

# PART A

Occupant Notification Fee: \$50  
 Rezoning and Conditional Use application fees see attached.

The following information is **REQUIRED** for ALL applications for Plan Commission review:

<b>FOR OFFICE USE ONLY:</b>	
Amt. Paid <u>200</u>	Receipt # <u>58425</u>
Date Received <u>2-21-05</u>	
Parcel No. <u>0710-092-2407-4</u>	
Aldermanic District <u>15 Gregory Markle</u>	
GQ <u>Exist. Cond. Use</u>	
Zoning District <u>02-C1</u>	
<b>For complete submittal:</b>	
Application <u>✓</u>	
Legal Description <u>✓</u>	
Letter of Intent <u>✓</u>	
Plans <u>✓</u>	
Zoning Text <u>NA</u>	
Received By <u>RT</u>	
Alder Notif. _____	Waiver _____
Nbr. Assn. Notif. _____	Waiver _____
Issued Sign _____	

1. Address of Site: 3026 Atwood Ave.  
 Name of Project: Michael's Frozen Custard  
 Acreage of Site: 22,300 S.F.

2. This is an application for (check at least one):  
 Rezoning from L1 to L2  
 Conditional Use  
 \_\_\_\_\_ Demolition Permit (Please provide age, City assessment, and the condition of the building(s) to be demolished. Provide photos.)  
 \_\_\_\_\_ Other (Describe) \_\_\_\_\_

3. You must include or attach a legal description—Lot and block number of recorded certified survey map or plat, or metes and bounds by surveyor, engineer, title company, etc., (Note: A "Plat of Survey" or "Site Plan" is NOT a legal description). Any extra costs to the City, because of legal description problems, are to be paid by the applicant. (Any application, without a proper, complete and appropriate legal description, will NOT be processed). See attached instruction sheet regarding submittal of legal descriptions on computer diskette.  
Lot 6, Block 4 Olbrich Park Addition & Outlot 24  
assessor's plat # 7, Township of Blanning Grove,  
(Now City of Madison) Dane County, Wisconsin

4. General description of the project or intended use(s) of this property,  
Add addition for drive up window, rework parking lot  
as shown to provide access for drive up window

5. Are there existing buildings on this site? Yes  
 What is the present zoning of this site? C2/L1  
 What are the present uses of this site? Restaurant

6. Do you intend to use the existing building(s)? Yes

7. What exterior changes are proposed to the existing building(s)? 8'x16' addition for drive up window & site changes to allow for new drive up window

8. What interior changes are proposed to the existing building(s)? connection of 8'x16' addition for drive up window to existing kitchen space.

9. Are you proposing to add or build new dwelling units? no  
How many units? \_\_\_\_\_  
Owner occupied \_\_\_\_\_ selling price, from \$ \_\_\_\_\_ to \$ \_\_\_\_\_  
Rental \_\_\_\_\_ rent levels, from \$ \_\_\_\_\_ to \$ \_\_\_\_\_

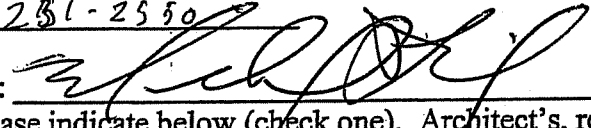
10. For rental housing will you be accepting Section 8 housing vouchers? n/a

11. When do you wish to occupy this site or building? Summer 2005

12. Does this proposal involve any development in the public right-of-way? \_\_\_\_\_  
No  Yes \_\_\_\_\_ Explain: \_\_\_\_\_

13. Please print (or type) name and mailing address of the property owner. (Please include all owners involved in partnerships) Michael's Frozen Custard  
407 West Verona Ave.  
Verona, WI  
Phone: 845-3000 Fax: \_\_\_\_\_

Please print (or type) name and mailing address of contact person for this project [the person that can answer any questions regarding this application or project plans and will appear at the public hearing(s)]. Paul Fisher c/o Glack Architects  
116 North Few St.  
Madison, WI 53703  
Phone: 251-2551 Fax: 251-2550

14. Property owner's authorization signature:   
[If offer to purchase or contract owner, please indicate below (check one). Architect's, real estate agent's, contractor's or tenant's signature is NOT adequate].  
 Owner \_\_\_\_\_ Offer to Purchase \_\_\_\_\_ Other (Explain \_\_\_\_\_)

