



**Project Address:** 2501 East Springs Drive & 4824 High Crossing Boulevard  
**Application Type:** Conditional Use  
**Legistar File ID #** [28663](#) and [30028](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Don Goben; DMG Holding Company, LLC; 1415 Pflaum Road; Madison, WI 53716  
**Contact:** Arlan Kay; Architecture Network, Inc; 116 East Dayton Street; Madison, WI 53703  
**Property Owner:** Annamark Group LLC / Dennis Zeier; 2203 Leo Circle; Madison, WI 53704

**Requested Action:** The applicant requests approval of an alteration to an existing planned commercial site, which has conditional uses approved on other properties within the development.

**Proposal Summary:** The applicant proposes to construct a used car dealership on an undeveloped property at the intersection of East Springs Drive and High Crossing Boulevard.

**Applicable Regulations & Standards:** The proposal is subject to the conditional use standards of 28.12(11) of the 1966 Zoning code. The transition rules states that any complete application that was filed and accepted prior to the effective date of the current ordinance shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing.

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed alternations to a planned commercial site to construct an automobile sales facility and lot at 2501 East Springs Drive and a private street connection on 4824 High Crossing Boulevard. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and the other reviewing agencies.

## Background Information

**Parcel Location:** The proposed dealership is located on 2501 East Springs Drive, a 1.8 acre parcel at the corner of East Springs Drive and High Crossing Boulevard. The property is in Aldermanic District 17 and within the limits of the Madison Metropolitan School District. 4824 High Crossing is the property immediately to the east. The only improvement proposed on that site is the connection of the private street through that lot.

**Existing Conditions and Land Use:** The site is an undeveloped site that is part of a larger "Planned Commercial Development, bounded by Annamark Drive, East Springs Drive, and High Crossing Boulevard. Existing uses include a hotel, two restaurants, and a gas station. The approved certified survey includes an access restriction on both of the adjoining street frontages. Access to this site is required to be located adjacent to the hotel site, as proposed. No other access is allowed.

**Surrounding Land Use and Zoning:**

North: Two restaurants and a gas station, included in this planned commercial site, zoned CC-T (Commercial Corridor Transition)- [Zoned C3 (Highway Commercial) under the 1966 Zoning Code] with USH 151, beyond;

South: Commercial Development including restaurants and “big box” development, zoned CC-T and CC (Commercial Center) – [Zoned C3 (Highway Commercial) under the 1966 Zoning Code];

East: Undeveloped property within this planned commercial site, zoned CC-T- [Zoned C3 under the 1966 Zoning Code]; and

West: Hotel within this planned commercial site and other commercial development, [Zoned C3 under the 1966 Zoning Code].

**Adopted Land Use Plan:** The Comprehensive Plan recommends this location for regional commercial uses. This district identifies major existing commercial-retail activity centers that serve the surrounding region. Recommended uses include large retail, service uses, office uses, malls, clinics, hotels, restaurants, and some storage and distribution uses. The East Towne – Burke Heights Development Plan, adopted in 1987, recommends service and highway retail uses for this site. Staff believes an auto dealership is generally consistent with these recommendations.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor – Transition). However, this proposal was submitted under the 1966 code and is therefore is reviewed against the previous C3 (Highway Commercial District) Standards.

	Required	Proposed
Lot Area	6,000 sq. ft.	Existing
Lot width	50'	Adequate
Front yard	0	Adequate
Side yards	0	Adequate
Rear yard	10'	Adequate
Floor area ratio	3.0	Less than 1.0
Building height	1 story	1 story
Number parking stalls	TBD	As shown on final plans
Accessible stalls	TBD	2
Number bike parking stalls	10% of required vehicle parking	
Landscaping	Yes	Yes
Lighting	Yes	Yes
<b>Other Critical Zoning Items</b>	Urban Design; Utility easements; 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

The applicant proposes to develop a used automobile dealership at the intersection of East Springs Drive and High Crossing Boulevard. The development includes a 4,900 square building, located roughly at the center of the lot. The building will include space for both sales and vehicle preparation. The front of the building includes a smooth face concrete masonry unit (CMU) base with brick veneer above. The sides and rear of the building will be clad in split face CMU accented by a brick band.

