



Project Address: 633-711 West Badger Road
Application Type: Demolition and Conditional Use
Legistar File ID # [31685](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant and Project Contact: Kevin John Evancko; Fountain of Life Covenant Ministries; 633 W. Badger Rd.; Madison, WI 53713

Property Owner: Fountain of Life Covenant Ministries; 633 W. Badger Rd.; Madison, WI 53713

Requested Action: Approval of a demolition of a vacant car wash facility, and a conditional use for an outdoor recreation facility in the CC-T District.

Proposal Summary: The applicant proposed to demolish a vacant car wash facility, regrade the property, and construct a basketball court and playfield to be used by local community organizations for youth basketball, soccer and football leagues.

Applicable Regulations & Standards: This proposal is subject to the standards for demolitions (MGO Section 28.185) and conditional uses (MGO Section 28.183(6)).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request at 633-711 West Badger Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject property is located on the south side of West Badger Road between South Park Street and Rusk Street; Aldermanic District 14 (Strasser); Madison Metropolitan School District.

Existing Conditions and Land Use: The 0.9-acre site currently has a car wash building positioned near the center of the site and surrounded by asphalt.

Surrounding Land Use and Zoning:

North: Automobile repair building and two small mixed-use buildings with first floor commercial spaces and second floor apartments in the CC-T (Commercial Corridor – Transitional) District; Three-story apartment building in the SR-V2 (Suburban Residential –Varied 2) District; Large multi-family apartment complex in the Town of Madison

East: Fountain of Life Church, in the SR-V2 (Suburban Residential –Varied 2) District

South: West Beltline Highway and South Park Street interchange

West: Burger King Restaurant in the CC-T (Commercial Corridor – Transitional) District

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends community mixed-use for this property. The South Madison Neighborhood Plan (2005) does not have a more specific recommendation.

Zoning Summary: 633-711 West Badger Road is in the CC-T (Commercial Corridor - Transitional) District.

Dimensional Requirements	Required	Proposed
Front Yard Setback	TBD	TBD
Side Yard Setback	TBD	TBD
Rear Yard	The lesser of 20% of lot depth or 20 feet	N/A
Maximum Lot Coverage	85%	Less than 85%
Maximum Height		N/A

Site Design	Required	Proposed
Number parking stalls	No minimum	
Bike parking	As determined by Zoning Administrator	TBD
Landscaping	Yes	No
Lighting	Yes	Yes
Accessible stalls	1	1
Loading	No	No
Building forms	No	No
Other Critical Zoning Items:		

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a range of urban services, and is within a block of Metro Transit's South Transfer Point.

Project Description, Analysis, and Conclusion

The applicant, Fountain of Life Ministries, proposes to demolish a vacant car wash facility in order to construct a fenced-in basketball court and a field to be utilized for youth soccer and flag football. A very small surface parking lot with three stalls is proposed to serve the site. A small accessory shed is also proposed, but is not shown on submitted plans.

The applicant is leading the effort to work with partnering firms to demolish the building, regrade the site and construct the facilities. After they are constructed and ready for use, the facilities will be maintained over time by the applicant and utilized primarily by other community organizations such as the Boys and Girls Club, the Urban League of Greater Madison, Centro Hispano, and others. Facilities are likely to be utilized during weekends and evenings, including a potential midnight basketball league for young adults.

Staff believes that the proposal will be a welcome change for this property, and that the facilities will be very well utilized by area organizations. Madison Police Department staff has noted that the existing car wash building has fostered crime, and is very supportive of the proposal. The addition of recreational facilities for youth in this area is needed, and being so close to the South Transfer Point, this site is accessible by multiple modes of transportation. The demolition of the vacant car wash facility raises no concerns, and staff believes that its replacement with outdoor recreational uses can meet the demolition standards.

This request is being reviewed as a conditional use because the subject property is separate from the adjacent church property, and the outdoor recreational uses proposed would be the principal use of the subject property. It is worth noting that if they were to be located on the same property as the church, they would likely be reviewed as a permitted accessory use to the church.

Conditional Use Standards

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met, so long as the facilities are well-managed, and their use is respectful of nearby residences.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard is met.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as the conditions of approval from Engineering regarding an adjustment to the parking lot to allow for the future construction of a public sidewalk can be satisfied.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission:*

- a. *Shall bear in mind the statement of purpose for the zoning district, and*
- b. *May require the applicant to submit plans to the Urban Design Commission for comment and recommendation*

Staff believes that this standard is met.

[Standards 6, 8 and 10-15 do not apply to this request]

Staff is unaware of any objections to the proposal, and the only concern staff has is the proximity of residential uses across West Badger Road to the north, and the impacts that late night use of the lighted basketball court might have on nearby residents. As part of the final plan set, staff recommends that the applicant include an indication from the applicant regarding the hours of operation and frequency of use for the lighted basketball court. Staff notes that as a conditional use, the Plan Commission maintains continuing jurisdiction over the site, which may include changes to the allowable hours of operation, should the use of the site fail to meet all conditional use standards at any time in the future.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met and **approve** the request at 633-711 West Badger Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded
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Planning Division (Contact Heather Stouder, 266-5974)

1. Final site plans prepared for staff review and approval shall include any accessory buildings proposed on the site.
2. Final plans prepared for staff review and approval shall include the allowable hours of operation and frequency of use of the lighted basketball court.
3. The applicant shall work with the Madison Police Department to develop a security plan for the area. Final plans submitted for review and approval shall include a written statement from MPD staff indicating that discussions regarding these plans are underway.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, a demolition permit shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann (608) 267-2626.
5. Section 29.185(1) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
6. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
7. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required accessible stalls, including van accessible stalls.
8. Pursuant to Section 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
9. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
10. Work with the Zoning Administrator to determine necessary/required amount of bicycle parking for the outdoor recreation space. Provide a detail of the bike rack to be installed.

Water Utility (Contact Dennis Cawley, 266-4651)

11. Madison Water Utility shall be notified to remove the water meter prior to demolition.
12. The 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.

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

13. The north edge of the proposed parking area on Sheet 2 is shown being located on the south right of way of West Badger Road. This could be problematic and conflict with future public sidewalk improvements along the south side of West Badger Road. The location and elevation of the north edge and entrance to the parking area shall be coordinated with City of Madison Engineering staff.
14. The Applicant shall Dedicate a Temporary Limited Easement for grading and sloping 15 feet wide along Badger Road (MGO 16.23(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM)).
15. The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along W. Badger Road in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO (MGO 16.23(9)(d)(6)).
16. The applicant shall demonstrate compliance with MGO Section 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.
17. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Reduce TSS off of the proposed development by 80% when compared with the existing site.
 - b) 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 MGO Chapter 37.
18. The Applicant shall submit, prior to plan sign-off, 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:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words “unplatted”
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

19. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) 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 Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/Etc
- d) 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 (POLICY and MGO 37.09(2)).

21. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).

Fire Department (Contact Bill Sullivan, 261-9658)

This agency had no comments pertaining to this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency had no comments pertaining to this request.

Traffic Engineering (Contact Eric Halvorson at 266-6527)

This agency had no comments pertaining to this request.