



Report to the Plan Commission

February 7, 2011

Legistar I.D. #21241
6701 Mineral Point Road
Conditional Use/ Demolition Permit

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of a demolition permit and a conditional use to allow demolition of an existing gas station and construction of a pharmacy with drive-up service window at 6701 Mineral Point Road.

Applicable Regulations & Standards: Section 28.09(6)(d) identifies drive-in establishments as a conditional use in C3L zoning. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to allow demolition of an existing gas station and construction of a pharmacy with drive-up service window at 6701 Mineral Point Road, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Applicant: Nathan J. Wautier, Reinhart Boerner Van Dueren, SC; 22 E. Mifflin Street; Madison.

Agent: Mike Hanning, Gershman Brown Crowley, Inc.; 1100 W. Northwest Highway; Chicago, Illinois.

Property Owner: CVS Realty Co.; 1467 N. Elston Avenue; Chicago, Illinois.

Proposal: The applicant proposes to demolish an existing gas station and construct an 11,945 square-foot pharmacy with drive-up service window. The applicant wishes to commence construction on July 29, 2011, with completion scheduled for January 13, 2012.

Parcel Location: An approximately 0.85-acre parcel located at the southwestern corner of Mineral Point Road and Grand Canyon Drive; Aldermanic District 19 (Clear); Madison Metropolitan School District.

Existing Conditions: The site is zoned C3L (Commercial Service and Distribution District) and is developed with an existing one-story 4,600 square-foot building containing a small convenience store, car wash and auto repair facility, and 4 gas pumps covered by a freestanding canopy. The site is located within the Wellhead Protection zoning district for Well #16, which is located on the north side of Mineral Point Road west of Grand Canyon Drive.

Surrounding Land Use and Zoning:

North: Citgo gas station & convenience store, zoned C1 (Limited Commercial District); Water Utility Well 16, zoned (Agriculture District);

South: Undeveloped land, Zimbrick Honda service center, zoned C3L (Commercial Service & Distribution District);

West: Regional stormwater management facility and soccer fields, zoned A;

East: Multi-tenant retail building (Panera Bread, Steinway, etc.), Fire Station #2, zoned C3L.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and the surrounding area south of Mineral Point Road for General Commercial uses.

Environmental Corridor Status: The property is not located within a mapped environmental corridor. The adjoining regional stormwater management area is mapped within a corridor and is noted as both being public land and containing open water.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: Existing C3L (Commercial Service & Distribution District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	54,600 sq. ft. (inc. adj. site)
Lot Width	50'	Adequate existing
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	N/A
Floor Area Ratio	3.0	Less than 1.0
Building Height	---	1 story
No. Parking Stalls	32 for retail; 1 per 2 employees	53
Accessible Stalls	3	3
Loading	1 10 X 35' stall	None shown (see cond. 37, pg.9)
No. Bike Parking Stalls	6	8 (see condition 31, page 9)
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

Previous Related Approval

On July 7, 2008, the Plan Commission approved a demolition permit to allow a former restaurant to be razed and 2 retail/office buildings to be constructed on the adjacent site to the south at 414 Grand Canyon Drive. Following the Plan Commission approval, the applicant for the demolition permit received all necessary final approvals to allow the former restaurant to be razed. However, construction of the new commercial buildings did not proceed.

More recently, a new use has come forward for the 414 Grand Canyon Drive site that calls for the construction of an approximately 18,000 square-foot wholesale food store. A second phase that includes a small multi-tenant retail building is also proposed.

Project Review

The applicant is requesting approval of a demolition permit and a conditional use to allow an existing gas station/ convenience store/ car wash located at the southwestern corner of Mineral Point Road and Grand Canyon Drive to be demolished and an 11,945 square-foot CVS Pharmacy to be constructed with a drive-up service window. The 0.85-acre subject site is zoned C3L (Commercial Service and Distribution District) and is located in Zones A and B of the Wellhead Protection zoning district for Well #16, which is located on the north side of Mineral Point Road west of Grand Canyon Drive.

