



Report to the Plan Commission

November 21, 2011

Legistar I.D. #24534
1101 N. Sherman Avenue
Demolition Permit & Conditional Use

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of 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 constructed at 1101 N. Sherman Avenue.

Applicable Regulations & Standards: Section 28.09(3)(d) identifies automobile service stations for the retail sale and dispensing of fuel, lubricants, etc. and automobile laundries as conditional uses in the C2 General Commercial District. Section 28.04(16) provides specific criteria for automobile service stations and automobile laundries. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** 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 to be constructed at 1101 N. Sherman Avenue, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Applicant & Property Owner: Farooq Shahzad, Capitol Petroleum, LLC; 2702 E. Washington Avenue; Madison.

Agent: Douglas Pahl, Aro Eberle Architects; 116 King Street, Suite 202; Madison.

Proposal: The applicant wishes to demolish an existing convenience store on the subject site to allow construction of gas dispensing islands and a new convenience store with space for a separate commercial tenant and an attached car wash. The applicant indicates that an unidentified restaurant will occupy the commercial space. The project will commence in March 2012, with completion scheduled for June 2012.

Existing Conditions: The subject site is developed with a vacant one-story, 3,060 square-foot retail building, zoned C2 (General Commercial District).

Parcel Location: An approximately 0.48-acre parcel located at the northeastern corner of N. Sherman Avenue and Roth Street; Aldermanic District 12 (Rhodes-Conway); Madison Metropolitan School District.

Surrounding Land Use and Zoning:

North: Northgate Shopping Center, zoned C2 (General Commercial District);

South: Kavanaugh's Esquire Club, zoned C2; surface parking and undeveloped land, zoned M1 (Limited Manufacturing District) and W (Wetlands District);

East: Pollock Auto Body, Dorn Bait & Tackle, Northgate Shopping Center, zoned C2;

West: Sherman Glen Apartments, zoned PUD-SIP; All Auto Service, Café Bellitalia, zoned C3L (Commercial Service and Distribution District).

Adopted Land Use Plan: The Comprehensive Plan recommends the subject site and nearby properties south of Aberg Avenue on both sides of N. Sherman Avenue (including the Sherman Glen Apartments and Northgate Shopping Center) for future Community Mixed-Use development. A Transit-Oriented Development node is also identified at the N. Sherman-Aberg intersection.

The site is also located with the boundaries of the 2009 Northport-Warner Park-Sherman Neighborhood Plan, which includes two redevelopment concepts for Northgate Shopping Center that call for the retail center to evolve into a mixed-use, transit-oriented development as part of a larger-scale redevelopment proposal for the area bounded by N. Sherman Avenue on the west, Aberg Avenue on the north, Packers Avenue on the east and Commercial Avenue on the south.

Environmental Corridor Status: The subject site 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: Existing C2 (General Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	20,691 sq. ft./ 0.48 acres
Lot Width	50'	147' along N. Sherman Avenue
Front Yard	0'	Adequate
Side Yards	0'	Adequate
Rear Yard	10'	32' to the north
Floor Area Ratio	3.0 maximum	Less than 1.0
Building Height	N/A	1 story
No. Parking Stalls	5	6
Accessible Stalls	2	1 (see cond. #17a, page 19)
Loading	N/A	---
No. Bike Parking Stalls	2	3 (see cond. #19, page 21)
Other Critical Zoning Items		
Yes:	Utility Easements, Barrier Free	
No:	Urban Design, Floodplain, Historic District, Landmark, Adjacent to Park, Wellhead Protection	
<i>Prepared by: Tim Parks and Pat Anderson, Asst. Zoning Administrator</i>		

Previous Approval

On August 9, 2010, the Plan Commission approved a conditional use for the subject site to allow fuel dispensing islands, a canopy and underground storage tanks to be installed at a former gas station/ convenience store, subject to conditions.

Project Review

The applicant is requesting approval of a demolition permit to demolish an existing 3,060 square-foot convenience store located on the eastern half of the 0.48-acre subject site, which is located at the northeastern corner of N. Sherman Avenue and Roth Street in C2 General Commercial zoning. Following demolition, the applicant proposes to construct gas dispensing islands and a new convenience store with space for a restaurant tenant and an attached car wash.

