



Report to the Plan Commission

May 2, 2011

Legistar I.D. #22219
4624 Monona Drive
Demolition & Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a demolition permit and conditional use to demolish an existing gas station and convenience store to allow construction of a new gas station and convenience store adjacent to a city-owned park.

Applicable Regulations & Standards: Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.09(2)(c)2 identifies automobile service stations as a conditional use in the C1 and C2 zoning districts. Section 28.04 (21) states that new developments across a street and within 150 feet of a city-owned public park require conditional use approval. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards can be and approve the applicant's request to demolish a gas station and convenience store to allow construction of a new gas station and convenience store, adjacent to a City Park at 4624 Monona Drive, subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

Background Information

Applicant / Property Owner: Andrew Bonman; Stop-N-Go of Madison, Inc; 2934 Fish Hatchery Road

Contact: Brad Koning; Shulfer Architects; 1918 Parmenter Street, #2; Middleton, WI 53562

Proposal: The applicant proposes to demolish an existing gas station and convenience store to allow construction of a new gas station and 3,500 square foot convenience store, adjacent to a city-owned park. Construction is anticipated to begin in May 2011 with completion scheduled in August 2011.

Parcel Location: The subject property is a 31,310 square foot (0.71-acre) parcel at the intersection of Monona Drive and East Dean Avenue, across the street from the Monona Golf Course (owned by the City of Madison). The property is within Aldermanic District 15 and the Madison Metropolitan School District.

Existing Conditions: The site is currently developed with a gas station and convenience store built in 1962. The store building is roughly at the center of the property, with four pumps and a canopy located to the front.

Surrounding Land Use and Zoning:

North: Commercial development, zoned C2 (General Commercial);

East: (Rear of Property) A privately owned driveway / alley serving adjoining commercial property with residential development zoned R1, R3, and R4, (General Residential Districts) beyond;

South: Monona Golf Course, owned by the City of Madison, zoned C (Conservancy); and

West: Commercial development in the City of Monona, zoned "Retail Business"

Adopted Land Use Plan: The Comprehensive Plan recommends neighborhood mixed-use development for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

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

Zoning Summary: The property is zoned C2 (General Commercial District)

| Requirements | Required | Proposed |
|--|--|---------------------|
| Lot Area | 6,000 sq. ft. | 30,928 sq. ft. |
| Lot width | 50' | 174' |
| Front yard | 25'x 25' adjacent to residential | 119' (Monona Drive) |
| Side yards | 10' adjacent to residential | 51'8" RS / 27'9" LS |
| Rear yard | 10' | 13' |
| Floor area ratio | 3.0 | less than 1.0 |
| Number parking stalls | 1 stall per 400 sq. ft. of retail 1 per 2 employees | 12 |
| Accessible stalls | 1 | 1 (See Comment #32) |
| Loading | n/a | n/a |
| Number bike parking stalls | 2 | 2 (See Comment #33) |
| Landscaping | As shown | adequate |
| Lighting | Yes | (See Comment #35) |
| Other Critical Zoning Items: Adjacent to park, Barrier free (ILHR 69) | | |

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The applicant requests demolition and conditional use approval to raze an existing gas station and convenience store to allow the construction of a new gas station and convenience store. This proposal is subject to the demolition and conditional use approval standards. The zoning code specifies that gas stations in the C2 (General Commercial) zoning district require conditional use approval. Additionally, the subject property sits across East Dean Avenue from a city-owned park, also requiring conditional use approval.

Surrounding Context

The subject site is at the northeast corner of the East Dean Avenue and Monona Drive intersection. This portion of Monona Drive consists primarily of other commercial businesses, many designed as auto-oriented shopping centers. Monona Grove High School is located roughly 450 north of this site, separated by three other commercial properties. The rear (east) side of the site includes an access alley to these commercial properties. That access drive has a width of 25 feet, separating the subject site from the nearby residential properties. The subject property now includes a chain-link fence lined with a row of evergreens on the alley side of the fence. These plantings provide partial, but not complete screening of the back of the building. While not depicted on the survey, it appears that this vegetation is on the subject property. In discussions with staff, the project architect has indicated no changes were proposed to this fence or vegetation. The Monona Golf Course, a City of Madison-owned facility is south of the subject site, on the opposite side of East Dean Avenue. The historic Dean House is located on the golf course property, over 300 feet south of the subject site.