The existing building was constructed in 1971 as a service station with 4 covered gas pumps, 3 vehicle service bays and a small convenience store according to City records. In recent years, 2 of the service bays were converted into a car wash. The building is estimated to occupy approximately 4,600 square feet and includes a front façade that faces towards the northeast and the Mineral Point-Grand Canyon intersection, with the gas canopy similarly oriented diagonally between the building and street corner. The applicant notes in the letter of intent that the existing building is too “small and outdated to be suitable for renovation.” Photos of the exterior of the building and site improvements are included in the Plan Commission materials for this item.

The proposed pharmacy will be approximately 70 feet wide along its Mineral Point Road façade and 135 feet along its Grand Canyon Drive façade. The new building will be located approximately 85 feet south of the Mineral Point Road property line and approximately 50 feet from Grand Canyon Drive at its closest point. Parking for 53 vehicles is proposed along the northern and eastern sides of the proposed pharmacy. The proposed drive-thru service window will be located at the southwestern corner of the building and will include 2 service positions.

Access to the site will be provided by a right-in/ right-out driveway from eastbound Mineral Point Road and from a full-access driveway from Grand Canyon Drive. The full-access driveway will be located on the adjacent parcel to the south at 414 Grand Canyon Drive, which as noted in the preceding section, is proposed to be developed with an 18,000 square-foot wholesale food store and small, multi-tenant retail building. The two parcels will share access via future reciprocal access easements that will be created as part of a Certified Survey Map (CSM) to adjust the lot line between the subject 6701 Mineral Point site and the adjacent 414 Grand Canyon site, which will modestly increase the subject site’s lot area. To date, the CSM has not been submitted for City review.

The proposal to share access between the two commercial sites is considered a planned commercial site under the Zoning Ordinance, which is defined a specified area of land comprising one or more contiguous ownership parcels or building sites governed by a reciprocal land use agreement or plan, a reciprocal use off-street parking system, a cross access easement, or a reciprocal use ingress-egress system for buildings, loading and parking. A planned commercial site containing more than 40,000 square feet of gross floor area where 25,000 square feet of gross floor area is used for retail or for hotel or motel use is a conditional use.

The proposed gross floor area of the two sites will exceed the 25,000 square-foot retail threshold but not the 40,000 square-foot overall gross floor area threshold, which triggers conditional use review by the Plan Commission. The shared access between the adjacent commercial parcels represents a permitted use planned commercial site, which requires the recording of a plan and reciprocal land use agreement with the Register of Deeds following approval by the Traffic Engineer, City Engineer and Director of Planning and Community & Economic Development.

The proposed pharmacy will be a tall one-story structure constructed primarily of two-toned concrete masonry units except for signable areas along the northern, eastern and western facades, the building cornice and drive-up service canopy, which will be constructed with EIFS. The entrance to the pharmacy will be located at the northeastern corner of the building with a chamfered corner facing the intersection similar to how the existing gas station addresses the street corner. An architectural element intended to mimic the architecture of the store entrance is proposed on the northwestern corner in an effort to add additional visual interest along the northern, Mineral Point Road façade. Additional architectural elements proposed to articulate the new building include vertical columns and a varied cornice height. The elevations also include windows across the Mineral Point Road façade and along portions of the western and eastern side facades. A dimension of the window heights was not provided, though it appears that the windows along the Mineral Point façade will be slightly taller windows than the windows proposed along the side elevations.

The applicant has submitted a landscaping plan for the new development that primarily calls for plantings along the northern and eastern edges of the site to screen the 53 parking stalls from Mineral Point Road and Grand Canyon Drive. Additionally, the applicant proposes a 24-inch tall masonry knee wall and monument sign at the northeastern corner of the site adjacent to the intersection. An existing row of mature locust trees located along the western property line abutting the City's regional detention facility and greenspace are proposed to remain.

