



Legistar I.D. #23863
1129 South Park Street
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.

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 28.12 (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 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 at 1129 South Park Street subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

Background Information

Applicant / Contact: John W. Sutton; Sutton Architecture, 104 King Street; Madison, WI 53703

Property Owner: Mohammed Ehtasham; 1129 South Park Street; Madison, WI 53715

Proposal: The applicant proposes to demolish an existing gas station and convenience store to allow construction of a new gas station and 2,400 square foot convenience store.

Parcel Location: The subject property is a 13,164 square foot parcel at the intersection of South Park Street and Olin Avenue. The property is within Aldermanic District 13; Urban Design District 7 and the Madison Metropolitan School District.

Existing Conditions: The site is currently developed with a gas station and small convenience store. The store building is near northeast side of the site and fuel three pump islands located to the front.

Surrounding Land Use and Zoning:

North: Commercial development fronting Park Street, zoned C2 (General Commercial). The proposed site for the Wingra-Clinic rezoning is roughly 350 feet to the north east of this site;

East: Single, Two, and small multi-family homes zoned either R2 (Single Family Residence District) or R4 (General Residence District).

South: Commercial development, zoned C2 (General Commercial); and

West: Commercial development zoned C2, with residential development beyond.

Adopted Land Use Plan: The Comprehensive Plan recommends community 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)

A summary zoning table was not included in the report from the Assistant 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.

Surrounding Context

The 13,164 square foot subject site is at the northeast corner of the South Park Street and Olin Avenue intersection. An alley runs behind the property. Residential development, including single, two, and small multi-family properties are immediately to the east. Commercial development lines much of the adjacent Park Street frontage. The Bancroft Dairy site, currently proposed for redevelopment, is northwest of the site.

Existing Conditions

The subject site is an irregularly shaped corner lot with a driveway opening onto Olin Avenue and two onto South Park Street. The existing building was constructed in 1969 according to City Assessor records. The small store building is one-story in height and approximately 427 square feet in area. It is sited near the northeast side of the property with three gasoline pumps and a covered canopy located to the front. There is 30-plus foot yard between the rear of the structure and the alley.

Interior and exterior photos of the building and site were provided in the application materials and can be viewed online at: http://www.cityofmadison.com/planning/projects/reports/1129sps_photos.pdf While no specific structural issues are listed, the applicant cites the small building size and poor conditions as concerns with the current structure.

Summary of Development Proposal

The proposed convenience store building is approximately 2,400 square feet in area. In addition to the enlarged convenience store, the proposed building also includes space for a second tenant. This space is planned to be occupied by a take-out style restaurant.

The building is sited in a similar location to the existing structure, though the alley-facing rear yard is reduced by roughly 20 feet. A row of evergreens line the building's rear elevation and two crab apple trees are proposed for that yard.

The applicant plans to re-use the existing pump islands and canopy. The three (3) existing driveways would also remain. The original submittal included seven (7) parking stalls, though the revised plans (included in this packet) that were granted initial approval from the Urban Design Commission (UDC) show five (5) vehicle stalls and 10 bicycle parking stalls.

Several site improvements are proposed. Plans show that two six-foot wide sidewalk connections will be installed, providing direct pedestrian routes from both Park Street and Olin Avenue. New perimeter planting beds will also be installed intended to create a stronger street edge along both adjoining streets. Trash enclosures would be moved to a screened area along the side the building. The applicant indicates that all lighting fixtures will be replaced with LED lights. A new wooden fence is proposed along the eastern property line. Staff recommend that fence details be provided and note that the zoning ordinance requires that there be effective 6' – 8' high screening along the entire lot line where adjoining a residential zoning district.

The proposed one-story building is roughly “T” shaped. The different building wings provide some variation in height to help break up the building’s mass. A two-story tower entry feature is proposed at the center of the building to further provide variation in the façade. The building is proposed to be clad in concrete block with metal accents. The architect indicates he has chosen materials to complement some of the older service and industrial buildings in the area.

Design Considerations

The project is in Urban Design District 7 and as such, requires approval from the Urban Design Commission (UDC). Initial approval was granted by the UDC on August 17 with final approval of the design details to come. While the design details must ultimately be approved by the UDC, staff recommend consideration be given to the following:

- Better articulate the street-facing façades through the creation of a more distinctive “base” element along the bottom of the façade. Consider the use of alternate textures, colors, materials or other treatments.
- Provide additional articulation along the “restaurant” wing of the west elevation. This will be among the more visible facades and has a relatively strong pedestrian connection onto Park Street. In looking at the provided floor plan, it appears that adding a window next to the front door would not conflict with back-of-house type operations. If that is determined to not be feasible, explore options such as a wider door or other articulation options to avoid a “blank-wall” appearance.

