

# PLANNING DIVISION STAFF REPORT

August 23, 2021

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 5521 Odana Road (District 19 – Ald. Furman)

**Application Type:** Conditional Use

**Legistar File ID #:** [66559](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Heather Stouder, AICP, Planning Division Director

## Summary

**Applicant:** Megan Hile; Madison Chocolate Company; 729 Glenway Street; Madison, WI 53711

**Contact:** Matthew Tills; MoTiS; 841 W Lakeside Street, Suite A; Madison, WI 53715

**Property Owner:** Heritage Square, LLP; 6650 University Avenue; Middleton, WI 53562

**Requested Action:** The applicant is making four conditional use requests in the Commercial Corridor-Transitional (CC-T) District: 1) Establishment of a limited production and processing facility; 2) Establishment of a wholesale bakery; 3) A vehicle access sales and service window; and 4) An outdoor eating area. Together, these requests would support the conversion of a former bank in a multi-tenant commercial center into a wholesale bakery and coffee shop with drive-thru window and outdoor eating area at 5521 Odana Road.

**Proposal Summary:** The applicant proposes to repurpose a one-story, former bank building into a wholesale bakery and chocolate production facility, with an outdoor eating area and a drive-through window.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Section 28.061(1) of the Zoning Code lists *Limited Production and Processing, Wholesale Establishments, Outdoor Eating Areas Associated with Food and Beverage Establishments, and Vehicle Access Sales and Service Windows* as conditional uses in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [Section 28.151] contain further regulations for all three uses. Lastly, the proposal is also subject to the Urban Design District #3 Requirements [MGO §33.24(10)].

**Review Required By:** Plan Commission (PC). (The Secretary of the Urban Design Commission reviewed this request administratively on behalf of the Urban Design Commission).

**Summary Recommendations:** The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use requests to allow a former bank in a multi-tenant commercial center to be converted into a wholesale bakery and coffee shop with drive-thru window and outdoor eating area in the CC-T District at 5521 Odana Road. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 26,136-square-foot (0.6-acre) subject site is located on the south side of Odana Road between Medical Circle and S Whitney Way. It is located in Aldermanic District 19 (Ald. Furman), Wellhead Protection District 12 (WP-12), Urban Design District No. 3, and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel has an existing one-story commercial building (a former bank building). The building is located on the east site of the lot with a vehicle access sales and service window (drive-thru) located along its western façade. A surface automobile parking lot with 14 stalls sits to the west of the drive through, in the center of the site, and a few more parking stalls sit at the southern end. Drive aisles run along the north, west and south property lines as the subject site is cross-connected with the adjacent sites to the west, south, and east. In addition to the subject site being part of a planned-multi-use site, the subject building shares a common wall with a multi-tenant commercial building located to its east.

**Surrounding Land Uses and Zoning:**

- North:** A large commercial shopping center with an assortment of uses and surface parking lot, zoned Commercial Center (CC);
- East:** A small shopping enter with an assortment of one-story commercial and service uses, including a nail salon, cell phone store, and restaurant, zoned Commercial Corridor – Transitional (CC-T);
- South:** The West Side Swim Club, zoned CC-T with the Beltline Highway beyond; and
- West:** A two-story retail/office building, and gym, zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends General Commercial (GC) for the subject property. GC areas provide the city’s population with a wide range of retail goods and services including certain business and professional offices. The [Southwest Neighborhood Plan](#) (2008) does not provide specific recommendations for the subject property.

**Zoning Summary:** The subject property is zoned Commercial Corridor – Transitional (CC-T) and Wellhead Protection District 12 (WP-12).

Requirements	Required	Proposed
Front Yard Setback	0’ or 5;	Existing front yard
Side Yard Setback: Other cases	None unless needed for access	Adequate
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	Adequate
Maximum Lot Coverage	85%	85% (See Comment #9)
Maximum Building Height	5 stories/ 78’	Existing 1 story building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	91
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Coffee shop: 5% of capacity of persons (3)	6 existing 4 new (10 total)
Landscaping and Screening	Yes	Yes (See Comments #10 & #11)
Lighting	Not required	None
Building Forms	Not required	Existing building

<b>Other Critical Zoning Items</b>	Urban Design (UDD #3), Barrier Free (ILHR 69); Utility Easements; Wellhead Protection District (WP-12)	
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**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, with multiple Madison Metro routes serving the site given its proximity to the West Transfer point.