15. It is extremely important that you inform the ALDERPERSON and NEIGHBORHOOD ASSOCIATION of this district about your proposal as soon as possible. As required by Section 28.12(10)(c) and (d), I have notified Alderperson Greg Markle and Kathy Soukup of the Eastmondland Community Assoc. Neighborhood Association in writing by mail no less than thirty (30) days prior to this submittal.  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Date that the alderperson was notified: 2-19-05  
Date that the Neighborhood Association was notified: 2-18-05

Please note both Kathy & Greg. however waived to 30 day notification requirement

16. NOTE: The Alderperson and/or Neighborhood Association notice requirement may be waived if approved by the Alderperson, President of the Neighborhood Association, and Director of the Department of Planning and Development prior to submitting your application.

**For Conditional Use Applications, the Zoning Ordinance states:**

“Section 28.12(11)(g), Standards. The City Plan Commission shall grant no application for a conditional use unless such commission shall find all of the following conditions are present:

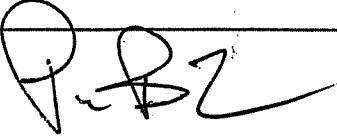
(g) Standards. The City Plan Commission shall grant no application for a conditional use unless such commission shall find all of the following conditions are present:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.  
(Cr. by Ord. 13,012, 2-26-02)
3. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
4. That 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.
5. That 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.
6. That measures have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
7. That the conditional use shall conform to all applicable regulations of the district in which it is located.
8. That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:
  - a. Bear in mind the City's general intent to accommodate community living arrangements.
  - b. Exercise care to avoid an over-concentration of community living arrangements, which could create an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are:
    - i. The distance separating the proposed community living arrangement from other such facilities
    - ii. The capacity of the community living arrangement and the percent the facility will increase the population of the community.
    - iii. The total capacity of all the community living arrangements in the community.
    - iv. The impact on the community of other community living arrangements.
    - v. The success or failure of integration into communities of other community living arrangements operated by the individual or group seeking the conditional use permit.
    - vi. The ability of the community to meet the special needs, if any, of the applicant facility.

9. That when applying the above standards to any new construction of a building or an addition to an existing building the City Plan Commission:
- Shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district, and
  - May require the applicant to submit plans to the Urban Design Commission for comments and recommendations, and
  - May consider the use of the proposed building as it relates to the City's Land Use Plan. When a conditional use application is denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.
- [Sec. 28.12(10)(g)8., Cr. by Ord. 5869, 6-1-77]

The undersigned applicant or authorized agent of the applicant hereby certifies that he or she has read all of the information contained in this application and that the same is true and correct.

The undersigned further understands and agrees that any review, recommendation, approval, or permit, based upon any statement, drawings, plans, evidence or information furnished by the applicant or any agent of the applicant to the Plan Commission or Common Council with respect to the project which is the subject of this application and which at the time made is misleading, inaccurate, untrue or incorrect in any material respect, shall be declared null and void by the Commission, issuing written notice thereof to the applicant or designated agent without further public hearing.

	Architect	12.15.09
Applicant Signature	Relationship to Owner	Date

Please print (or type) name and mailing address of above applicant: Paul Forsher c/o  
Glueck Architects 116 North Pew St. ~~Madison~~ Madison WI 53704

Phone 251-2551 Fax 251-2550

**The following material is REQUIRED for all applications:**

- Twelve (12) copies of a Letter of Intent describing this application in detail, including: Construction schedules, names of people involved (contractor, architect, landscaper, business manager, etc.), types of businesses, hours of operation, square footage or acreage of the site, number of dwelling units, number of employees, gross square footage of building, number of parking stalls, etc.
- Seven (7) copies of "Full Size" scaled site plans and seven (7) copies of reduced site plans on 11 inch by 17-inch paper. Scaled site plans to be drawn at a scale of one-inch equals 20 feet. All plan sets must include: A site plan showing all lot lines, building locations, building additions, demolitions, or changes, parking areas, driveways, sidewalks, location of any new signs, existing and proposed utility locations, and landscaping. Also include building elevations and floor plans. Plans must be drawn to scale and include all dimensions.