Analysis & Conclusion

In reviewing the proposed demolition of the existing gas station against the standards for demolition permits, the Planning Division believes that the Plan Commission can find that the standards met. While the existing building appears to be in average condition, it does not appear to lend itself to reuse for anything other than its current historical use as a gas station. The proposed alternative use of the site for a pharmacy should not have a negative impact on the normal and orderly development of surrounding properties, which include a number of commercial uses south and east of the subject site, including many that are automobile-oriented in character.

The proposed use of the site as a pharmacy with drive-up service generally comports to the General Commercial land uses recommended in the Comprehensive Plan for the subject site and properties at the Mineral Point-Grand Canyon intersection as well as to the south. General Commercial districts in the Comprehensive Plan are typically located along major thoroughfares such as Mineral Point Road and are generally recommended for the development of a variety of commercial uses including larger-scale retail, service and office uses, health care facilities, hotels and motels, wholesale storage and distribution uses, and automobile-oriented uses, including vehicle sales.

Similarly, staff believes that the Plan Commission can generally find the conditional use standards met for the proposed pharmacy drive-up service window. The drive-up service window will be located at the southwestern corner of the building in the area of the site with the least visibility from surrounding streets, though it will have some visibility from the west across the adjacent City-owned regional detention facility and greenspace. There is ample queuing space for vehicles onsite and impacts from the drive-thru on Mineral Point Road or Grand Canyon Drive should be limited. Similarly, the drive-thru should have little or no impact on the uses, value and enjoyment or normal and orderly development of the nearby commercial uses.

Staff believes that the applicant has made a concerted effort to propose a well articulated building that should be an improvement overall compared to the existing gas station. The new pharmacy will largely

be constructed of high-quality building materials and will include vision glass on all or substantial portions of three facades.

The windows proposed, however, vary in height and include smaller windows (approximately 3 feet tall and located above door height) on the side elevations, with slightly taller windows along the Mineral Point Road façade. Staff is aware of proprietary concerns the applicant and CVS have about the incorporation of windows along certain portions of the exterior walls due to store security. However, CVS has been able to incorporate more appropriately sized windows at other stores, including their store at the corner of S. Bedford Street and W. Washington Avenue, downtown. The subject site at the corner of Mineral Point Road and Grand Canyon Drive is a prominent location on the west side, and staff feels that the proposed building should include a similar high degree of window openings as a more urban store location, especially along street-facing facades. The Planning Division recommends a condition of approval that requires the applicant to work with staff prior to final approval of the conditional use plans and the issuance of building permits to incorporate taller windows to improve the openness of the store to Mineral Point Road and Grand Canyon Drive.

In the alternative, the Plan Commission may refer this matter to the Urban Design Commission for an advisory recommendation prior to taking final action on the proposed building.

Staff also recommends a condition of approval that limits the window area to be covered by advertisements, products or coverings to not more than 20% of window area similar to a condition imposed by the Plan Commission in 2009 for the CVS located at 2 S. Bedford Street.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to allow demolition of an existing gas station and construction of a pharmacy with drive-up service window at 6701 Mineral Point Road, subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the site plans be revised per Planning Division approval prior to final staff approval and issuance of demolition or building permits to show a pedestrian route from the proposed pharmacy to the retail development proposed to the south at 414 Grand Canyon Drive. [Staff will work to include the same pedestrian route on the plans for the new buildings on the adjacent property as part of the Planned Commercial Site/ Certified Survey Map process.]
2. That final detailed plans for the knee wall and monument sign located in the northeastern corner of the site be submitted for final approval by the Planning Division prior to final staff approval and issuance of demolition or building permits. The final plans shall include a section drawing of the wall and sign and the building materials to be used.
3. That the applicant work with staff prior to final staff approval and the issuance of building permits to incorporate taller windows along the northern, eastern and western facades to further improve the openness of the store to Mineral Point Road and Grand Canyon Drive. Staff proposes that this condition can be met by increasing the height of all of the windows down to the top of the darker colored CMU block.