## Project Description

The applicant, Madison Chocolate Company, proposes to convert the one-story, 3,125-square-foot, former Associated Bank building into a wholesale bakery and chocolate production facility (the latter is classified by the Zoning administrator as a *limited production and processing facility*). As stated in the submitted materials, the front portion of the space (facing Odana Road) will include a small interior café with roughly 14 seats, and a small outdoor eating area, with six seats, will be located out on the wide sidewalk which runs along the building's northern façade. The applicant has stated that there will not be any amplified sound or additional lighting associated with the outdoor eating area.

The existing drive-through will continued to be used – but now for the sale of bakery items and drinks like coffee and tea. Whereas previously there were two drive-through lanes, this proposal will only utilize the lane adjacent to the building. The direction of traffic through both the site and the drive-through will also be changed as cars will now circulate clockwise through the site. Following new wayfinding signs and markers, after entering the site at the site's northwest corner, cars will either turn left (to access the other adjacent commercial development to the east) or drive south before looping around and entering the small automobile surface parking area from the south. The seven parking stalls on the west side of this parking area will be eliminated and replaced by an order board near the northwest corner. After placing their order, drivers will continue around to the drive-through window located along the building's western façade. Whereas the drive aisle which runs along the northern end of the site was previously two ways, the applicant is proposing to restrict the traffic to east bound traffic only and add striping in this area in order to create the dedicated drive-through lane from the order board to the window. Staff note that the majority of the traffic accessing adjacent commercial development to the east of the subject building will use the Odana Road curb cut located near the northeast corner of the subject site as it will remain two-way. Finally, a pedestrian path from the Odana Road sidewalk to the walkway which runs along the north of the subject building will be added as well as a new ADA curb ramp to receive the walkway.

The proposed exterior changes to the building will be minimal. The entry door will be replaced and lighting sconces added on the northern façade. On the western façade, the existing bank drive-through window will be removed and replaced with a smaller window on the western façade, and the door at the southern end of the building will be replaced with a double-door.

Regarding the hours of operation – for the bakery and food production (including the associated small retail component), outdoor eating area, and drive-through, the applicant is requesting 6:00 am to 6:00pm, daily.

Delivery loading for the production and retail will occur at the rear of the building using the double doors which will be installed there. The applicant anticipates daily deliveries, usually in the mid-morning to mid-afternoon hours. The applicant notes that these deliveries are usually smaller to medium items that are typically hand delivered. The large deliveries of ingredients and packaging materials will be delivered by a local distributor. The applicant anticipates parking for employees to be accommodated on site.

## Project Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Section 28.061(1) of the Zoning Code lists *Limited Production and Processing, Wholesale Establishments, Outdoor Eating Areas Associated with Food and Beverage Establishments, and Vehicle Access Sales and Service Windows* as conditional uses in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [Section 28.151] contain further regulations for all three uses. Lastly, the proposal is also subject to the Urban Design District #3 Requirements [MGO §33.24(10)].

### Conformance with Adopted Plans

The Planning Division believes the proposed use is consistent with the [Comprehensive Plan](#) (2018), which recommends General Commercial (GC) for the subject property. GC areas provide the city's population with a wide range of retail goods and services including certain business and professional offices. The [Southwest Neighborhood Plan](#) (2008) does not provide specific recommendations for the subject property.

### Conditional Use Standards

The applicant is requesting approval of the following conditional uses in the Commercial Corridor – Transitional (CC-T) Zoning District: 1) for limited production and processing; 2) for a wholesale bakery; 3) for a vehicle access sales and service window; and 4) outdoor eating area, to allow a former bank in a multi-tenant commercial center to be converted into a wholesale bakery and coffee shop with drive-thru window and outdoor eating area at 5521 Odana Road.

In regards to the Conditional Use Approval 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 MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Staff believes that the Conditional Use Approval Standards can be found met and provides further discussion on Standard #16.

Standard #16 states that, *"When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process."* The applicant has noted that that the odors from the production will be very limited as 1) the production of the actual chocolate is done offsite whereas it is merely heated and melted onsite and 2) the light roasting of various nuts is done in limited batches on site and in a convection oven, which helps contain the odors. Staff believes that this standard is met, given the anticipated limited impacts including the minimal odors and lack of noise from the production process, the limited number of weekly deliveries, and the large buffer between the subject site and the nearest residential uses (roughly 270 feet to the west).

Additionally, as noted in MGO Section 28.151, the supplemental regulations for Limited Production and Processing state: *"All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component."* Staff also believes this regulation to be met, given the limited number of weekly deliveries, the large buffer between the subject site and the nearest residential uses, and the retail component proposed at this location.

