



Project Address: 1403 Gilson Street
Application Type: Demolition and Conditional Use
Legistar File ID # [31539](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Owner: Jostein R. Brekke; Affiliated System Carriage, Inc. (Madison Taxi); 1403 Gilson St.; Madison

Project Contact: Bill Dunlop; JSD Professional Services, Inc.; 161 Horizon Dr. Ste 101; Verona, WI 53593

Requested Action: The applicant requests approval of a demolition and a conditional use for construction of a new building to be used as a taxi business in the TE (Traditional Employment) District.

Proposal Summary: The applicant proposes to demolish the existing building on the site, which is utilized as a taxi business and is in very poor condition, and to construct a new 5,700 square foot building for continued use as a taxi business.

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

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 1403 Gilson Street. 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 east side of Gilson Street at the eastern terminus of Cedar Street; Traditional Employment (TE) District; Aldermanic District 13 (Ellingson); Madison Metropolitan School District.

Existing Conditions and Land Use: The 0.8-acre parcel has a 7,060 square foot one-story building in very poor condition, a large portion of which is unoccupiable. The building currently sits in the southwestern corner of the property surrounded by parking to the north and east. Vehicle access to the site is from a driveway opposite Cedar Street.

Surrounding Land Use and Zoning:

North: Immediately to the north are two properties with warehouse uses in the TE District. Beyond these are single-family homes in the TR-C4 (Traditional Residential – Consistent 4) District.

East: Immediately to the east is a 40-foot railroad right-of-way, with a warehouse use on the other side, and a 120-foot railroad right-of-way beyond it. Beyond this is the Goodman Pool property, owned and managed by City Parks Division.

South: To the south are several properties with light industrial and storage uses in the TE District

West: Across Gilson Street to the west are single-family and a two family homes in the TE District. Beyond these are more single-family homes in the TR-C2 (Traditional Residential – Consistent 2) District.

Adopted Land Use Plan: Both the Comprehensive Plan (2006) and the South Madison Plan (2006) recommend low-density residential uses for this property (see discussion in body of report).

Zoning Summary: 1403 Gilson Street is in the TE (Traditional Employment) District.

Dimensional Requirements	Required	Proposed
Lot Area	6,000 sq ft	34,152 sq ft
Lot Width	50'	150'
Front Yard Setback	None	3'
Side Yard Setback	5'	5' LS, 75' RS
Rear Yard	20'	90.68'
Minimum Height	22', measured to building cornice	18'
Maximum Lot Coverage	85%	Less than 85%

Site Design		
Number parking stalls	No minimum	50
Bike parking	1 per 5 employees (50% long term, 50% short term)	2
Landscaping	Yes	Yes
Lighting	No	No
Building Forms	Yes	Meets Building Forms
Other Critical Zoning Items: Barrier free (ILHR 69)		

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 full range of urban services.

Project Description, Analysis, and Conclusion

The applicant proposes to demolish the existing building and to construct a new building with offices and a shop for lease by the Madison Taxi business. Taxi businesses require conditional use approval in the TE (Traditional Employment) District. The proposed building will allow for the existing Madison Taxi business, which has been operating at the site for 28 years, to continue in a smaller building, without a significant change to the business, which currently employs about 100 people.

The existing building has no known historic value, and the roof is partially collapsed. The intact portion of the building has a roof that cannot support sufficient weight, so as soon as snowfall begins late this year, the business will no longer be able to occupy the building. Still, the applicant proposes to continue to lease the safe and occupiable portions of the existing building to the Madison Taxi business until the new building is completed (or snowfall forces them to leave), and then will pull the demolition permits to remove the existing building.

The proposed L-shaped building is slightly smaller than the existing building, at 5,800 square feet. The standing seam metal Cleary building would be placed in the northwestern corner of the lot, well-oriented to the street. 50 automobile parking stalls are proposed beside and behind the building. The proposed number of parking stalls related to the size of the building seems relatively high. However, for this particular use, there is no set

maximum number of parking stalls. With 100 employees working various shifts, the stalls are well-utilized, and the Zoning Administrator has not raised concerns about the number of stalls proposed.