The site includes 142 stalls for inventory display. There are five stalls for customer parking and another five stalls designated for staff parking. There are two bicycle stalls provided.

An 11 foot wide planting area lines the frontage of the site. The planting area includes a combination of small perennials, grasses, and small shrubs including grow-low Sumac. A combination of Gingko and Honey Locust trees are interspersed within this planting area. The edge of this area is lined with a low retaining wall that varies in height. An elevated display area is located at the intersection of High Crossing Boulevard and East Springs Drive.

A private drive is proposed to connect through the subject property, connecting to the existing private drive on the north side of this planned commercial development. That drive terminates about 65 feet from the subject site. As part of this proposal, the applicant will extend this drive through the adjacent 4824 High Crossing Boulevard property. No other changes are proposed on that property at this time.

New pedestrian sidewalk connections are proposed across the site. This includes sidewalks along the western and northern boundaries. These are intended to provide a pedestrian route between the hotel and the restaurants to the north. A future sidewalk along the eastern property line is also depicted.

## Analysis and Conclusion

The proposed project is subject to the conditional use standards of the 1966 Zoning Code. Automobile dealerships are, in fact, a permitted use under both the current and previous zoning codes. However, this site is part of an interconnected planned commercial development, which includes previous conditional use approvals. As such, any development on this site requires conditional use approval as an alteration to the overall planned commercial site. As a planned commercial development, alterations are required to go to the Urban Design Commission for an advisory recommendation.

### Conditional Use Approval Standards

Staff believes the conditional use standards can be met. The following conditions are highlighted, which relate to staff's concerns on the project.

**Conditional Use Standard 4:** That 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.

**Conditional Use Standard 5:** That 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's primary concern in regards to Condition 4 is the siting of the building at the center of the lot. Staff has had numerous discussions encouraging the applicant to move the building closer to the street. The applicant has indicated that he believes such an orientation would be detrimental to their business. As such, the fundamental site design has not changed since pre-application meetings late last year.

This setback is permissible under the 1966 Zoning Code, under which this proposal was submitted. As a reference, under the new Zoning Code (that took effect at the beginning of 2013), the applicant could have a maximum street setback of 85 feet. That setback, allowed with conditional use approval, would allow for two rows of parking between the street and the building.

To help improve the visual character, the applicant has adjusted the plans and provided an 11 foot planting area between the street and vehicle inventory area. The proposed plantings do not provide solid screening, but provides a mix of low plantings with some trees intermixed. Behind the planting area is a low retaining wall. As shown in the attached drawings, the parking area is elevated above the sidewalk level behind the retaining wall.

The applicant has been to the Urban Design Commission (UDC) on an informational basis. Planning Division staff understands that while there was some encouragement to move the building closer to the street, the general consensus was that the orientation was okay considering the use. Other design issues such as simplifying the building design were discussed at this information meeting.

While staff would certainly prefer the building to have more prominence from the street, staff can't conclude that this alignment would impede the "normal and orderly" of the surrounding properties. The applicant is connecting the private street network in a manner generally consistent with the approved master plan for the site. In terms of physical layout, staff believes the remaining undeveloped lots within the development could be developed as shown on that plan. Staff notes that other similar commercial areas, such as Odana Road, have a mix of commercial and office uses interspersed with several auto dealerships.

In regards to Standard 5, the applicant notes that this use will have a relatively low volume of customers. This is detailed on the provided "Operation Plan." Weekdays typically have up to 10 daily customers. On Saturdays, there are typically between 15-25 customers. The applicant notes that over 75% of their inventory is driven in and not brought in on carrier trucks. The applicant indicates that large carrier trucks provide deliveries once a month, on average. The proposal has been reviewed with Traffic Engineering and their comments are attached.