The subject site was most recently operated as a Speedway gas station and convenience store. However, the fuel dispensing appurtenances were removed in 2009 and were not re-installed within 6 months, which caused the prior conditional use approval for the gas station to lapse. The Zoning Code states that a conditional use shall expire if that conditional use ceases for more than 6 months for any reason. Therefore, approval of a new conditional use permit is required before the applicant can re-establish fuel sales on the subject site.

Plans for the subject site call for a 3,200 square-foot convenience store to be located on the eastern half of the site in approximately the same location as the existing store to be razed. Entrances to the building will be provided along both street-facing facades of the building, including an entrance from the Roth Street sidewalk for the restaurant tenant space, which will occupy 500 square feet of space at the southern end of the building. Seven parking stalls, including one accessible stall, will be located along the western façade of the building. The proposed car wash will be located adjacent to the northern wall of the convenience store, with a single wash bay proposed. Vehicles using the car wash will enter from the north and east sides of the car wash and exit into the parking and fuel dispensing areas of the site. The new convenience store/ car wash building will feature a modern design aesthetic featuring a two-toned ribbed metal panel exterior located above a brick base. The southern and western walls will be accented by horizontal slats over the windows, which will also have prominent window overhangs.

The proposed fuel dispensing operation calls for three angled pumps with a total of six fueling positions to be located on the western half of the subject site adjacent to N. Sherman Avenue. The fuel pumps will be covered by a 25-foot wide, 81.75-foot long canopy that will be supported by three steel columns. Access to the site will be provided from a driveway from N. Sherman Avenue adjacent to the northern property line and from a driveway from Roth Street adjacent to the N. Sherman intersection. An existing second driveway from N. Sherman Avenue just north of Roth Street will be closed as part of the proposed site improvements. A new wood trash enclosure will be constructed adjacent to the car wash exit.

Hours of operation for the proposed facility will be from 6:00 a.m. to 11:00 p.m. daily. The applicant indicates a permit will be requested from the Alcohol License Review Committee and Common Council to sell beer in the convenience store.

Analysis & Conclusion

The dispensing of fuel qualifies the project as an “automobile service station”, which is defined as the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor service. Automobile service stations are a conditional use in the C2 zoning district. The proposed car wash falls under the definition of an “auto laundry”, which is also a conditional use in C2 zoning, and requires the Plan Commission to obtain a report from the City’s Traffic Engineer on traffic matters. In addition to the conditional use standards for approval, automobile service stations and automobile laundries are subject to the provisions in Section 28.04(16) of the Zoning Code, which

includes specific requirements related to the lighting of those uses, their proximity to other such uses, and the screening of those facilities adjacent to properties in residential zoning districts. For car washes, the provisions set forth in Sec. 10.08(6)(d) of the Madison General Ordinances also apply; a copy of those requirements are attached at the end of this report.

The Comprehensive Plan recommends the subject site and nearby properties south of Aberg Avenue on both sides of N. Sherman Avenue (including the Sherman Glen Apartments and Northgate Shopping Center) for future Community Mixed-Use development. A Transit-Oriented Development node is also identified at the N. Sherman-Aberg intersection. The site is also located with the boundaries of the 2009 Northport-Warner Park-Sherman Neighborhood Plan, which includes two redevelopment concepts for Northgate Shopping Center that call for the retail center to evolve into a mixed-use, transit-oriented development as part of a larger-scale redevelopment proposal for the area bounded by N. Sherman Avenue on the west, Aberg Avenue on the north, Packers Avenue on the east and Commercial Avenue on the south. One of the redevelopment concepts calls for the preservation of much of the existing Northgate Shopping Center, with reuse and infilling primarily of the large surface parking area north and west of the retail buildings. Under this concept, the subject property and other nearby properties not on the Northgate site are not specifically recommended for redevelopment. However, under the second concept, Northgate and all of the properties along and north of Roth Street including the subject site would be redeveloped as part of a larger-scale community mixed-use, transit-oriented redevelopment.