Demolition Standards

The demolition approval standards applicable to this request require that the Plan Commission find that the requested demolition and proposed use are compatible with the purpose of the demolition section of the ordinance, and with the intent and purpose in the Zoning Code for the Traditional Employment (TE) District.

TE Statement of Purpose

The TE District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance. The district is also intended to:

- a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base*
- b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.*
- c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.*

Staff believes that this standard is met. In this case, the business has been located on the site for 28 years, and provides a dispatch facility for approximately 100 employees. While the proposal involves a new building, the existing building on the site appears to have little historic value and is in poor condition. The proposed building could serve a variety of purposes over time, and could also be easily deconstructed and removed from the site to facilitate long term plan recommendations for a transition to residential uses and the incorporation of new streets in this area.

Further, the demolition standards state that the proposed use should be compatible with adopted neighborhood plans and the Comprehensive Plan. In this case, the proposed continuation of the existing taxi business within a new building on the site is inconsistent with long term land use recommendations in the South Madison Neighborhood Plan (2005) and Comprehensive Plan (2006), which call for a significant change from light industrial to low-density residential uses along the east side of Gilson Street over a “transition period” from 2005 to approximately 2025. Specific recommendations and conceptual redevelopment designs, which include the eastward extension of Cedar Street through the subject site in the area of the proposed building, are as follows:

