



**Project Address:** 1801-1841 Northport Drive (12<sup>th</sup> Alder District)  
**Application Type:** Conditional Use  
**Legistar File ID #** [72210](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Pat Schmitt; PS Architecture; 6621 Boulder Lane; Middleton, WI 53562

**Owner:** Northside Town Center; 1865 Northport Dr; Madison, WI 53704

**Requested Action:** Approval of a conditional use for a vehicle access sales and service window [§28.067(2) MGO] and major alteration to a planned multi-use site containing more than 40,000 square feet of floor area and where 25,000 square feet of floor area is designed or intended for retail use [§28.137(2)(e) MGO] at 1801-1841 Northport Drive.

**Proposal Summary:** The applicant is seeking the construct a standalone coffee shop with a drive-through within an existing parking lot at 1801-1841 Northport Drive.

**Applicable Regulations & Standards:** Section 28.183 M.G.O. provides the process for conditional uses. Supplemental regulations for vehicle access sales and service windows and planned multi-use sites are found in Section 28.151 M.G.O.

**Review Required By:** Urban Design Commission, Plan Commission

**Summary Recommendations:** On balance, the Planning Division believes the Plan Commission can find that all conditional use standards are met and that the Commission should approve the requested conditional use to construct a vehicle access sales and service window and major alteration to planned multi-use site at 1801-1841 Northport Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The subject site is located at the north end of the larger 20.04-acre Northside Town Center shopping center located at the southeast quadrant of the intersection of Northport Drive and North Sherman Avenue. It is within Alder District 12 and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** 1801-1841-1841 Northport Drive is currently occupied by a portion of the larger shopping center and a large surface parking lot. A free-standing ATM building occupies the intended redevelopment site. The site is zoned CC-T (Commercial Corridor-Transitional District) and part of a planned multi-use site that includes several single-story single- and multi-tenant commercial buildings.

### Surrounding Land Uses and Zoning:

**North:** Across Northport Drive, an apartment complex zoned SR-V2 (Suburban Residential-Varied 2 district);

**West:** Single-story commercial buildings zoned CC-T (Commercial Corridor-Transitional district), with Warner Park beyond across North Sherman Avenue, zoned PR (Parks and Recreation district);

**South:** Multi-tenant shopping center zoned CC-T, with single-family residences zoned SR-C1 (Suburban Residential-Consistent 1 district) beyond; and

**East:** Multi-tenant shopping center, with office and apartment buildings beyond, all zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for the site. The [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009) recommends that redevelopment of Northside Town Center include a mix of uses, as detailed below.

**Zoning Summary:** The subject property is zoned CC-T (Commercial Corridor-Transitional District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	271,444
Lot Width	None	1,125 ft
Front Yard Setback	5 ft	55 ft
Max. Front Yard Setback	65 ft	55 ft
Side Yard Setback	None	Sufficient
Rear Yard Setback	20 ft	Sufficient
Maximum Lot Coverage	Existing	< Existing

Site Design	Required	Proposed
Number Parking Stalls	15% of capacity	16
Accessible Stalls	1	2
Loading	No	No
Number Bike Parking Stalls	2	2 (see Zoning comment 1)
Landscaping	Yes	Yes (see Zoning comment 2)
Lighting	No	Yes
Building Forms	Yes	Free-Standing Commercial

<b>Other Critical Zoning Items</b>	Urban Design (Planned Commercial Site), Utility Easements
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*Table prepared by Jacob Moskowitz, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The site is served by a full range of urban services.

**Previous Review:** A previous version of this proposal was reviewed by the Plan Commission at its August 8, 2022 meeting. The Plan Commission voted to refer the proposal, citing concerns regarding pedestrian safety and vehicle circulation.

## Project Description

With updated plans, the applicant proposes to construct a coffee with a drive-through (referred to as a vehicle access sales and service window in the Zoning Code) to replace an existing free-standing ATM kiosk in the parking lot of the Northside Town Center shopping center near the Northport Drive frontage. In addition to a drive-up service window, the building also includes a walk-up pedestrian service window and outdoor seating. Paved and striped pedestrian paths are included to both the public sidewalk on Northport Drive and the rest of the shopping center site. The proposed building is a single story, 520-square foot structure. Exterior materials are

predominantly a masonry veneer and fiber cement paneling, with metal panel trim and accent materials and aluminum storefront units. Sixty-three vehicle existing parking spaces will be removed and replaced with 32 reconfigured parking spaces. The new building and seating area will sit on a large landscaped area that is now proposed to be connected with the existing sidewalk and landscaping and will replace several vehicle parking spaces. The landscape plan shows several trees on the larger landscaped areas. Several small landscaping islands are shown in the parking area, which are to be planted with turf grass and smaller shrubs and perennials. Vehicles entering the site can come from either the north or south, but will be directed by signage to travel eastward toward the building and service window, again able to exit to the north or south at the eastern side of the site.

