



Department of Planning & Development  
**Planning Unit**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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**COPY**

June 21, 2006

Murthy Polasa  
M&J Petroleum  
2801 Atwood Avenue  
Madison, WI 53704

**SUBJECT: 2801 Atwood Avenue**

Dear Mr. Polasa:

The Plan Commission, at its June 19, 2006 meeting, determined that the ordinance standards could be met subject to the conditions below for a conditional use for the demolition of an existing gasoline sales building and the construction of a new convenience store with gasoline sales as a major alteration to an existing conditional use located at 2801 Atwood Avenue.

In order to receive final approval of your proposal, the following conditions must be met:

**Please contact John Leach, City Traffic Engineering, at 266-4761 if you have questions regarding the following nine items:**

1. 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 two (2) feet overhang, and a scaled drawing at 1" = 20'.
2. Providing adequate space for gas tank semi-trailer to access, park and circulate on-site in a forward manner and not interrupt/affect the normal operation of the gas station and convenience store. The applicant shall demonstrate the tank semi-truck ingressing and egressing movement to site.
3. The applicant shall show caps and underground storage tanks. The applicant shall show and dimension the gas pumps on the plans as to comply with the following: Gasoline pumps or similar facilities served by such driveways and approaches shall be a minimum of 15-feet from the right-of-way line of the street.
4. The applicant shall show the dimensions for existing and proposed surface/underground parking stalls' items A, B, C, D, E, and F, and for ninety-degree angle parking with nine (9) foot wide stalls and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b)2. The applicant shall design the customer parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area.

5. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan. The applicant shows a 9-foot abandoned driveway approach onto Miller Street. The applicant shall remove and replace with curb and gutter and note on site plans.
6. Direct, safe and reasonable pedestrian and bike pathways with ramps and crosswalks shall be provided from the building fronts to the public walkway from/to Miller Avenue logical directions of approach.
7. The applicant shall design the customer parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area.
8. The applicant shall post a deposit or reimburse the City for all costs associated with any modifications to Street Lighting, Traffic Signals, Signing and Pavement Marking including labor and materials for both temporary and permanent installations.
9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Janet Gebert, City Engineering, at 261-9668 if you have questions regarding the following ten items:**

10. *Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.* The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
11. The applicant shall replace all sidewalk and curb and gutter abutting the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
12. All work in the public right-of-way shall be performed by a City licensed contractor.
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances 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.
14. Prior to recording, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - a. Provide oil and grease control from the first 1/2" of runoff from parking areas.Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.
15. The applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg), MicroStation(dgn) or Universal (dxf) formats and contain 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. Lot lines
- g. Lot numbers
- h. Lot/Plat dimensions
- i. Street names

Note: Email file transmissions preferred: [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)

16. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
17. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
18. 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.
19. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

**Please contact Kathy Voeck, the Assistant Zoning Administrator, at 266-4551 if you have questions regarding the following five items:**

20. The site plan shall include the entire lot. The landscape plan shall be consistent with the site plan. The site plan shall show dimensions of the site, stalls, drive aisle, accessible sign, curb opening and building setbacks. (The plans as submitted show pavement, building location and bike parking location inconsistently.)
21. Meet all applicable State accessible requirements including, but not limited to:
  - a. 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.
22. 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: Bike stalls shall be a minimum dimension of 6' x 2' with a 5' access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

23. Provide a minimum of one canopy tree that is 2-2 ½ inch caliper to be shown on the plan. Indicate on the plan that landscape elements shall be maintained to a height no greater than 2' within the 10' vision triangle of a drive opening.
24. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. (See parking lot packet.) Lighting will be limited to .10 watts per square foot.

**Please contact Scott Strassburg, Madison Fire Department, at 266-4484 if you have questions regarding the following item:**

25. All portions of the exterior walls of newly constructed buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

**The Plan Commission also added the following five items:**

26. The business shall close at 10:00 p.m. daily.
27. Alcohol sales shall not be permitted at this location.
28. The rear (yard) of the proposed convenience store shall be enclosed with a suitable enclosure as approved by the Planning Unit.
29. The applicant shall reestablish a tree line along the southern property line per a revised landscaping plan approved by the Planning Unit.
30. Suitable screening shall be provided along the southern property line between the commercial property and adjacent residential properties to the south per a plan approved by the Planning Unit.

Approval of this proposal does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

Please follow the procedures listed below to receive your conditional use approval.

1. Please revise plans per the above conditions and submit seven (7) sets of the final site plans (including drainage and landscaping plans) to the Zoning Administrator. The final plans are reviewed and approved by Traffic Engineering, Fire Department, City Engineering, and Zoning. Any of these agencies may call you to request additional information or to resolve problems.

- 2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.
- 3. No alteration of this proposal shall be permitted unless approved by the City 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 Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Section 28.12(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against this approved conditional use.