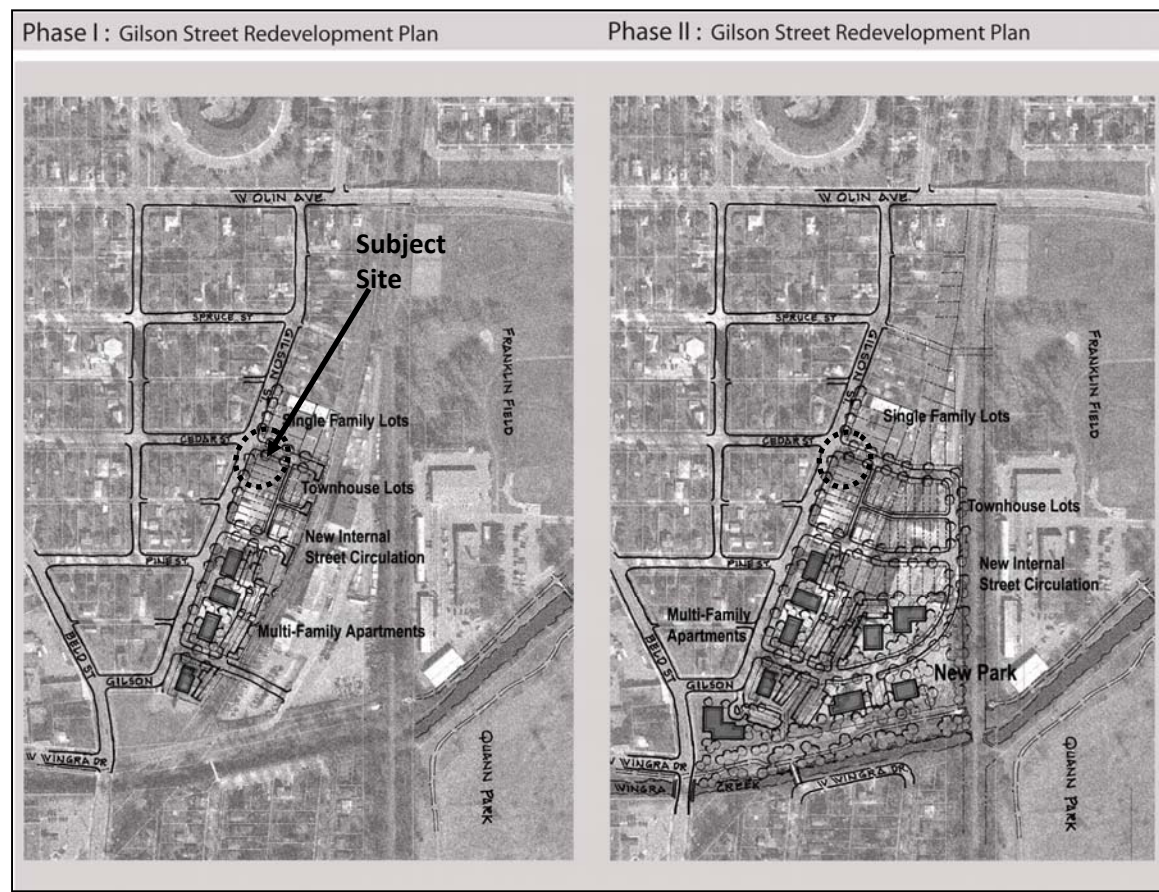
South Madison Neighborhood Plan Excerpt

- 1) As part of the City of Madison’s Master Plan update, request that the Planning Unit reexamine the land use classification of the Gilson Street South and West Wingra Drive extended area. During a 20-year transition period, consider changing land uses from industrial-commercial to residential. Continue to encourage businesses to locate in existing buildings that generate low vehicular traffic, noise, and pollution that would not be disruptive to adjacent residential areas during the transition period.*
- 2) At the time of potential upgrade of commercial or industrial properties and/or expansion of existing uses, encourage existing businesses to relocate to other sites in the Greater South*

Madison area. An inventory of potential commercial and industrial sites to accommodate existing businesses needs to be produced to support this initiative.

- 3) At the time the existing businesses relocate, encourage new residential development along Gilson Street and Wingra Drive extended. New residential construction should blend into the character of the neighborhood. Orientation of new construction toward Gilson Street would strengthen the connection with residential dwellings on the west side of the street. Future design of housing and site layout adjacent to the railroad tracks should be sensitive to the Parks Division facility (i.e., noise generation) located to the east of the railroad tracks.*
- 4) New residential construction should incorporate a mix of housing types and ownership. Owner-occupied, single-family and townhouses as well as multi-family buildings should be part of the mix. A portion of the owner- and rental-occupied dwelling units should be affordable.*

Conceptual Designs for Gilson Street Redevelopment



Staff discussed with the applicant the recommendations in the plan, but understands that at this time, relocation of the business to another site is not economically feasible. Further, staff pointed out that the location of the proposed new building will prohibit the eastward extension of Cedar Street (see images above) for the foreseeable future. The business could theoretically operate their office uses from a temporary trailer on the site, but needs the existing building for their shop uses while the proposed building is under construction. Thus, the proposed building must be constructed on the northern portion of the property, opposite Cedar Street in order to avoid a major disruption to the business. In consideration of this issue, staff notes that the street extension is only conceptual at this point, and would necessitate the removal of another building east of this site

as well. The extension may only occur with a significant redevelopment of the area into residential uses, which would likely involve the deconstruction and removal of the proposed building, along with others.

On balance, staff believes that the proposal for a 5,800 square foot Cleary Building will not preclude longer term redevelopment of this area consistent with adopted plan recommendations, partly due to the fact that the building is a relatively inexpensive, flexible building. In the meantime, the proposed building will provide a way for an existing business to continue in this location, and could accommodate a variety of uses consistent with the Traditional Employment zoning district. When considering the demolition standards in the context of the 20-year planning horizon referenced in the South Madison Neighborhood Plan, staff believes that the standards can be met.

Conditional Use Standards

The conditional use is requested to allow for use of the new building as a taxi business in the TE Zoning District. While not especially compatible with the nearby residential uses across Gilson Street to the west, this use has been operating on the site in the building proposed for demolition for the past 28 years, and staff is unaware of any problems associated with the impacts of the business on surrounding properties. Staff believes that the proposal represents an incremental improvement over the existing condition, and that the applicable conditional use standards can be met as follows:

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 is met. The proposal will maintain an existing taxi business on the property, remove a building in poor condition, and bring the site into compliance with the new zoning code. On the whole, it represents an incremental improvement to the surrounding area.

