



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 902 Atlas Avenue  
**Application Type:** Conditional Use  
**Legistar File ID #** [43575](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant & Property Owner:** David Blatter, DB’s Service Center; 902 Atlas Avenue; Madison.

**Requested Action:** Approval of a conditional use to allow a convenience store in an existing auto repair garage and auto service station at 902 Atlas Avenue.

**Proposal Summary:** The applicant currently operates a convenience store as part of his existing auto repair garage and auto service station.

**Applicable Regulations & Standards:** Table 28D-2 in Section 28.061(1) of the Zoning Code identifies auto repair garages, auto service stations and convenience stores as conditional uses in the CC (Commercial Center) zoning district subject to Supplementary Regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow a convenience store in an existing auto repair garage and auto service station at 902 Atlas Avenue subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

**Background Information**

**Parcel Location:** The subject site is an approximately 0.78-acre parcel located at the northwestern corner of Cottage Grove Road and Atlas Avenue; Aldermanic District 3 (Hall); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is developed with a tall, one-story building that includes an auto repair garage in the southern half of the building and a convenience store in the northern half. Fuel dispensing islands and a canopy are located northeast of the building adjacent to Atlas Avenue. The site is zoned CC (Commercial Center District).

**Surrounding Land Use and Zoning:** The subject site is generally surrounded by a variety of one-story commercial uses and buildings located along Cottage Grove Road and Atlas Avenue, including two one-story multi-tenant office buildings on the west, Fire Station 5 east across Atlas Avenue, a Culver’s restaurant across Cottage Grove Road on the west side of Lumbermen’s Trail, and a daycare center and U-Haul rental facility to the north across Atlas, which curves along the easterly edge of the site to parallel S. Stoughton Road. Properties to the west of the site along Cottage Grive are zoned CC (Commercial Center District), while the lands to the north and south are primarily zoned IL (Industrial–Limited District).

**Adopted Land Use Plans:** The subject site and properties between the site and Stoughton Road are recommended for Community Mixed-Use development in the Comprehensive Plan. The nearby properties north and directly south of the site are recommended for Industrial development. The Community Mixed-Use designation follows recommendations made in the 2008 Stoughton Road Revitalization Project Plan, which called for most of the intersection of Cottage Grove Road and Atlas Avenue/ Lumbermen’s Trail to evolve into a node focused on employment and commercial uses, with limited residential on upper floors.

**Zoning Summary:** The site is zoned CC (Commercial Center District). All improvements are existing, and no changes to the site, buildings, or uses are proposed with this conditional use request.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park, Floodplain
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>	

**Environmental Corridor Status:** The subject property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Supplemental Regulations

The supplemental regulations in Section 28.151 for **automobile service stations and convenience stores**, as applicable in the CC zoning district to the facility, are:

- (b) A convenience store shall not be located within 1,980 feet distance of 3 or more existing convenience stores, as measured along the center lines of streets.
- (c) The following activities and equipment are allowed only in the rear yard and at least 50 feet from a residential zoning district:
  - 1. Storage of vehicle parts and refuse.
  - 2. Temporary storage of vehicles during repair and pending delivery to the customer.
  - 3. Vacuuming and cleaning.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district.

## Project Description, Analysis and Conclusion

The applicant is seeking conditional use approval for a convenience store to allow a longstanding nonconforming aspect of his auto service facility to remain. According to Zoning records, the applicant received approvals in 1992 to construct a new “service station” on the southern two-thirds of the 0.78-acre site, which is located along the south and west sides of Atlas Avenue north of Cottage Grove Road. The plans included indoor areas for auto repair and a “sales area” according to a floorplan related to that approval. A canopy-covered fuel sales area with four islands is located north of the main building. The applicant also rents Budget trucks on the site. The 1992 zoning approvals were granted when the site was zoned M1 (Limited Manufacturing District) under the 1966 Zoning Code, which allowed “automobile service stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto, and facilities for chassis and gear lubrication...” Convenience retail uses were not allowed.

The letter of intent indicates that he wishes to continue his auto repair, fuel sales, rental, and convenience store business as it has largely operated since 1992, when the new facility was constructed. Hours of operation for the auto repair, truck rental, and convenience store are 6:00 AM to 8:00 PM on weekdays, 8:00 AM to 5:00 PM on Saturdays, and 9:00 AM to 3:00 PM on Sundays. The applicant indicates that the fuel sales currently occur 24 hours a day, 7 days a week, and staff observed that truck rental returns may also occur at any time.

The Planning Division believes that the Plan Commission may find the conditional use standards and applicable supplemental regulations met to allow the existing business to continue to operate in the same fashion as it has over most of the last 25 years. Staff is unaware of any concerns regarding the business overall or the convenience store in particular, which are located in an area that is overwhelmingly commercial and auto-oriented in nature at this time.

Although the Stoughton Road Revitalization Project Plan recommends that most of the intersection of Cottage Grove Road and Atlas Avenue/ Lumbermen's Trail evolve into a community mixed-use node focused on employment and commercial uses with limited residential on upper floors, staff feels that evolution will occur over the next couple of decades as other sections of the Cottage Grove Road corridor evolve in a denser, more urban, and mixed-use fashion first, including nodes planned at the former Royster-Clark site west of Stoughton Road, and at the Rolling Meadows Shopping Center and environs at Acewood Boulevard. As that evolution occurs nearby, staff feels that sections of the corridor initially less conducive to mixed-use development will gradually become more conducive as the planned transition occurs at intersections more immediately favorable to such development due to the presence nearby of residential uses, better street patterns and lot layouts, and less existing non-residential land uses like those along Atlas Avenue. In the meantime, staff feels that land uses such as those existing on the subject site are appropriate to remain in the immediate future because they provide valuable services to this long-established area of the City.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to a convenience store in an existing auto repair garage and auto service station at 902 Atlas Avenue subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### **Planning Division**

1. That the hours of operation for the auto service station and convenience store shall be as stated in the letter of intent, including fuel sales 24 hours a day, 7 days a week. The Director of the Planning Division may consider a minor alteration to the conditional use in the future to further modify the hours of operation for the outdoor eating area following a recommendation by the district alder.

→ **Reviewing agencies recommended no conditions of approval for this request.**