Proposed hours of operation are from 5:30 a.m. to 8 p.m. daily.

If approved, the applicant intends to begin construction as quickly as possible following verification of conditions with a targeted late spring 2023 opening date.

## Analysis and Conclusion

This request is subject to the standards for conditional uses as vehicle access sales and service windows are a conditional use in the CC-T district per MGO §28.0867(2)(a). This section begins with adopted plan recommendations before providing an analysis the conditional use standards.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Community Mixed Use for the site. The CMU category includes areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. Development is expected to be between two and six stories tall. One-story anchor retail is allowed as part of a larger, comprehensively planned mixed-use project or as part of a project transitioning from a suburban car-oriented layout to a more urban, pedestrian-oriented layout.

The [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009) recommends that redevelopment of Northside Town Center include a mix of uses, including residential; street-oriented development; additional vehicle and pedestrian connectivity; flexible gathering spaces; and building and streetscape design with an urban character. Maximum building heights are suggested between two and eight stories, but there are no recommendations for minimum building heights. The plan includes two redevelopment concepts, but notes that they are two of many potential design solutions. The plan also notes that the redevelopment of the Northside Town Center is dependent on the owners' ability to undertake the project.

Staff generally believes the proposal could be found to be consistent with the recommendations of the adopted plans, with the exception of the proposed one-story building height. Staff notes that several proposed single-story buildings have been approved in areas recommended for CMU in the [Comprehensive Plan](#) and more detailed subarea plans. Staff note that based on the zoning standards in place at the time the application was submitted, there is no zoning prohibition on one-story buildings and no conditional use specifically related to building height is necessary.

### Conditional Use Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of M.G.O. §28.183(6) are met. Staff advises the Plan Commission that in evaluating the conditional use

standards, State law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and is not based on personal preference or speculation.

In this case, the requested new conditional use request is to establish a vehicular access sales and service window or (“drive-through”). This request does not include a specific conditional use related to height or bulk considerations. However, as this cross-connected zoning lot is also considered a conditional use planned multi-use site, this development is also considered a major alteration to that existing conditional use.

As part of the “due consideration” of adopted plans, staff notes that the proposal is inconsistent with at least one aspect of the Comprehensive Plan, most notably, the recommendation regarding the minimum height of new development in CMU areas. Staff have provided the following comments regarding conditional use standards four, five, and nine.

Regarding conditional use standard four, it states, *“The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* While the proposal is inconsistent with some height and setback recommendations, the Commission, as part of its “due consideration” would need to evaluate whether establishing this conditional use would impede the development of other permitted uses in the Zoning district on *surrounding properties*, specifically in this situation the other existing sites and structures and potential future development within the planned multi-use site. While the plan recommends more intensive development than what is currently proposed, the Comprehensive Plan acknowledges that not all buildings in mixed-use areas must contain a mix of uses, and there is not a recommendation specifically against “drive-through” facilities in mixed-use areas. The scale of the proposed building and the nature of the site improvements rearranging parking stalls and installing landscaping do not appear to impede a larger, more holistic redevelopment of the future that would be more consistent with the CMU land use recommendation. Further, the proposed development does not conflict with the location of any recommended streets. Additionally, there is an existing 50-foot WISDOT setback along Northport Drive; the proposed building appears to meet this minimum setback. Finally, this site is located the recently adopted Transit Oriented Development zoning overlay district, which requires vehicle access sales and service windows be integrated within or under a building. However, staff notes that this application is subject to the regulations in place at the time of application and therefore the requirements of the TOD overlay district are not applicable. While staff notes concerns regarding possible plan inconsistencies, it believes that it may be possible to find this specific standard is met.

