



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2402 West Broadway (14<sup>th</sup> Aldermanic District, Alder Carter)  
**Application Type:** Major Alteration to Conditional Use  
**Legistar File ID #:** [52910](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Contact:** Bjorn Berg; Kwik Trip; 1626 Oak Street; La Crosse, WI 54602  
**Property Owner:** Kwik Trip; 1626 Oak Street; La Crosse, WI 54602

**Requested Actions:** The applicant requests alteration of a previously approved conditional use to rebuild an existing gas fueling area and canopy and add a second fueling area with canopy within a CC-T zoning district and Urban Design District 1.

**Proposal Summary:** The applicant proposes to remove and rebuild an existing gas fueling area, including canopy, add a second gas fueling area with a canopy, modify the parking lot and vehicle access, and make other site improvements at an existing auto service station with convenience store within the CC-T zoning district and Urban Design District 1.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28D-2 in §28.061(1) of the Zoning Code lists *Auto service station, convenience stores* as Conditional Uses in the Commercial Corridor - Transitional (CC-T) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use alteration for the auto service station and convenience store subject to input at the public hearing and the conditions from reviewing agencies in this report.

## Background Information

**Parcel Location:** The subject site includes two parcels totaling 43,999 square feet (1.01 acres). The subject property is located at the northerwesterly corner of the intersection of West Broadway and Fayette Avenue, immediately north of the intersection of Frazier Avenue and West Broadway. The site is within Aldermanic District 14 (Ald. Carter); Urban Design District 1; and the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is currently developed as an auto service station and convenience store within the Commercial Corridor – Transitional (CC-T) District.

**Surrounding Land Use and Zoning:**

**North:** City of Madison’s Waunona Park and a single-family home, zoned Traditional Residential – Consistent 1 (TR-C1) District, and a two-unit house, zoned Traditional Residential – Consistent 4 (TR-C4) District;

**South:** Across West Broadway, commercial development in the City of Monona;

**East:** Across Fayette Avenue, a four-story 48-unit mixed use building zoned CC-T; and

**West:** A vacant lot, recently approved for a credit union building, zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use for the subject site while the [Broadway-Simpson-Waunona Neighborhood Plan](#) (1986) recommends neighborhood commercial uses.

**Zoning Summary:** The project site is currently zoned Commercial Corridor - Transitional (CC-T) District.

Bulk Requirements	Required	Proposed
Lot coverage	85% maximum	Unknown (see Zoning Comment 7)
Front yard	65 ft maximum	No change
Side yards	5 ft	No change
Rear yard	20 ft	No change
Building height	5 stories, 68	No change

Site Design	Required	Proposed
Number parking stalls	No minimum, 7 maximum	11 (See Zoning Comment 4)
Accessible stalls	1	1 (See Zoning Comment 1)
Loading	No	No
Number bike parking stalls	4	0 (See Zoning Comment 5)
Landscaping	Yes	Yes (See Zoning Comment 2)
Lighting	Yes	Yes

<b>Other Critical Zoning Items</b>	Urban Design District 1, Utility easements, Adjacent to park
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*Tables Prepared by Jacob Moskowitz, 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**

The applicant requests alteration of a previously approved conditional use to rebuild an existing gas fueling area and canopy and add a second fueling area with canopy within a CC-T zoning district. The subject site is also within Urban Design District 1.

The site is developed as an auto service station and convenience store within the Commercial Corridor – Transitional (CC-T) District. The site currently includes a 3,720-square foot convenience store with three double-sided fuel dispensing stations under a single canopy. Fifteen perpendicular parking stalls line the south and east sides of the building. There are currently two driveways on Fayette Avenue, one near the northeast corner of the property and one near the southeast corner. There is also a driveway to Frazier Avenue at the southwest corner of the site. Fuel tanks and manholes/valves are located in the northeasterly corner of the lot.

Proposed changes to the site include removing and rebuilding the existing gasoline fueling area with the same number of fueling stations, as well as removing and rebuilding the canopy. A second gasoline fueling area with a canopy with a capacity of four fueling vehicles is proposed to the west of the convenience store. The second fueling area has a pull-in/back-out vehicle parking arrangement. Changes to the parking lot and circulation include closing the existing north driveway on Fayette Avenue and shifting the south driveway on Fayette Avenue approximately 15 feet to the north and widening it. Parking lot striping will be altered to allow angled parking in front of the convenience store and modifying site grading and paving (changing from asphalt to concrete). The site's stormwater system and underground fuel system will also be updated.

## Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28D-2 in §28.061(1) of the Zoning Code lists *Auto service station, convenience stores* as Conditional Uses in the Commercial Corridor - Transitional (CC-T) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. The analysis below begins with a summary of the adopted plan recommendations, and then will review conditional use standards, and urban design requirements and recommendations.

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use for the subject site while the [Broadway-Simpson-Waunona Neighborhood Plan](#) (1986) recommends neighborhood commercial uses. This is an existing use that can be found to be consistent with the adopted plans.

