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To: [Plan Commission Comments](#)
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Subject: PC Agenda 2. 78428 1609 S Park Street
Date: Monday, October 30, 2023 4:03:06 PM

Greetings Plan Commissioners-

I blogged about this topic and the following is my edited version of what I published.

2. 78428 1609 S Park Street; District 13: Consideration of a conditional use in the Commercial Corridor-Transitional (CC-T) District for a vehicle access sales and service window to allow a restaurant to be converted into a coffee shop with vehicle access sales and service window in Urban Design Dist. 7

Per the recent [Staff Report](#) addendum, “the applicant is now proposing a full service coffee shop. The site plan shows raised pedestrian crossing and signage that directs drivers not to stop on the crossings. The building addition was revised to add wall returns to the structure”. The latest staff report believes that the conditional use standards “can be found to be met” which is not the same as saying they are met.

I don't believe the CU standards are met.

I've been following this proposal for a new Starbucks drive-thru coffee shop since it came to the Urban Design Commission (on which I serve) and because the location is subject to the new Transit Oriented Development Overlay zoning district (MGO 28.104). All of District 6 is in the TOD Zoning Overlay so I am paying attention.

Related to this proposal, the TOD Overlay ordinance explicitly disallows a drive aisle between the building and the sidewalk. The TOD Overlay ordinance also states vehicle access sales and service windows are to be “located under the building in which they are located.” (Think Cargo Coffee's drive through on E Washington, it is literally under the building).

The bottom line is that according to zoning and legal staff, since the applicant proposes to re-use an existing building (the old Arby's) and will not modify more than 50% of the floor area of the building, the new TOD Overlay ordinance will not be triggered. I am concerned that there will be different rules when a building retrofit doesn't meet the threshold for TOD Overlay.

The PC staff report of August 28 indicated the TOD Overlay standards do not apply to this proposal but “As determined by the Zoning Administrator, the proposed vehicle sales and service window, as designed, is consistent with both the TOD Overlay requirements in that it is within the existing building structure as a result of the canopy roof addition, and the Supplemental Regulations because the vehicle sales and service window is screened from view by a wall.”

I remain concerned with the precedent of finding that the proposed drive-thru sales window under a canopy structure is consistent with the TOD Overlay requirements. As a policymaker, I disagree with that interpretation. As I wrote in my letter to the PC

in August: Allowing a drive through sales window under a canopy structure does not meet the standards in the ordinance and would set a precedent in other TOD overlay districts. Under the building is not the same as under a canopy roof extension. If policy makers think having a service window under a canopy with screening is sufficient then the TOD Overlay ordinance should be amended to make that clear, it does not say that and it was not the legislative intent, in my opinion.

MGO 28.104(8) prohibits drives, drive aisles, and vehicle access sales and service drives between the primary street-facing façades and the primary street. That is a straightforward requirement and from my understanding, according to the August staff report it still applies to this project even though other elements of the TOD Overlay ordinance do not apply. In my opinion, allowing a drive aisle between the building and the street violates principles of good urban and pedestrian design, why is it okay if less than 50% of the building will be altered?

The health impacts from noxious vehicle emissions from an average 8-15 idling vehicles queuing at peak times raises whether the proposed use is detrimental to public health, safety and welfare per Conditional Use standard 1. The need for accessing the drive-thru use across three lots owned by the property owner raises questions whether the drive-thru use could impede the orderly development of the adjacent parcels per Conditional Use standard 4. Adequate circulation across parcels and two egresses on a secondary street may not meet Conditional Use standard 5. And the inconsistency with MGO 28.104(8) site standards for auto infrastructure and intent of TOD overlay district language that service windows be under the building does not conform to all applicable regulations of the district per Conditional Use standard 7. I don't believe the proposal meets the CU standards mentioned above.

While the change to include a full-service sit-down coffee shop adds a welcome neighborhood amenity, the auto-oriented focus of the business that requires a drive aisle circling in front of and around the building, vehicle access across and between two adjacent lots and driveway entrances from Beld St to accommodate its business model seems counter to our goals to uplift Park St and remains disappointing.

I hope the Plan Commission places this on file.

Thanks for your service-

Marsha

Marsha Rummel

District 6 Alder

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