



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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September 22, 2011

John W. Sutton
Sutton Architecture
104 King Street
Madison, WI 53703

RE: Approval of a demolition permit and conditional use for **1129 South Park Street** to demolish an existing gas station and convenience store to allow construction of a new gas station and convenience store.

Dear Mr. Sutton:

The Plan Commission, meeting in regular session on September 19, 2011, determined that the ordinance standards were met and **approved** your client's requests for 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 at 1129 South Park Street. In order to receive final approval of the demolition permit and the conditional use the following conditions must be met:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following fourteen (14) items:

1. 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.
2. 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.
3. 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)
4. 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.

5. 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)
6. 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
7. 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.
8. 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.
9. 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.
10. 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).
11. 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.
12. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
13. 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>.

14. 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>.

Please contact Bryan Walker, Traffic Engineering, at 267-8754 if you have questions regarding the following eight (8) items:

15. 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.
16. 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.
17. 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.
18. "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.
19. 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.

20. 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.
21. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
22. 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'.

Please contact Bill Sullivan, Madison Fire Department, at 261-9658 if you have questions regarding the following item:

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

Please contact Patrick Anderson, Assistant Zoning Administrator, at 266-5978 if you have questions regarding the following seven (7) items.

24. 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.
25. 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.
26. 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.
27. 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.
28. 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).

29. 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.
30. 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

Please contact Dennis Cawley, Madison Water Utility, at 261-9243 if you have questions on the following item:

31. 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. The Water Utility will not need to sign off the final plans and will not need a copy of the approved plans.

Please contact Tim Sobota, Metro Transit, at Metro Transit 261-4289 if you have questions on the following five (5) items:

32. 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.
33. 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.
34. 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.
35. 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.
36. The applicant may consider inclusion of a small seating amenity in their landscape plan for the area adjacent the planned bus stop location.

Please contact my office at 267-1150 if you have questions on the following four (4) items.

37. 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.
38. 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.

39. 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.

The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

Please now follow the procedures listed below for obtaining your demolition permit and conditional use:

1. Please revise your plans per the above and submit ***eleven (11) copies*** of a complete plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
2. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit.
3. This letter shall be signed by the applicant and property owner to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved demolition permit and conditional use permit.

If you have any questions regarding obtaining the demolition or conditional use approval, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Dailey, Engineering Division
John Leach, Traffic Engineering
Pat Anderson, Zoning
Bill Sullivan, Madison Fire Department
George Dreckmann, Recycling Coordinator
Tim Sobota, Metro Transit

I hereby acknowledge that I understand and will comply with the above conditions of approval for this demolition permit and conditional use.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Police - Metro