

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
July 12, 2005

CONDITIONAL USE APPLICATION:

1. Requested Action: Approval for a drive-up service window and an outdoor eating area for a restaurant located at 3918 Monona Drive.
2. Applicable Regulations: Section 28.09 requires the approval of a conditional use permit to establish a drive-up establishment within the C2 zoning district. In addition, Section 28.09 requires the approval of a conditional use permit to establish an outdoor eating area in the C1 and C2 commercial districts.
3. Report Drafted By: Bill Roberts, Planner IV.

GENERAL INFORMATION:

1. Applicant: Ralph and Linda Stinson and Sharlyn Olson, 27 Holiday Drive, Madison, WI 53713.
2. Status of Applicants: Property owners and tenant.
3. Development Schedule: Occupancy will occur as soon as all necessary land use approvals are obtained.
4. Parcel Location: East side of Monona Drive at Davidson Street, Madison Metropolitan School District, 16th Aldermanic District.
5. Total Parcel Size: 17,550 square feet.
6. Existing Zoning: C2 General Commercial District.
7. Existing Land Use: Commercial building containing two tenant spaces and surface parking lot.
8. Proposed Use: A coffee shop with a drive-up service window and outdoor seating.
9. Surrounding Land Use and Zoning: This site is surrounded by a mix of commercial uses along the east side of Monona Drive zoned C2 and C1. The adjacent properties to the east along Davidson Drive are apartment buildings zoned R4. There is a large predominantly single-family residential area to the southeast, south of Davidson Drive zoned R1.
10. Adopted Land Use Plan: This area is shown as Community Commercial on the 1983 adopted Land Use Plan. There is no specific neighborhood plan for this neighborhood.

11. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

PUBLIC UTILITIES AND SERVICES:

This property can be served with the full range of urban services.

STANDARDS FOR REVIEW:

This project is subject to the conditional use standards.

ANALYSIS, EVALUATION AND CONCLUSION:

It is the applicants' intent to occupy space in this two-unit commercial tenant building with a coffee shop that offers drive-thru service and limited outdoor seating. This building was built in 1968. The primary tenant has been a dry cleaning establishment. The applicant intends to move into the space formerly leased to the dry cleaning business and use the existing drive-thru service window for her business. This two tenant building has had a number of commercial occupants over time, including bridal wear, tailor shop and a florist, all occupying the adjacent space which is now a hair salon. No site changes are proposed with the exception of establishing a small landscaped seating area in the front of the existing building.

This commercial building shares the same zoning lot with a nearby church. The parking lot is a shared parking facility that provides parking not only for the proposed coffee shop but the adjacent beauty parlor and church building along Davidson Drive. The applicant requested and received approval of a seven-stall parking reduction.

Access to the coffee shop will utilize the existing driveways from Monona Drive and Davidson Drive. The City Traffic Engineer has determined that the site plan, including the drive-up service lane, complies with all applicable ordinance requirements for this type of use.

In reviewing this project against the conditional use standards, the Planning Unit feels that the standards can be satisfied.

RECOMMENDATIONS:

The Planning Unit recommends that the Plan Commission find that the ordinance standards are met and approve this conditional use application subject to input from the neighborhood at the public hearing and the comments from the reviewing departments.



Office of the Common Council

City-County Building, Room 417
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703-3445
Office: 608 266 4071
FAX: 608 267 8669
TTY: 608 267 8670
council@ci.madison.wi.us

June 20, 2005

Shari Olson
27 Hollywood Drive
Madison, WI 53713

Dear Shari:

Welcome to the Lake Edge Neighborhood! I appreciate your willingness to locate a vital, community-oriented business in the 15th District. I have received your Land Use Application for a drive-up window for your location at 3918 Monona Drive and, personally, do not have any concerns about the project.

I do sincerely hope that your coffee shop will become an inviting community space for the residents of our neighborhood. I am excited to see the addition of a grassy oasis in a sea of parking lot.

If you have any questions or concerns, please do not hesitate to contact me at 284-1508 or at district15@cityofmadison.com.

Sincerely,

Larry Palm
Alder, District 15

cc: Tim Saterfield, Lake Edge Neighborhood Association
✓ Brad Murphy, Director, Planning Unit
Ald. Lauren Cnare, District 3 (Plan Commission member)



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: June 29, 2005
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: 3918 Monona Drive Conditional Use

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.)

- 1. N/A

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: 3918 Monona Drive Conditional Use

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.

Right of Way / Easements

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- 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 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.

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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) Version 2001 or older, MicroStation (dgn) Version J or older, 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. 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.

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 dedicated 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 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.

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: July 2, 2005

To: Bill Roberts, Planner III
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 3918 Monona Dr

Present Zoning District: C-2

Proposed Use: Drive-up window and outside dining for a restaurant

Conditional Use: 28.09(3)(d)2 Outdoor eating areas of a restaurant are a conditional use.
28.09(3)(d)9 A drive in establishment 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).

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of one accessible stall striped per State requirements. A minimum of one of the stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stall.
2. Obtain approval of a parking reduction of 7 stalls prior to final sign off on this conditional use. Contact City zoning at 266-4560 prior to July 12 or 266-5978 on July 12 or after. (Best if completed prior to Plan Commission of July 18.)
3. Provide two bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

3918 Monona Dr.

July 2, 2005

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ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	17,550 sq. ft.
Lot width	50'	135'
Usable open space	n/a	n/a
Front yard	0'	Existing bldg.
Side yards	0'	existing bldg.
Rear yard	10' 1 story	existing bldg.
Floor area ratio	n/a	n/a
Building height	n/a	n/a

Site Design	Required	Proposed
Number parking stalls	Previous uses 18 stalls req. 5 proposed restaurant 4 salon <u>16 church</u> 25 total	13 provided, 5 stall reduction granted in 2004 for church. Proposed additional 7 stall reduction.
Accessible stalls	1	(1)
Loading	n/a	n/a
Number bike parking stalls	2	(2)
Landscaping	As shown	adequate
Lighting	No	existing

Other Critical Zoning Items	
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.