Existing Conditions

The existing building was constructed in 1962 according to City Assessor records. The structure is one-story and approximately 2,666 square feet in area. It is roughly sited at the center of the property, with four pumps and a covered canopy located to the front. The site is nearly completely covered in asphalt.

Exterior photos of the building were provided in the application materials. While staff is not aware of any significant structural issues, the applicant has indicated there is little economic feasibility in repairing and expanding this building. Deficiencies noted by the project architect include foundation cracking, worn out exterior materials, a failing roof, and inefficient building layout. The City's Preservation Planner has reviewed this request and did not raise any objections.

Summary of Development Proposal

The proposed one-story convenience store building is 3,500 square feet in area, placed near the eastern edge of the property. A total of three (3) new pump "islands" serving six (6) vehicles is proposed under a canopy located between the convenience store and Monona Drive.

The convenience store building is set back roughly 120 feet from Monona Drive and 50 feet from East Dean Avenue. Sidewalks are proposed from both Monona Drive and East Dean Avenue providing direct pedestrian connections to the building. The grading plan indicates these will be flush with the pavement and no details are provided on how these are differentiated from the parking lot. Plans show there will be 11 vehicle and two (2) bicycle parking stalls. A dumpster enclosure is proposed along the south (Dean Avenue) side of the building, roughly 25 feet from the street.

A proposed seven (7) to 14-foot wide planting bed will line much of the street frontage. The proposed plantings within this bed include primarily low perennials and ornamental grasses with some larger deciduous plantings interspersed. Staff recommend that additional evergreen plantings be intermixed within this bed to provide additional screening outside of the required vision triangle areas. New grass yards with additional plantings are proposed along the property outside of the impervious areas. The plans indicate there will be no change to the existing chain link fence and evergreen plantings adjacent to the private alley along the property's eastern boundary. This provides partial screening of the back of the building from the nearby residences. Staff recommend the chain link fence be replaced by an opaque fence to more effectively screen the back of the building from the nearby residences. Staff recommend that this existing vegetation remain, to the extent feasible.

Staff would prefer the trash enclosure be relocated to a less conspicuous portion of the site. In discussing that issue with the project architect, he indicated that relocating the trash enclosure to the other side of the building would likely result in the loss of 1-2 surface parking stalls and is somewhat more challenging from a grading standpoint. At the time of report writing, the project architect was also reviewing the feasibility of relocating the enclosure to the north side of the property.

The proposed building is primarily clad in masonry and utilizes vertical cement board siding as an accent material at the top of the façade. Two colors of brick would be used, with the area surrounding the customer entrance featuring the accent colored-brick. The balance of the building features an alternative colored brick on all other facades. The structure features a hip-style roof and is 18 feet tall (measured from to midway between the peak and eave). The storefront windows proposed on the front of the building are approximately six (6) feet tall. A transom window is proposed on the Dean Avenue-facing façade.

Staff believe the appearance of the building would benefit through some additional articulation measures. The south (Dean Avenue) side of the building includes little articulation other than the proposed transom window. Due to privacy and security concerns, staff understands the business operator wishes to not install a larger window. Nevertheless, staff believes that further articulation is necessary along that wall, especially considering its visibility from the street and adjacent park. Staff also believes that adding additional windows along the front (west) side of the building would improve the overall appearance.

The applicant has also provided a canopy detail. Plans show the structure is approximately 18 feet in height. The pump islands include masonry matching that of the store building. The masonry would be installed along the canopy up to a height of eight (8) feet, which appears to be the approximate height of the fuel dispensing machines. Staff believe that for the masonry to have a visual impact from the street, it should extend higher than the fuel dispensing machines.

A lighting plan is proposed, although it does not include lighting information for the sides and the rears of the building. A full lighting plan will be required as a condition of approval.