The Planning Division believes that if the wholesale bakery, limited production and processing, outdoor eating area, and vehicle sales and service window are well-managed, this proposal should not result in significant impacts to the surrounding properties. Factors such as the limited scale of production; the limited hours of operation; limited odors and noise produced during the production process; the large buffer from residential uses; and the limited size and capacity of the eating area are anticipated to result in minimal impacts to surrounding properties. The Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO Section 28.183(9)(d).

Staff believes that the proposed wholesale bakery, limited production and processing, outdoor eating area, and vehicle sales and service window meet the conditional use approval standards with the conditions of approval and recommends that it be approved by the Plan Commission.

### **Supplemental Regulations**

M.G.O. 28.151 contains further regulations for Limited Production and Processing, Vehicle Access Sales and Service Windows, and Outdoor Eating Areas. Those are:

Limited Production and Processing. All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component. Any change in the use, either through changing the product being produced or the intensity with which the product is produced and processed, requires a conditional use alteration pursuant to [Sec. 28.183\(8\)](#).

#### Vehicle Access Sales and Service Windows

- a) In CC-T, RMX, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building.
- b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
- c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- g) Bicyclist use of sales and service windows shall not be prohibited.

Outdoor Eating Areas Associated With Food and Beverage Establishments

- a) Primary access to the area shall be from within the establishment.
- b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The Planning Division believes the supplemental regulations listed above are satisfied by the proposal and the conditions of approval.

**Public Input**

At the time of report writing, staff did not receive any public comment on this proposal.

**Conclusion**

The applicant proposes to convert a former bank in a multi-tenant commercial center to a wholesale bakery and coffee shop with drive-thru window and outdoor eating area in the CC-T District at 5521 Odana Road.

Staff believes that the proposed wholesale bakery, limited production and processing, outdoor eating area, and vehicle sales and service window meet the conditional use approval standards with the conditions of approval and recommends that it be approved by the Plan Commission.

**Recommendation**

Planning Division Recommendation (Contact Chris Wells, [cwells@cityofmadison.com](mailto:cwells@cityofmadison.com))

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use requests to allow a former bank in a multi-tenant commercial center to be converted into a wholesale bakery and coffee shop with drive-thru window and outdoor eating area at 5521 Odana Road. This recommendation is subject to input at the public hearing and the following conditions recommended by the reviewing agencies:

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

Planning Division (Contact Chris Wells, [cwells@cityofmadison.com](mailto:cwells@cityofmadison.com))

1. The hours of operation of the outdoor eating area, the wholesale bakery, and production and processing of the various confectionary items including the chocolate products will be 6:00 am to 6:00 pm, daily. Any future modifications to the hours of operation of these uses may be requested by the applicant as a minor alteration of the conditional use following a recommendation by the district alder.

2. That maximum capacity for the outdoor eating area shall be approved by City Building Inspection but shall not exceed six (6), as requested in this application. Any future modifications to the capacity of the outdoor eating area may be requested by the applicant as a minor alteration of the conditional use following a recommendation by the district alder.

**City Engineering – Mapping** (Contact Lori Zenchenko, (608) 266-5952)

3. Current Assessor records indicate the mailing addressee as Heritage Square LLP, in care of Bank Mutual, Accounting Dept, PO Box 245034, Milwaukee WI 53224. If this is not correct, please contact the City of Madison Assessor's office to update the addressee information.
4. On sheet T1.0, on the drawing, remove reference to 5517 Odana Rd. That address has been verified to be on the adjacent parcel. The 5521 Odana Rd address is the sole address for this project parcel. 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.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

5. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
7. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
8. Applicant shall submit for review a vehicular turning movement template demonstrating the use of the order board and pick-up window.

**Zoning** (Contact Jenny Kirchgatter, (608) 266-4429)

9. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks. If the existing site currently exceeds 85% maximum lot coverage, proposed site improvements may not further increase lot coverage above the maximum.

10. 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.
11. Verify whether new rooftop units or exterior louvers are proposed. Per Section 28.142(9)(d), all rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level.
12. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
13. 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.

**Metro Transit** (Contact Tim Sobota, (608) 266-4097)

14. As identified on the plans submitted for review, the applicant shall maintain - or in coordination with any public works improvements, replace - the concrete boarding terrace surface at the existing Metro bus stop on the south side of Odana Road, adjacent this site (#2379).
15. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

*The Engineering, Fire Department, Parks Division, Forestry Section, and Water Utility have reviewed this request and have recommended no conditions of approval.*