



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 220 Cottage Grove Road (District 15 – Ald. Martinez-Rutherford)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [77020](#)  
**Prepared By:** Lisa McNabola, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant & Owner:** Gurinder Dhillon; Dhillon Investments, LLC; 220 Cottage Grove Road, Madison, WI 53716

**Contact:** David Ferch; Ferch Architecture; 2704 Gregory Street; Madison, WI 53711

**Requested Action:** Consideration of a conditional use in the Commercial Corridor-Transitional (CC-T) District for a convenience store to allow construction of an addition to an existing structure.

**Proposal Summary:** The applicant proposes to establish a convenience store, and construct a 409 square-foot addition to an existing structure at 220 Cottage Grove Road. The site is currently occupied by a gas canopy, and an auto repair garage with a small retail sales area. In order to expand the development, as proposed, conditional use approval of a convenience store is necessary.

**Applicable Regulations & Standards:** Standards for conditional use approvals are found in §28.183(6) M.G.O. Supplemental Regulations for convenience stores are found in §28.151 M.G.O.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds the standards for conditional uses are met and **approve** the conditional use for a convenience store in the Commercial Corridor-Transitional (CC-T) District at 220 Cottage Grove Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 16,025 square-foot (0.36 acre) parcel is located along Cottage Grove Road between Johns Street and Clover Lane. The site is located within Alder District 15 (Ald. Martinez-Rutherford) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is occupied by a gas canopy and an approximately, 1,700 square-foot, one-story commercial building that was most recently used as an auto repair garage with a small retail sales area. It is zoned Commercial Corridor-Transitional (CC-T) District and it is located in the Transit Oriented Development (TOD) Overlay District.

**Surrounding Land Use and Zoning:**

**North:** Two (2) one-story commercial buildings, zoned Commercial Corridor-Transitional (CC-T) District; single family residential, zoned Traditional Residential – Consistent 4 (TR-C4) District;

**East:** One-story restaurant, zoned CC-T District; single family residential, zoned TR-C4; MGE facility, zoned Traditional Employment (TE) District;

**South:** Across Cottage Grove Road, one-story commercial and retail, zoned CC-T District and Neighborhood Mixed-Use (NMX) District; and

**West:** Across Johns Street, one-story bank, zoned CC-T District; two (2) four-story apartment buildings, zoned CC-T District.

**Adopted Land Use Plan:** The [2018 Comprehensive Plan](#) recommends Neighborhood Mixed-Use (NMU) development for the subject site. The [Royster-Clark Special Area Plan](#) (2009) recommends Mixed-Use development for the subject site.

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

Requirements	Required	Proposed
Front Yard Setback	5 ft	57 ft
Max. Front Yard Setback	65 ft	57 ft
Side Yard Setback	5 ft	6 ft
Rear Yard Setback	20 ft	24 ft
Maximum Lot Coverage	85%	78%
Maximum Building Height	5 stories/78 ft	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum	5
Electric Vehicle Stalls	None	0
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	2	4
Landscaping and Screening	Yes	Yes (1.)
Lighting	No	No (2.)
Building Form and Design	No	Existing

Other Critical Zoning Items	
TOD Overlay	Yes

*Tables Prepared 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, Analysis, and Conclusion**

The site is currently occupied by a gas canopy, and an auto repair garage with a small retail sales area. Per city records a gas station operated on the site prior to the 1966 Zoning Code, therefore the current use is considered a legal non-conforming use. In order to expand the use as proposed, conditional use approval for a convenience

store is necessary. Per the Zoning Code, a convenience store is an establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

With this request, the applicant proposes to expand the convenience store into the auto repair space and build a 409 square-foot addition. The gas canopy will remain as is. The existing building is located at the rear of the site in the northeast corner. The addition would be constructed along Clover Lane. The exterior building materials would include a tan brick veneer along the base and east façade, and grey fiber cement siding on the remainder of the building. Red canvas awnings are shown above the storefront windows.