Staff's recommended conditions related to design are noted in the recommendation section of this report. Conditional Use standard (9) (b) states the Commission may require the applicant to submit plans to the Urban Design Commission for comments, should it believe that further changes are necessary.

Adopted Plan Recommendations

Conditional Use Standard 9(c) states that the Plan Commission may consider the use of the proposed building as it relates to the City's Land Use Plan (now the Comprehensive Plan). That plan recommends "neighborhood mixed-use" development for this site. The design-based recommendations generally promote minimal building setbacks and pedestrian-oriented design amenities. The recommendation also notes that there is not an expectation that all buildings within planned mixed-use areas contain both residential and non-residential uses, though the surrounding area should generally contain a mix of compatible residential and non-residential uses. While the proposed development is consistent with some aspects of this recommendation, it is most consistent with the "general commercial" plan recommendation. Staff does not believe the neighborhood mixed-use recommendation necessarily precludes development of a gas station in this situation. The surrounding context on Monona Drive is primarily auto-oriented development and the proposed gas station is believed to be an improvement over the existing gas station.

Neighborhood Input

The Lake Edge Neighborhood Association has provided a letter of support for this proposal. That correspondence is included in the packets. While not part of the formal action, the letter does request the applicant and Commission give some consideration to setting hours of operation that are "compatible" with the neighborhood. The letter acknowledges the applicant proposes to close the store at 11:00 pm nightly and does not specify an alternative time. Other concerns are raised about the sale of "adult" magazines though staff is not aware if the applicant planned to sell those at this location. Finally, the letter requests consideration that limits on alcohol sales be considered, though staff note that such licenses are approved by the Common Council after review by the Alcohol License Review Committee.

Conclusion

The applicant seeks demolition and conditional use approval to raze an existing gas station and convenience store to allow the construction of a new gas station and convenience store. The subject site is at the northeast corner of the intersection of East Dean Avenue and Monona Drive, located adjacent to a city-owned golf course and other auto-oriented commercial development. Residential development is located east of the site.

The existing gas station building was constructed in 1962. The applicant has indicated that there is little economic feasibility in repairing and expanding the existing store building noting instances of foundation cracking, worn out exterior materials, a failing roof, and an inefficient building layout.

The proposed one-story convenience store building is 3,500 square feet in area, placed near the eastern edge of the property. The building would be clad in masonry and features a hip-style roof. A total of three (3) new pump "islands" serving six (6) vehicles is proposed under a new canopy, located between the convenience store and Monona Drive. A new planting bed would line much of the street frontage and a grassed lawn is proposed along the south side of the building with additional plantings. New sidewalk connections would be installed between Monona Drive, East Dean Avenue, and the store building.

Staff believe the demolition and conditional use standards can likely be met. Staff has proposed some design alterations believed to better align the project with the applicable conditional use standards. The Lake Edge Neighborhood association has voted to support the project, and that letter and other correspondence related to the application is included in the Plan Commission materials.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards can be met and approve the applicant's request to demolish a gas station and convenience store to allow construction of a new gas station and convenience store, adjacent to a City Park at 4624 Monona Drive, subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

1. That the dumpster and dumpster enclosure be relocated to a less conspicuous portion on the site, with the final location and details to be approved by Planning Division staff.
2. That the landscape plan be revised to provide additional evergreen plantings intermixed within the street-frontage planting bed to provide additional screening outside of the required vision triangle areas. Details shall be approved by staff.
3. That further details on the pedestrian sidewalk are proposed to indicate how this space is differentiated from the balance of the parking lot, for approval by Planning and Traffic Engineering staff.