The applicant has provided a sidewalk network through the site. At this time, the most frequently used pedestrian path known to staff is a route between the hotel and the restaurants to the north. The new sidewalk network provides this and other connections. Their location has been reviewed by a variety of agencies, including Traffic and Police, as well as the Urban Design Commission and deemed to be acceptable. While staff would have preferred the sidewalk connection to be adjacent to the private street, this alternative is believed to be acceptable. Staff does not know if or when the applicant would install the "future" sidewalk depicted on the western side of the property.

## **Conclusion**

While staff would prefer a site layout with a well-designed building closer to the street, staff believes that the project, as proposed, can meet the standard related to the normal and orderly development, as well as the other conditional use standards. The proposal was submitted under the 1966 Zoning Code and is consistent with those setback standards. At the time of report writing, staff has not received any comments on the proposed request.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed alternations to a planned commercial site to construct an automobile sales facility and lot at 2501 East Springs Drive and a private street connection on 4824 High Crossing Boulevard. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and the other reviewing agencies.

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

### City Engineering Division (Contact Janet Dailey, 261-9688)

1. In accordance with the existing Declaration of Easements documents 4019710 and 4117205 and the supplemental private joint driveway agreement document 4445224, the owner of 2501 East Springs Dr (Lot 3, CSM 11320) shall notify all other owners/parties of the private joint driveway agreement. Per terms of documents cited above, all affected parties are entitled to review and approve the proposed site plan improvements for 2501 East Springs Dr and sign-off on the final geometric configuration of the private driveway as well as approve the final private joint driveway easement. Said easement document to be recorded in the Office of the Dane County, Wisconsin Register of Deeds.
2. Prior to final permit of occupancy, record the deed transferring the property from Annamark Group Z LLC to DMG Holding Company LLC.
3. Revise the plans to show the existing public storm and sanitary sewer facilities along with the limits of the easement. The City Engineer may have additional comments after this information is provided. Include details of the proposed "underground stormwater management" area.
4. This property is subject to the City's Lien Road Sanitary Interceptor area charges. The current rate for this fee is \$3.90/1000 sf.
5. 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)
6. 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)
7. 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.
8. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to

continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constformsinfo.htm> (NOTIFICATION)

9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Control 80% TSS (5 micron particle) off of new paved surfaces; b) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; c) Provide oil & grease control from the first 1/2" of runoff from parking areas; and d) 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.
10. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
11. 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, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@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))

12. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
13. 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... and d) Sediment loading calculations.

14. 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)

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

15. Applicant shall define thru travel way between rear inventory and entrance to garage bays. This may be accomplished through the use of a different construction material in the areas shown as buffers or the use of mountable raised pavement in the areas shown as buffers.

16. When the applicant shall submit 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 and proposed 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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

17. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

18. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

19. The site is being developed as part of a Planned Commercial Site. Per Sec. 28.04(23) a Planned Commercial Site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Development recorded in the Office of the Dane County Register of Deeds. An existing planned commercial site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Development or approval of the Plan Commission.

20. For parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. Note: The landscape points worksheet has been changed regarding point value of landscape elements. Please get a new copy from us. The required trees to not count toward the point total.

21. Lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085. Provide a lighting photometric plan, including cut sheets for fixture, with the final plan submittal.

22. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes and Chapter 33 Urban Design District ordinances of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

23. Bike parking shall comply with City of Madison General Ordinances Section 28.11.

24. Provide a minimum of two bike parking spaces in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Provide details of the proposed bike rack.
25. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a. Provide the minimum accessible stalls striped per State requirements. A van accessible stall shall be 8' wide with an 8' striped out area adjacent.
  - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.

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

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

**Water Utility** (Contact Dennis Cawley, 261-9243)

27. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.