

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: March 19, 2012

TO: Plan Commission

FROM: Timothy M. Parks, Planner, Planning Division

SUBJECT: **ID# 25616 – Consideration of a request to revise the conditions of a conditional use approval for a new gas station, car wash, and convenience store with restaurant tenant space to be constructed at 1101 N. Sherman Avenue**

On November 21, 2011, the Plan Commission found the standards met and approved a demolition permit and conditional use to allow a former convenience store to be demolished and a new gas station, car wash, and convenience store with restaurant tenant space to be built at 1101 N. Sherman Avenue, at the northeastern corner of Roth Street.

One of the conditions of the project approval (#21 on the attached approval letter) prohibited the outdoor storage and sale of windshield wash, mulch, firewood, salt and other such materials at any location on the subject site, including in the parking lot, on walkways adjacent to the convenience store or in the area of the pump islands.

The architect for the demolition permit and conditional use request, Doug Pahl of Aro Eberle Architects, Inc. submitted a letter dated February 15, 2012 on behalf of his client, Farooq Shahzad, Capitol Petroleum, LLC, requesting that condition 21 be removed. Mr. Pahl cites in his letter that the recent approval of other gas station/ convenience store projects similar to his client's at 1129 S. Park Street and 4624 Monona Drive did not contain the restriction placed on the 1101 N. Sherman Avenue project, and that the condition approved places "an undue constraint on [his] client's operations."

In reviewing the proposed demolition permit and conditional use for new construction, the Planning Division recommended the approved condition to ensure that the conditional use standards can be met for the development, and to ensure that the aesthetic goals of the Northport-Warner Park-Sherman Neighborhood Plan are upheld. The same condition was approved with an August 2010 conditional use request by a different applicant to allow fuel dispensing islands, a canopy, and underground storage tanks to be re-installed on the subject site as part of the renovation of the convenience store.

Staff agrees that the condition placed on this project has not be uniformly applied to other projects of similar content and character and is amenable to this condition of approval being removed for this project. Staff will note, however, that the new Zoning Code expected to take affect later this year contains regulations on outdoor displays, including a requirement that outdoor display areas for retail uses in many new commercial and mixed-use zoning districts receive conditional use approval from the Plan Commission.