4. That solid fencing of at least six in height feet be provided along the rear of the property line to provide screening from the nearby adjoining residential properties. If possible, retain the existing vegetation along this line. Fencing and vegetation shall be labeled on sign-off plans, for approval by staff.
5. That the applicant clarifies the elevation drawings to clearly and accurately note the proposed brick colors, for approval by staff. Staff is requesting that there be more contrast in the colors of brick than depicted on these plans.
6. That the south (East Dean Avenue) elevation be revised with further articulation. The revised plans shall include a larger window below the proposed transom window. Staff does not object to the utilization of spandrel glass or other similar treatment that is not pure vision glass, provided the final design details are approved by staff.
7. That additional windows are provided along west (Monona Drive) façade, for approval by staff.
8. That the height of the masonry on the canopy supports is raised above the height of the fuel dispensing machines for the purpose of improving the character of the canopy from the street.
9. That a lighting plan covering the entire property be submitted for staff approval.
10. That the hours of operation are from 5:30 am until 11:00 pm.

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

11. Coordinate proposed right-of-way changes to Monona Drive and Dean Avenue with City Engineering Principal Street Engineer Christy Bachmann (266-4095 or cbachmann@cityofmadison.com).
12. The final Conditional Use plan set shall include accurate depiction of all right-of-way and lot lines.
13. The City will purchase the right of way which is required for the 2013 Monona Drive Reconstruction Project. The Applicant shall install new sidewalk on Monona Drive and Dean Avenue per the location and grade of the proposed 2013 plan. The City will reimburse the Applicant for the current set of "Rebate" rate for property owner installed sidewalk. The current rate is \$2.50 per square foot.
14. Curb cuts to the bio retention shall not be allowed. The storm sewer design shall be revised to prove a more effective drainage system with pipes and inlets.
15. Provide a copy of the property's WDNR closure document for BRRTS#03-13-002094. If you have questions on this condition please contact Brynn Bemis at 267-1986 or bbemis@cityofmadison.com.
16. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)

17. Value of sidewalk installation over \$5000. The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along Monona Drive and Dean Avenue. (MGO 16.23(9)(d)(6))
18. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
19. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (MGO 16.23(9)(d)(6))
20. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
21. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
22. 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. POLICY AND MGO 10.29
23. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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.
24. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
25. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Control 40% TSS (20 micron particle) off of new paved surfaces; b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and c) 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.
26. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) izenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale

and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

27. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). 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).
28. 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.
29. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
30. 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. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

31. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
32. " and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach to Monona Drive and a "Stop" sign shall be installed at a height of seven (7) feet at the Dean Avenue driveway approach. 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.

Zoning Administrator (Contact Pat Anderson, 266-5978)

33. Show (1) accessible parking stall that meet state required striping and signage as near the accessible entrances as possible. Meet all applicable State accessible requirements, including but not limited to:

- a. Provide required accessible stall striped per State requirements. Required stall shall be a van accessible stalls 8' wide with an 8' striped out area adjacent.
 - b. Show signage at the head of the stall. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Highlight or call out the accessible path from the stall to the building. The stall shall be as near the accessible entrance or elevator as possible. Show ramps, curbs, or wheel stops where required.
34. Provide two bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
35. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. This is in an Urban Design District. Signage must be approved by the Urban Design Commission and Zoning. Sign permits must be issued by the Zoning Section of the Department of Planning and Development prior to sign installations.
36. NOTE: Submitted plans do not include elevation views of fuel island canopy. Usage of fuel island canopy for signage purposes will impact ability to place signs on building.
37. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. Provide a plan showing at least .5 foot candle on any surface on any lot and an average of .75 footcandles. The maximum light trespass shall be 0.5 fc at 10 ft from the adjacent lot line. (See City of Madison lighting ordinance).
38. The east side of the subject property abuts a private alley serving the commercial property to the north. Historically, the screening on the subject property has been used to satisfy the screening requirement pursuant to section 28.04(12)(c) between the commercially zoned area and the residential development to the east. As a condition of approval, where sites shares a zoning district boundary with residential development. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district.
39. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
40. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

41. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
42. Coordinate underground storage tank removal and installation with Madison Fire Department Inspection Unit-Flammable and Combustible Tank Inspection Program:
<http://www.cityofmadison.com/fire/prevention/inspection/combustible.cfm>

Water Utility (Contact Dennis Cawley, 261-9243)

43. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. 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 a response for this request.