**IF YOU HAVE ANY QUESTIONS REGARDING OBTAINING YOUR BUILDING PERMIT OR OCCUPANCY PERMIT, PLEASE CALL KATHY VOECK OF THE CITY ZONING STAFF AT 266-4551.**

Sincerely,



**Bill Roberts**  
 Planning & Development

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

\_\_\_\_\_  
 Applicant

cc: Zoning Administrator  
 City Engineering  
 Traffic Engineering

Zoning City Engineering Traffic Engineering Planning Fire Department
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PLANNING UNIT REPORT  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
June 7, 2006

**CONDITIONAL USE APPLICATION:**

1. Requested Action: Approval to demolish an existing gasoline sales/convenience store and construct a new convenience store with gasoline sales located at 2801 Atwood Avenue.
2. Applicable Regulations: Section 28.04(22) provides the regulations for the approval of demolition permits. Section 28.09(2)(d)2 requires that automobile service stations, including the retail sale and dispensing of fuel, must obtain a conditional use permit.
3. Report Drafted By: Peter Olson, Planner II.

**GENERAL INFORMATION:**

1. Applicant: Murphy Polasa, M&J Petroleum, LLC, 2801 Atwood Avenue, Madison, WI 53704.
2. Status of Applicant: Property owner and operator.
3. Development Schedule: The applicant wishes to remove the existing small gasoline sales/convenience store and commence construction of the new facility as soon as all land use approvals have been obtained.
4. Parcel Location: Southeast corner of the intersection of Atwood Avenue with Miller Avenue, Aldermanic District 6, Madison Metropolitan School District.
5. Parcel Size: 14,745 square feet (0.34 acres).
6. Existing Zoning: C2 General Commercial District.
7. Existing Land Use: Convenience store with gasoline sales.
8. Proposed Use: Remove existing gasoline sales/convenience store and construct a new 1-story convenience store on this site. The existing gasoline pumps and canopy will remain.
9. Surrounding Land Use and Zoning: The subject property is located in the Schenk-Atwood Neighborhood, which consists primarily of one and two-family homes zoned R4 and R2. This property is located along the Atwood Avenue commercial corridor, primarily zoned C2. The subject property is across the street from the Madison Kipp Corporation, a manufacturing facility zoned M1.
10. Adopted Land Use Plan: The recently adopted Comprehensive Plan recommends this area as a neighborhood mixed-use district. The Schenk-Atwood-Starkweather-

Worthington Park Neighborhood Plan, adopted in March, 2000, makes no specific land use recommendations, however, general neighborhood goals include preserving the existing land use pattern in the neighborhood, developing more flexible off-street parking requirements, and encouraging additional pedestrian safety and traffic management issues along the Atwood Avenue (and other) street corridors.

11. Environmental Corridor Status: This property is not located within a mapped environmental corridor.

### **STANDARDS FOR REVIEW:**

This application is subject to the demolition and conditional use standards.

### **ANALYSIS, EVALUATION AND CONCLUSION:**

The applicants propose to demolish an existing small gasoline sales and convenience store building and replace this structure with a new one-story facility located at 2801 Atwood Avenue. The existing structure on this site was originally constructed in 1957 as a service station attendant's office and contains approximately 384 square feet. The applicants wish to replace this small structure with a somewhat larger convenience store building containing approximately 1,650 square feet. The applicant does not plan on changing the existing gasoline pump islands and will also retain the existing canopy. The proposed building will be provided with an 8-foot setback along the Miller Avenue right-of-way, and a 10-foot setback along the side lot line, which is coincident with the rear lot line of the residential properties which front on Sommers Avenue (see attached locator map). This arrangement will provide for the least amount of site disturbance during reconstruction, will retain the existing gas pumps and canopy, and will allow the gasoline pumps to continue to be located as far from the residential properties adjacent on the south as possible.

An existing 6-foot high wooden screening fence is currently located along the southerly property line, adjacent to the existing residential properties and extends north approximately 50-feet along the easterly property line to help screen this motor vehicle fuel sales establishment from the nearby residential properties. An existing tree line also supplements this existing wooden fence. The applicant proposes to also supplement this site with additional landscape plantings and landscape screening along the exterior property boundaries (see attached landscape plan).

The applicants have met numerous times with interested neighborhood residents and the proposed design has emerged as the one that most residents favor. The proposed building will be 1-story in height and will be provided with a brick veneer exterior. As previously mentioned, the proposed structure will be located near to the Miller Avenue street right-of-way for a more "urban appearance" and will have windows facing this adjacent right-of-way. The main entrance to the proposed building will face the gasoline pump islands. In addition to the proposed structure, seven motor vehicle parking stalls will be provided, along with four bicycle parking stalls in a rack located near the front entrance to the proposed building. Planning Unit staff feel that this site layout should provide the least amount of inconvenience to surrounding neighborhood residents and businesses. City ordinances prohibit direct lighting from commercial

uses to “spill” into residential areas, and staff expect that the proposed building replacement will not violate this requirement.

Regulations for the approval of demolition permits require, in part, that Plan Commission evaluate proposed alternative uses of the property before buildings are destroyed or moved. The proposed demolition of a 384 square foot gasoline sales building and its replacement with a 1,650 square foot convenience store and gasoline sales building should be an improvement to the subject property. The statement of purpose for the approval of issuance of demolition permits also seeks to foster and encourage adherence to the intent and purpose of the Zoning Code as expressed in the Code’s general intent and purpose, and the individual statement of purpose for the zoning district within which the property is located. The subject property is zoned C2 General Commercial District, which allows motor vehicle fuel sales as a conditional use. This property has been used for gasoline sales for approximately 50 years, and is an existing conditional use. Planning Unit staff feel that this application should continue to be able to meet the conditional use standards.