The site is currently accessed by four driveway entrances: one along Johns Street, two along Cottage Grove Road, and one along Clover Lane. The western most driveway entrance along Cottage Grove would be removed. Additional landscaping is shown along the removed driveway entrance. A paved area located behind the building and along Clover Lane will be removed and replaced with landscaping. As a result the driveway entrance along Clover Lane will be shortened. The plans show a new striped pedestrian path from Cottage Grove Road to the building.

### **Conformance with Adopted Plans**

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed-Use (NMU) development for the subject property. NMU areas category includes relatively small existing and planned Activity Centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Per the Plan, any convenience store/gas station development proposed in a NMU area should provide a new service to the area, and should not be located in close proximity to a similar existing development, avoiding oversaturation of a neighborhood, corridor, or portion of a corridor with primarily auto-oriented uses.

The [Royster-Clark Special Area Plan](#) (2009) recommends Mixed-Use development for the subject site. The Area Plan notes, "Existing developments on the parcels at the Clover Lane and Johns Street intersections with Cottage Grove Road have relatively crowded sites with parking located at the sidewalk and little room for landscaping or other amenities. The Clover Lane intersection also has an awkward alignment with relatively poor visibility. As with the parcels along the Cottage Grove south frontage, if these properties are redeveloped at a future time, opportunities to improve site functionality, reduce traffic conflicts and improve the streetscape should be considered."

### **Conditional Use Standards**

The applicant requests consideration of a conditional use for a convenience store. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed-Use (NMU) development for this site. The Plan discourages over saturation of convenience store/gas stations in a neighborhood, corridor, or portion of a corridor with primarily auto-oriented uses. This facility is approximately 0.75 miles from the nearest similar use along Cottage Grove Road. While staff anticipates that redevelopment to establish a new convenience store in the planning area may be found more difficult to meet the various standards, in giving due consideration of the plan, staff believes that expanding the existing use with the corresponding site enhancements, building improvements, and expanded retail offerings can be found consistent with the approval standards. Further, staff does not believe that the proposed modifications would

impact or further preclude neighboring properties from redeveloping in a manner consistent with adopted plans. The Royster-Clark Special Area Plan (2009) notes that the Clover Lane and Johns Street intersections would benefit from improvements to site functionality, traffic flow, and streetscape design. Staff believes the proposed project will result in an improved built environment at this location.

### **Supplemental Regulations**

The Supplemental Regulations for Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store can be found in §28.151 M.G.O.

- a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
- c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (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.
- e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
- f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

Staff believes that all of the applicable Supplemental Regulations can be found met.

### **Transit Oriented Development Overlay District**

The property is located within the Transit Oriented Development Overlay District, however the overlay district standards are not applicable because the proposed addition is not fifty percent (50%) or more of the existing building floor area.

Staff believes the applicable standards can be found met, subject to the conditions recommended by the reviewing agencies.

## **Recommendation**

### **Planning Division Recommendation** (Contact Lisa McNabola, (608) 243-0554)

The Planning Division recommends that the Plan Commission finds the standards for conditional uses are met and **approve** the conditional use for a convenience store in the Commercial Corridor-Transitional (CC-T) District at 220 Cottage Grove Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

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

**Land Use Request**

**Engineering Division** (Contact Brenda Stanley, 261-9127)

1. Based on WDNR BRRS Record #03-13-002448 (WAYNES AUTOMOTIVE), the property contains residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal. Contact Brynn Bemis with questions (608.267.1986 or bbemis@cityofmadison.com).

2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.

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

3. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale 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.

4. 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.

5. 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.

6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

7. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

8. 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.

9. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired.
10. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
11. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
12. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
13. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

**Forestry** (Contact Bradley Hofmann, 267-4908)

14. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

**Engineering Division – Mapping Section** (Contact Julius Smith, 264-9276)

15. The proposed new building/addition crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit.

16. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
17. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

18. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 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.

19. Exterior lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.

The following agencies reviewed the request and recommended no conditions of approval: Parks Division, Fire Department, Metro Transit, Water Utility