Regarding conditional use standard of approval five, it states, *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.* M.G.O. §28.151 enumerates supplemental regulations for vehicle access sales and service windows. Among the supplemental requirements for vehicle access sales and service windows, plans for onsite circulation and driveway locations are to be reviewed where conditional use approval is required. Site design must accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation. The Plan Commission had previously cited potential pedestrian-vehicle conflict points as a primary reason for referring the previous version of this proposal. Planning and Traffic Engineering staff believe the vehicle and pedestrian circulation plans as shown are a marked improvement and Planning staff now believe the Commission could find standard of approval 5 to be met.

Also related to plan consistency, conditional use standard nine references the “existing or intended character” in regards to new buildings and aesthetic desirability. Specifically, the standard states, *“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall*

*find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district....”* At its January 11, 2023 meeting, the UDC recommended approval of the proposal, as detailed below. As such, staff believe this standard can be found to be met.

### **Urban Design Commission Recommendation**

Related to standard 9, this request has received a recommendation of “final approval” from the Urban Design Commission at its January 23, 2023 meeting, with the following conditions:

- Replace the stone mulch with bark mulch along patio area and sidewalks.
- Swap out the Stella D’Oro daylilies with a different variety of lily or perennial.

### **Conclusion**

The applicant proposes a one-story coffee shop with a “drive-through” service window. The request requires conditional use consideration specifically for the vehicle access sales and service window. Additionally, conditional use consideration is required for the proposed modifications as the subject property is part of a larger conditional use planned multi-use site that includes the surrounding cross-connected properties, specifically regarding the changes to traffic patterns within this portion of the site. While staff have concerns regarding the application’s consistency with adopted plans, staff believes, on balance, that when considering that the proposed building’s scale and the extent of site changes will not preclude future more holistic redevelopment of the site, it may be possible to find the applicable standards met.

## **Recommendation**

### **Planning Division Recommendations** (Contact Colin Punt 243-0455)

On balance, the Planning Division believes the Plan Commission can find that all applicable conditional use standards are met and that the Commission should **approve** the requested conditional use to construct a vehicle access sales and service window and major alteration to planned multi-use site at 1801-1841 Northport Drive. This recommendation is subject to input at the public hearing and the following conditions.

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

### **Urban Design Commission** (Contact Jessica Vaughn, 267-8740)

1. Prior to final sign-off and the issuance of building permits, a complete plan set with the following modifications shall be presented to the Urban Design Commission Secretary for review and approval.
  - Replace the stone mulch with bark mulch along patio area and sidewalks.
  - Swap out the Stella D’Oro daylilies with a different variety of lily or perennial.

### **Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

2. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 2 short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike

rack.

3. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
4. Bicyclist use of sales and service windows shall not be prohibited.
5. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**City Engineering Division** (Contact Brenda Stanley, 261-9127)

6. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
7. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
8. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
9. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
10. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

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

11. The plans do not show how this proposed building will be served for sanitary sewer and water service. These services shall be shown as designed on the plans. If any service crosses an adjacent property, provide for review, comprehensive reciprocal easements and agreements for sanitary and water services that are necessary to accomplish the site development as proposed prior to final sign off. Any required document(s) shall be executed and recorded prior to building permit issuance.

12. Identify on the plans the lot numbers of recorded Certified Survey Map No 10560.
13. The site plan shall include all lot/ownership line to the west and the proposed building shall have dimensions shown to the right of way of Northport Drive and to the Lot line to the west. Also provide a

Utility plan showing the necessary sanitary sewer, water service and storm sewer connections necessary for this proposal.

14. The address of the proposed coffee shop is 1803 Northport Dr. 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.
15. The ATM is a building on leased land. If the ATM is to be demolished, provide a copy of the termination of the lease. The Sherman Plaza Inc parcel as a whole has a situs of 1841 Northport Dr.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

16. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
17. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
18. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
19. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
20. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
21. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
22. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
23. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
24. All vehicle service window access aisles shall have a minimum outside turning radius of thirty (30) feet.
25. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the

order board and pick-up window.

**Water Utility** (Contact Jeff Belshaw, 261-9835)

26. Update Utility plan to indicate how the proposed building will be served with a water service.

*The Planning Division, Fire Department, Parks Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval.*



**APPENDIX**  
**CC-T (Commercial Corridor-Transitional) District Statement of Purpose**

The CC-T District is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design within Commercial Corridor-Transitional.
- (b) Encourage diversification of land use in Commercial Corridor-Transitional.
- (c) Encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.
- (d) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.