Based on these plan recommendations, it could be concluded that the construction of auto-oriented uses such as a gas station and car wash may not be appropriate for a property generally recommended for mixed-use redevelopment. However, the existing convenience store building and former fuel dispensing equipment (removed in 2009) were approved in February 1970, and available City records indicate that an automobile service station has existed on the subject site in some form since at least 1946. Given this history, staff believes that the continuation of fuel sales in a new and improved facility on this property is appropriate.

The applicant indicates that the existing convenience store is not suitable for reuse based on the condition of the structure, which was constructed in 1970 according to City records. Among the factors cited supporting the demolition of the existing building include damaged exterior walls that are un-insulated and not energy efficient, a damaged and inefficiently designed roof, and a corroded storefront window system. The Planning Division believes that the demolition permit standards can be met with the current application despite the proposed 3,200 square-foot building being very similar to the existing building with regard to size and placement. Staff has visited the site and found the building to be in average to below average condition and feels that the proposed building will be more economically productive than the existing building.

The Planning Division believes that the project can also generally meet the conditional use standards and further believes that the applicable provisions in Section 28.04(16) can be met with the request to reestablishing fuel sales and operate a car wash on the subject site subject to conditions. The proposed development should have little or no impact on the uses, values and enjoyment, or the normal and orderly development of surrounding properties, which are predominantly commercial in nature. Staff believes that the design of the proposed convenience store/ car wash building is distinct and innovative and feels that the resulting development will create a more visually attractive environment along N. Sherman Avenue. Staff also feels that the unique design solution for the subject site could integrate well with future mixed-use redevelopment that could occur nearby in the future, particularly on the properties to the north and east.

Staff has identified only one other existing gas station or car wash within 1,980 feet of this site, and the photometric plan for the project suggests that on-site lighting fixtures have been arranged so as not to

reflect rays of light into adjacent lots nor shine rays of light directly into the streets. Because the side or rear yards of the site do not abut a residential district, the screening provisions in Section 28.04(16) do not apply.

To ensure that the conditional use standards continue to be met for the development and the aesthetic goals of the neighborhood plan are upheld, Planning staff recommends a condition of approval that prohibits 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. Staff feels that propane tank sales and rental lockers may be an appropriate accessory use for the site but recommends a condition of approval granting Planning staff the ability to approve the location of any such locker(s).

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** 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 to be constructed at 1101 N. Sherman Avenue, subject to input at the public hearing, the following Planning Division conditions, and the conditions from reviewing agencies:

1. Revise the project plans for Planning Division approval prior to final approval of the conditional use and issuance of demolition or building permits as follows:
 - 1a. show the location of any propane sales and exchange cages;
 - 1b. show the location of the underground fuel pumps on Sheet C102;
 - 1c. show the planting of shrubs and perennials in the strip located between the fuel service area and N. Sherman Avenue sidewalk and the planting of additional shrubs or perennials along the northern property line;
 - 1d. provide detailed elevations of the proposed canopy, including the height as measured from the bottom of the structure to grade.
2. The outdoor storage and sale of windshield wash, mulch, firewood, salt and other such materials shall not be permitted 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.
3. No outdoor amplified advertisements or music shall be permitted.
4. The hours of operation shall be 6:00 a.m. to 11:00 p.m. daily. Modifications to these hours of operation shall be allowed only following the approval of a minor alteration to the conditional use by the Director of the Planning Division and the recommendation of the district alder.

The following conditions have been submitted by reviewing agencies:

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

5. Any damage to the pavement shall be restored in accordance with the City's pavement patching criteria.

6. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
7. All work in the public right of way shall be performed by a City-licensed contractor.
8. 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.
9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces, and provide oil & grease control from the first 1/2" of runoff from parking areas.
10. The applicant shall submit, prior to plan signoff, 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: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; 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, digital PDF files to the City Engineering Division. 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).
12. 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.
13. Prior to final approval of the conditional use and demolition permit applications, 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.

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

14. The applicant shall indicate the type of City approved bicycle racks to be installed and locations. The bike rack should be located by the entrances to the buildings.