4. That not more than 20% of the window area be covered by advertisements, products or coverings.
5. That prior to issuance of demolition and building permits for the proposed pharmacy, a plan, reciprocal land use agreement and reciprocal access easement between the subject site and adjacent parcel at 414 Grand Canyon Drive be recorded with the Dane County Register of Deeds following approval by the Traffic Engineer, City Engineer and Director of Planning and Community & Economic Development.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

6. New NR-151 rules are now in place as of January 1, 2011. The applicant must reduce TSS by 40% compared to no controls from parking areas. Filters/ bioretention/ ponds (not stormceptor) are required to meet this requirement.
7. Revise plan to show existing conditions and contours on the adjacent parcel to the west, particularly in the area of the proposed storm sewer discharge.
8. The applicant/ property owners shall record all necessary ownership transfers, shared ingress and egress easements and maintenance agreements, and the Certified Survey Map resolving the resultant after conditions for the existing City of Madison parcels 0708-252-0118-3 and 0708-252-0084-6 prior to issuance of occupancy permits.
9. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
10. 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.
11. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
12. A City-licensed contractor shall perform all work in the public right of way.
13. 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.
14. The applicant shall demonstrate compliance with MGO Sections 37.07 and 37.08 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.
15. 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 County Register of Deeds.

16. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
18. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
19. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
21. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
22. 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.

23. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with the Developer's Agreement.

Traffic Engineering Division (Contact John Leach, 267-8755)

24. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: existing items in the terrace (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.
25. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
26. "Stop" and "No Left Turns" signs shall be installed at a height of 6 feet to the bottom of the first sign at the driveway approach to Mineral Point Road and a "Stop" sign shall be installed at a height of seven 7 feet at the driveway approach to Grand Canyon Drive. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
27. The drive-up shall be clearly identified, and a secured one-way operation with pavement markings and signage and the service point shall be shown. The applicant shall provide to Traffic Engineering for approval a queuing model showing accommodations for two vehicles at each service point, and queue storage that prevents queue interference with pedestrian or other vehicular movements.
28. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement, which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
29. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
30. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

31. Bike parking shall comply with MGO Section 28.11: Provide 6 bike parking stalls in a safe and convenient location on an impervious surface near the building to be shown on the final plan. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Provide detailed plans of bike parking stalls on final plans sets.
32. Per MGO Section 28.04(12), parking lot plans with greater than 20 stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.
33. Meet all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of three accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 48 inches between the bottom of the sign and the ground.
 - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
34. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
35. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31, Sign Code, and Section 33.24, Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
36. Lighting is required. Provide a plan showing at least .5 footcandle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 feet from the adjacent lot line. (See City of Madison lighting ordinance).
37. Provide (1) 10' x 35' loading areas with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space. Provide a detail of this loading zone on the final plan sets.
38. The site plan shows cross access with an adjacent property. As a result, this site plan will be reviewed as a Planned Commercial Site as defined in MGO Section 28.03 and governed by Section 28.04(23). Show cross access easements on the final site plan as well as on the separate Certified Survey Map (CSM) re-dividing these adjacent parcels.

Parks Division (Contact Tom Maglio, 266-4711)

This agency did not submit comments for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

39. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.507 for additional information.
40. Where a building, or portion thereof, is used for high-piled combustible storage, fire department access shall be provided as required by IFC 503.1.3 and IFC 2306.6.
41. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503.

Water Utility (Contact Dennis Cawley, 261-9243)

42. This property is in a Wellhead Protection District. The proposed use is permitted in this district. Any proposed change of use for this property shall be reviewed by the Madison Water Utility General Manager or his designated representative.
43. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)

This agency did not submit comments for this request.