Parking Considerations

The Zoning Code requires eight (8) parking stalls for this development. With five (5) proposed stalls, approval of an administrative-level parking reduction is required. This would not be a conditional use-level parking reduction requiring Plan Commission approval. Nonetheless, parking should be considered by the Commission, noting that Conditional Use Standard 5 requires the Plan Commission make a finding that the proposed parking is adequate.

Neighborhood Input

The applicant has attended multiple meetings with neighbors and at the most recent meeting, the Bay Creek Neighborhood Association voted to support the project. The primary concerns raised during their review included traffic circulation and issues regarding property management. These issues are summarized in more detail, below.

Vehicular Circulation and Traffic Concerns

City Traffic Engineering is recommending several improvements to the surrounding rights-of-way to address traffic concerns. In their report, that agency acknowledges that it may not be possible to resolve all traffic-related challenges considering the many site constraints. One improvement is the installation of a “mountable” raised center island on Olin Street to discourage problematic left turns in and out of the site on Olin Avenue. Another improvement is to create a wider curb bump-out on Park Street (or other measures) to improve the site’s pedestrian and bicycle connections. These improvements must be coordinated closely with Metro Transit, which is looking to establish a new stop in front of this site. At the time of report writing, staff understands the applicant is amenable to these conditions. Please see the agency comments for more specific information.

Operations and Management

In regards to property management, litter and management of activities in the parking lot were raised as concerns. In response, the applicant’s letter of intent indicates that additional on-site security will be provided and that new security cameras are being installed. There are seven (7) trash containers proposed across the site and the applicant has indicated his employees will pick up litter for one block in every direction of this property. Comments made at the most recent neighborhood meeting suggest there has been some improvement in the overall site management.

Considering the hours of operation, the applicant has indicated the existing hours of operation are from 6:00 am until 12:00 am, daily. The applicant requests these hours remain.

Finally, staff note that the letter of intent makes reference to potentially creating an outdoor seating areas on site. While the applicant can provide seating as a site amenity, staff note that a designated outdoor eating area for a restaurant is a separate conditional use and is not formally included in this application. Details such as seating plans, capacity, and hours of operation would need to be reviewed by the Plan Commission.

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 “community 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. Staff does not believe the community mixed-use recommendation precludes the redevelopment of an existing gas station and believes that the proposed project has a stronger pedestrian orientation compared to the existing condition.

Conclusion

Planning Division staff are supportive of this application and believe the applicable standards can be met. The resulting gas station will include several site improvements along with a more architecturally interesting building compared to the existing condition. The primary concerns raised by the neighborhood are traffic circulation and business management. Regarding the former, Traffic Engineering has recommended several improvements which the applicant appears amenable to installing. This should improve the situation over the existing condition. Regarding the latter, the

applicant has outlined several steps to improve the overall management of the property. As a conditional use, if future issues arise, the Plan Commission maintains continuing jurisdiction over the use which could result in complaints returning to the Plan Commission for further consideration.

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 at 1129 South Park Street subject to input at the public hearing and the conditions from the Planning Division and other reviewing agencies.

1. That details of the wooden fence are provided and that effective screening is provided along the eastern lot line as required by the Zoning Ordinance.
2. That increases in the hours of operation require approval of a conditional use alteration. The applicant has indicated that the current hours of operation are from 6:00 am until 12:00 am, daily.
3. That this item receive final approval from the Urban Design Commission prior to staff sign-off of the demolition permit and conditional use. The following should be considered by the Urban Design Commission when they make their approval:
 - a. Better articulate the street-facing façades through the creation of a more distinctive "base" element along the bottom of the façade. Consider the use of alternate textures, colors, materials, or other design options.
 - b. Provide additional articulation along the "restaurant" wing of the west elevation. This will be among the more visible facades and has a relatively strong pedestrian connection onto Park Street. It appears that an additional window next to the front door would not conflict with back-of-house type operations. If that is determined to not be feasible, explore options such as a wider door or other articulation options to avoid the "blank-wall" appearance.