15. When the applicant submits final plans 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, one contiguous plan (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 2-foot overhang, and a scaled drawing at 1" = 20'.
16. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirements, which state 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.
17. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

18. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the 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.
19. Parking requirements for persons with disabilities must comply with MGO Section 28.11(3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
 - a.) Provide a minimum of 2 accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
 - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c.) Show the accessible path from the stalls to the buildings. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
20. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Section 31. Sign permits must be issued by the Zoning Section of the Department of Planning and Community & Economic Development prior to sign installation.
21. Bike parking shall comply with MGO Section 28.11. Provide 2 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
22. Lighting is not required. However, if lighting is provided, it shall comply with City of Madison outdoor lighting standards, section 10.085. Lighting will be limited to .10 watts per square foot. (See City of Madison Lighting Ordinance).

23. Within 10 feet of a driveway crossing a street lot line, any landscaping/screening shall not exceed 2 feet in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25 feet vision triangle of a street corner.

Parks Division (Contact Ray Rutledge, 266-4714)
This agency did not submit comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

24. 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)
This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)
This agency did not submit comments for this request.

Police Department (Contact Frank Chandler, 266-4238)
This agency did not submit comments for this request.

- (d) Automobile laundries shall be designed to provide the following:
1. Parking and Reservoir Space Requirements.
 - a. One parking space for each two employees, and one parking space for the owner or manager of any automobile laundry.
 - b. Reservoir parking spaces equal in number to five (5) times the maximum capacity of a self-service or any other laundry shall be provided: maximum capacity, in this instance, shall be defined as the greatest possible number of automobiles undergoing some phase of laundering at the same time, which shall be determined by dividing the length in feet of each production line by twenty (20).
 - c. One additional space shall be provided for each nozzle of any vacuum cleaning machine, while storage space for other laundries shall be adequate to accommodate all vehicles off-street which are awaiting delivery.
 - d. Self-service laundries without indoor drying equipment shall provide one drying area stall for each self-service laundry stall to be located outside the area of any exit lane or area used for any other laundering process.
 2. The exit door of any laundry shall be at least twenty-five (25) feet from any street or alley lot line.
 3. For a self-service or full-service automobile laundry having some type of indoor drying equipment the exit door shall be at least forty (40) feet beyond such dryers. However, the Director of the Building Inspection Division may reduce this distance requirement when the applicant provides a noise study demonstrating that the sound levels of the indoor drying equipment and laundry equipment do not exceed 65 decibels (dbs) between 7:00 a.m. and 7:00 p.m. and 60 decibels (dbs) between 7:00 p.m. and 7:00 a.m. at a residential property line, and meets Section 24.08, Madison General Ordinances, and all other requirements. (Am. by ORD-08-00109, 10-7-08)
 4. The off-street facility shall make provisions for adequate queue storage that prevents queue interference with pedestrian or other vehicular movement and shall supply a queuing model to the Traffic Engineer for approval.
 5. Any exterior lighting shall be in conformity with Madison General Ordinances Section 10.085(6)(a)12.
 6. The hours of operation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Exceptions to these hours are subject to City Plan Commission review and approval under Section 28.12(10).
 7. A reasonable means, approved by the Director of the Building Inspection Division to prevent the drainage or deposition of water which may create icing conditions, or the drainage or deposition of other cleaning material which may create undesirable conditions in the storm drainage system, from these premises or from any vehicle so serviced on such premises upon any public sidewalk, street or right-of-way of the City of Madison. Reasonable means may include, but are not limited to, drainage pits, areas or racks, mechanical shakers, compressed air blasts, fan blowers, etc. which will dry or remove water or other liquid material from the underside of the vehicle. (Am. by ORD-08-00109, 10-7-08)
 8. All of the provisions of this subdivision shall be prospective in operation and shall apply to the granting of all building permits for the construction of automobile laundries and all building permits for alterations to, enlargements of and remodeling of existing building, provided, however, that paragraph 7. of this subdivision shall be applicable to existing automobile laundries now in operation and such existing automobile laundries shall comply with the subdivision.

(Sec. 10.08(6)(d) Am. by Ord. 12,008, 1-15-98)