The Planning Division believes that the proposed alteration to the vehicle service station with convenience store meets the conditional use standards. Staff do not believe the expanded number of fueling stations and site circulation changes will result in significant negative impacts to the surrounding properties. The lot is immediately adjacent to a lot recently approved for a credit union building that, when it is built, will assist in buffering the site from the residentially zoned lots to the west. The residentially zoned lots to the north are screened by a wooden fence and trees. The new fueling stations and canopy are mostly shielded from the residential lots by the convenience store building. However, staff and the Urban Design Commission have concerns about light spillover into these residential areas, which is reflected in the proposed conditions of approval. Many of the activities and infrastructure at the northeast corner of the site are being moved further from the residential uses.

There are supplemental regulations (MGO 28.151 (b)) regarding Automobile Service Stations and Convenience Stores. Convenience stores shall not be located within 1,980 feet distance of three or more existing convenience stores and no building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district. There are no other convenience stores in the City of Madison within 1,980 feet of the subject site. The existing convenience store building is approximately 18 feet from the rear lot line, which borders a residential zoning district. However, all other listed elements are a minimum of 44 feet from said residential zoning district. The other supplemental regulations within this section do not apply to this proposal.

Finally, staff notes that there is a second existing conditional use for this site for nonresidential development immediately adjacent to the boundary of a City-owned public park [MGO §28.139(1)]. This purpose of the section is to assess the impact of proposed development on natural resources, drainage patterns, pedestrian traffic and recreational uses of the park. This proposal does not impact that existing conditional use.

The subject site is also located in Urban Design District 1 ("UDD 1"). The Urban Design Commission granted initial approval to the project at its September 26, 2018 meeting. The UDC had comments and concerns about

the height of the proposed canopies and light spilling from the new development, especially toward the adjacent residential properties.

## Conclusion

The applicant proposes to remove and rebuild an existing gas fueling area, including canopy, add a second gas fueling area with a canopy, modify the parking lot and vehicle access, and make other site improvements at an existing auto service station with convenience store. This proposal is subject to the standards for Conditional Uses, as Auto service station, convenience stores as Conditional Uses in the Commercial Corridor - Transitional (CC-T) Zoning District.

Based on the provided information and the conditions recommended by reviewing agencies, the Planning Division believes the proposal could be found consistent with adopted plans and that the conditional use standards can be found met.

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for Conditional Uses are met and **approve** the Conditional Use alteration for an auto service station, convenience store in a CC-T zoning district at 2402 West Broadway. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies.

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

### Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

1. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). The current van accessible stall does not have the required 8 foot access aisle along the entirety of the length of the stall.
2. Provide adequate development frontage landscaping along West Broadway per Section 28.142(5) Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be installed on the private property.
3. Outdoor display of merchandise requires additional conditional use approval in the CC-T zoning district and shall not exceed sixteen (16) hours per day.
4. Parking is proposed in excess of the maximum number of spaces. Per Table 28I-3 Off-Street Parking Requirements, the automobile parking maximum is 1 parking space per 500 square feet of floor area (7 parking stalls). The Zoning Administrator may approve an increase of up to twenty (20) spaces above the maximum requirement. Submit an application for a Parking Adjustment and supporting documentation per section 28.141(6)(c) with the final plan submittal.
5. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of four (4) short-term bicycle parking stalls located in a convenient and visible area on a paved

or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.

6. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
7. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings measured at grade; all accessory structures including pools, patios, etc.; and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs, and decks.
8. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

**Planning Division** (Contact Colin Punt, (608) 243-0455)

9. The following information is provided for the reference of the applicant because the site may be associated with Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

10. An 8" red LED stripe is shown on all sides of both fueling area canopies. There shall be no fascia lighting of the north and east sides of the northwesterly canopy or the north side of the southeasterly canopy.
11. Obtain final approval from the Urban Design Commission.

**City Engineering Division** (Contact Tim Troester, (608) 267-1995)

12. Based on WDNR BRRS record #03-13-000055, the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.
13. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal.  
NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
14. 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.
15. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Daniel Olivares at [DAOlivares@cityofmadison.com](mailto:DAOlivares@cityofmadison.com)

final document and fee should be submitted to City Engineering.

16. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
18. 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 Chapter 37 of the Madison General Ordinances.
19. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
20. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.
21. The Applicant shall Construct Sidewalk to a plan approved by the City along Fayette Ave and Frazier Ave as needed.
22. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
24. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

25. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
27. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
28. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

**Madison Fire Department** (Contact Bill Sullivan, (608) 261-9658)

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| 29. Combine lots through a Certified Survey so all components are on the same parcel. |
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**Parks Division** (Contact Sarah Lerner, (608) 261-4281)

30. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –
31. Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

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| 32. The City of Monona operates a municipal drinking water well at the intersection of Raywood Rd and Nana Ln, approximately 1,000-FT from the proposed improvements. Contact the City of Monona to determine if the proposed improvements conflict with any wellhead protection requirements or set-back distances from potential drinking water contamination sources. |
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