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. While the proposal does not further long term plan recommendations for a significant land use change in this area, it does not have a negative impact on the ability for surrounding properties to develop within the existing zoning districts. Further, while the proposed building meets all district standards and needs of the property owner, it is not seen as a timeless building, and it may not remain on the site in the long term. If and when this area is ripe for redevelopment with new residential uses and accompanying streets, the proposed building could likely be removed and replaced at a feasible cost.

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 and Traffic Engineering staff are 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:*
- Shall bear in mind the statement of purpose for the zoning district, and*
 - 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]

Conclusion

This is a demolition and conditional use request that seems to be straightforward in many ways. A landowner is requesting to replace a building in poor condition with a new building meeting the requirements in the TE District in order to continue to accommodate an existing business that has been in the neighborhood for nearly three decades. However, the long term planning recommendations for the subject property and its surroundings are for a transition from industrial to residential use.

In reviewing the proposal, the Plan Commission should carefully consider whether the demolition standard relating to the consistency between the proposed future use and adopted plan recommendations can be met. Given the 20-year planning horizon in the South Madison Neighborhood Plan, staff believes that the improvements made through the implementation of this proposal can meet the relevant standards.

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 requested demolition and conditional use for a new taxi business at 1403 Gilson Street. 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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City Engineering Division (Contact Janet Dailey, 261-9688)

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| <ol style="list-style-type: none">1. The proposed new building crosses underlying platted lot lines. Current State building code and City ordinances require the underlying platted lot lines be dissolved by Certified Survey Map (CSM). The owner shall have a CSM prepared for submittal to City Planning for City approval and recording with the Dane County Register of Deeds.2. The site plan shall be revised to match the property boundaries, easements and agreements as shown and noted on the required Certified Survey Map.3. The adjacent Union Pacific Railroad right-of-way is reserved for future streets, highway and parkways. |
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4. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
 5. The site plan shall include a full and complete legal description of the site or property being subjected to this application.

6. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
7. 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 (POLICY).
8. 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).
9. All damage to the pavement on Gilson Street, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
10. 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.
11. 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 (NOTIFICATION).
12. 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) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - 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 MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

13. 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)).

14. 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)

15. 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)).

16. 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>.
17. 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 35.02(14)).
18. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).
19. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

Zoning Administrator (Contact Pat Anderson, 266-5978)

20. Minimum building height requirements indicate the building must provide a minimum height of 22' to the cornice. The submitted plans show a 18' height to the cornice. The plans shall be revised to reflect compliance with minimum building requirements.

21. Sec. 28.185 (7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann (608-267-2626).
22. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
23. Section 28.185 (9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
24. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
25. Provide the number of employees working during a maximum shift, to calculate required bicycle parking. Show required bike parking stalls in a safe and convenient location on an impervious surface subject to section 28.141(11) to be shown on the final plan. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide a bike rack detail of bicycle rack to be installed.
26. No unlicensed or inoperable vehicles may be stored outside of enclosed buildings unless said vehicles are actively being repaired for return to service. No vehicle parts may be openly stored on the site.
27. Pursuant to Sec. 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.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

28. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall angle and dimensions including the two (2) feet overhang on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
29. The Developer shall post a deposit and reimburse the City for all costs associated with any modification to traffic signals, street lighting, signing and pavement marking, and conduit/handholes, including labor, engineering and materials for both temporary and permanent installations.
30. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.
31. Include for review all necessary signing and marking to secure one way traffic along the angled parking.

Parks Division (Kay Rutledge, 266-4816)

32. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of *City of*

Madison Standard Specifications for Public Works Construction -

<http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

33. This development is within the Olin-Turville park impact fee district (SI28). Please reference ID# 13150 when contacting Parks about this project.
34. Approval of plans for this project 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.

Fire Department (Contact Bill Sullivan, 261-9658)

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

No other agencies submitted comments for this request.