**RECOMMENDATIONS:**

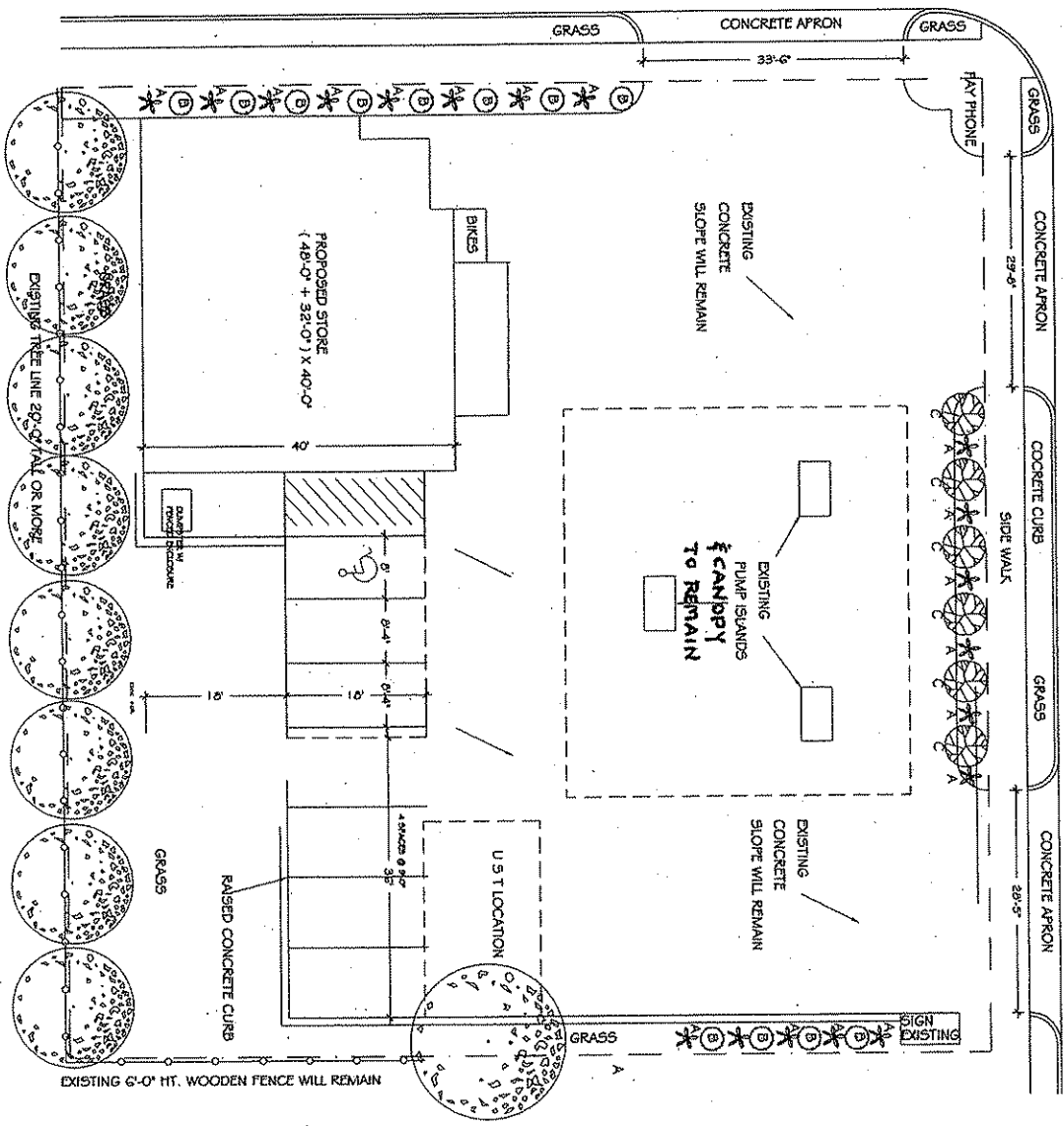
The Planning Unit recommends that the Plan Commission find that the demolition and conditional use standards are met and approve the demolition of an existing gasoline sales structure and the construction of a new convenience store with gasoline sales located on an existing site at 2801 Atwood Avenue, subject to input at the public hearing and reviewing agency comments.



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MILLER AVENUE

ATWOOD AVENUE



SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
A	19	JUNIPERUS PHTZISLANA	PRITZER LONDER	36"
B	12	BERBERIS THUNDER ATROPURELUA	RED BARBERRY	36"
C	6	BERBERIS THUNDER ADUNA	GOLDEN BARBERRY	36"

SCALE: 1" = 10'



ATWOOD BP STATION  
2801 Atwood Avenue  
Madison, WI

ADVANCED CONSULTING, LLC  
434 S. Main Street  
Lake Mills, WI 53551

2006 APPROVED SITE PLAN