrians can reach that entrance by crossing that stepback distance*. Otherwise, it would make no sense if the public entrance must be within the 20 foot setback, yet pedestrians can be expected to travel some arbitrarily long route to reach it.

An ADA-graded ramp will add to the minimum distance that pedestrians must traverse. But the current plans expect people to walk the length of a football field(!). Alternatively, the business could construct their public entrance at sidewalk level, and allow pedestrians to reach the primary entrance without the need of any stairs or ramp.

I hope that helps clarify how this project's current plans do not meet the text of the TOD

ordinance. I'll be at the meeting tonight if you have any further discussion points for me on this.

Thank you,

Nick Davies
3717 Richard St

On Mon, Mar 3, 2025 at 2:46 PM Wells, Chris <CWells@cityofmadison.com> wrote:

Nicholas and Mylena,

Good afternoon. Please see the attached memo from Zoning Staff regarding the zoning-related points raised by Nicholas in the submitted public comment (see email chain below). The memo has been uploaded to the Legislative file for this request ([86523](#))

Chris Wells

Development Review Planner

City of Madison

From: Nicholas Davies <nbdavies@gmail.com>
Sent: Sunday, March 2, 2025 2:16 PM
To: Plan Commission Comments <pccomments@cityofmadison.com>
Cc: moliveira@plazastreetpartners.com
Subject: 86523 - textual violations of TOD ordinance

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Dear Plan Commission,

Regarding item 86523 (3915 Lien Rd), I see several related issues in the current plans:

- The pedestrian routing requires customers coming off the sidewalk to take a long, circuitous route to the business, unnecessarily crossing the drive lanes twice. I appreciate city staff addressing this in the staff report. People who arrive by bike, or who park their car instead of driving through, will also be impacted.
- There is also the issue of the building not orienting itself towards the primary abutting street. That is a direct violation of ordinance **28.104(7)(b)**.
- There's the issue of the entrance not being barrier-free, because it's behind a retaining wall. This also violates 28.104(7)(b).
- There's the issue of the primary entrance not being "clearly visible and identifiable from the street," in violation of **28.104(7)(b)**.
- They're also proposing to use substandard bike racks.
- The TDM worksheet claims that there will be a dedicated walk-up window under an awning, where

customers can congregate. There is no such thing in the submitted plans. The only service windows open directly onto a drive aisle. Customers cannot congregate there, because it will be mere seconds before they're blocking traffic.

When you take all these issues as a whole, you get a clear picture that this establishment isn't for Madison residents. It isn't for Madison transit riders. Somebody walking down the sidewalk isn't likely to get coffee here if they can't see that there's any kind of public entrance or sales window open to them. The applicant has chosen to shun this customer base.

It's a real shame that this business doesn't want local customers, because it doesn't have to be this way. These are all fixable issues:

- They could have a pedestrian-oriented service window. Earlier designs included this. Other 7 Brew locations include this.
- They could provide pedestrian access directly from the sidewalk to the building. It's a four-foot elevation change, according to the staff report. Citing a four foot elevation change as some kind of insurmountable obstacle really makes me roll my eyes. And many other 7 Brew locations don't have the same issue with pedestrian routing.
- They could provide a customer gathering space, on any side of the building. Other 7 Brew locations have this as well. To make use of the second story overhang for this, they could simply reduce the drive-thru lanes from 2 to 1.

Yes, 7 Brew have had to adjust their typical design, because they're choosing to build in a rather more urban area than they usually pick. But the ways that they've adjusted it have actually made it less functional for non-drive-thru customers, as if to spite Madison for its TOD ordinance.

But there are real, literal violations of the TOD ordinance here. Violations of its text, not just its statement of purpose, giving Plan Commission clear grounds to reject or refer this item. So I do urge you to reject or refer, depending on whether the applicant expresses willingness to use the additional time and reconsideration to address these issues.

Thank you,

Nick Davies
3717 Richard St