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

4. If the restaurant and the gasoline station/convenience store will be operated under different business names, there may need to be a separate addresses assigned for the multiple uses. Coordinate this information and discussion with Lori Zenchenko in the Engineering Division - GIS / Mapping Unit. Lzenchenko@cityofmadison.com or 608.266.5952.
5. Coordinate any right of way improvements with the City Engineer and City Traffic Engineer. If improvements are required on Olin Avenue or S. Park Street the Developer may be required to enter into a Development Agreement for the construction of these improvements.
6. The construction of this building may 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)

7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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. (POLICY)
8. 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)
9. 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
10. 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)
11. 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.
12. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@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.
13. 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).

14. 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.
15. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan. (POLICY)
16. 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>.
17. 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)

18. The Plan Commission will need to carefully consider and weigh the subject proposal as not all issues associated with traffic can be resolved fully. While the gas station is an existing use, the site is rather small and as a result is challenging to accommodate a complete set of adequate traffic measures. As one example, the site's existing driveway on Olin Avenue is rather close to S. Park St and the intersection lanes on Olin Ave. This results in some odd maneuvers but due to the low traffic generation of the site could be argued as having limited to marginal impacts. Due to the site size and needs for access, there are few good options to improve this needed driveway. However, to improve the site the following new measures are recommended:
 - a. The applicant shall be responsible for constructing a 3-5 ft wide partially raised center island (4" curb) on Olin Ave to discourage left turns in and out of the site on Olin Ave. The final design shall be reviewed and approved by the City.
 - b. The applicant shall be responsible for re-constructing the southeast corner of the Olin-Park St intersection to provide a curb bumpout on Park St or some other measure at this corner to improve the site's pedestrian-bicycle conditions and interactions with the site's driveways. The final design shall be reviewed and approved by the City.
 - c. The applicant shall be responsible for providing an intersection sight triangle plan for the site's northwest corner showing all physical features to include signs, landscaping and pedestrian movements, and if necessary remove and/or relocate interfering features from this sight triangle to provide adequate sight distance and safety areas for pedestrians and bicyclists on the subject corner. The details of this study and final design shall be reviewed and approved by the City.
19. The applicant shall show and demonstrate via drawings the ingress/egress and turning movements of a semi-truck using the driveways and the location of loading and unloading fuel and/or supplies.

20. All facilities shall have adequate internal circulation in which no backing movement, except that required to leave a parking stall, is allowed. All parking facilities shall be designed so as not to utilize any portion of the public right-of-way except to permit ingress and egress in a forward manner. No parking stall shall be so located as to require a vehicle, while exiting there from, to back onto any public street or sidewalk.
21. 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'.
22. " 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.
23. "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
24. 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.
25. 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.
26. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
27. 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'.

Zoning Administrator (Contact Pat Anderson, 266-5978)

28. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permits being issued. NOTE: 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.
29. 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.
30. 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.
31. 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.
32. 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).
33. Pursuant to section 28.04 (12) (c) where sites shares a zoning district boundary with residential development to the east and northeast. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district.
34. The walk up carry out restaurant shall not provide inside seating for dining, as a result; the parking required is based on the retail area. Obtain a parking stall reduction of one stall (based on the original submittal). Note, subsequent plans approved by the UDC showed a reduced number of stalls. An administrative-level reduction of 2-3 parking stalls would then be required, depending on the number of stalls provided on the final site plan

Fire Department (Contact Bill Sullivan, 261-9658)

35. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Water Utility (Contact Dennis Cawley, 261-9243)

36. 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)

37. The applicant shall install and maintain a concrete boarding surface between the curb and sidewalk on the east side of South Park Street, north of Olin Avenue (to the extent the narrow terrace width was not planned to be concrete already). The boarding surface would include the area from the northern edge of the north-most driveway apron to the north property line.

38. The applicant shall include the location of these right-of-way improvements and passenger amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

39. Metro Transit operates daily transit service along South Park Street through the Olin Avenue intersection. Bus stop ID#0107 is currently located just north of the project site. To improve pedestrian access and safety, the stop zone is proposed to shift south closer to the signalized pedestrian crossings at the intersection.

40. This bus stop location is not a scheduled time point for routes, so buses would only be required to occupy this stop zone when actively loading or unloading passengers.

41. The applicant may consider inclusion of a small seating amenity in their landscape plan for the area adjacent the planned bus stop location.