



**Project Address:** 2501 East Springs Drive & 4824 High Crossing Boulevard  
**Application Type:** Conditional Use Alteration  
**Legistar File ID #** [28663](#) and [31680](#)  
**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:** Amy Hasselman, AIA; Architecture Network, Inc; 116 East Dayton Street; Madison, WI 53703  
**Property Owner:** Don Goben; DMG Holding Company, LLC; 1415 Pflaum Road; Madison, WI 53716

**Requested Action:** The applicant requests approval of an alteration and expansion to an approved auto sales facility. The facility is part of a larger planned commercial site which was approved as a conditional use.

**Proposal Summary:** The applicant proposes to expand the existing automobile dealership onto the adjacent property at 4824 High Crossing Boulevard. The resulting facility will include a total of 191 vehicle inventory stalls. The applicant intends to develop the facility expansion in three phases. Further information is included in the letter of intent and summarized in this report.

**Applicable Regulations & Standards:** The proposal is subject to the conditional use standards of 28.183 of the Zoning Code.

**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 expand a previously approved automobile sales facility and lot at 2501 East Springs Drive onto 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 approved (and not constructed) dealership is located on 2501 East Springs Drive, located at the corner of East Springs Drive and High Crossing Boulevard. The expansion is proposed on 4824 High Crossing Boulevard, which is the property immediately to the east.

**Existing Conditions and Land Use:** The site includes two properties which are 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 existing auto facility was constructed on 2501 East Springs Drive.

**Surrounding Land Use and Zoning:**

North: Two restaurants and a gas station, included in this planned commercial site, zoned CC-T (Commercial Corridor Transition) with USH 151, beyond;

South: Commercial Development including restaurants and “big box” development, zoned CC-T and CC (Commercial Center);

East: Undeveloped property within this planned commercial site, zoned CC-T; and

West: Hotel within this planned commercial site and other commercial development, zoned CC-T.

**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).

**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.

## Previous Approvals

On June 3, 2013, the Plan Commission approved an alteration to the existing planned multi-use site to allow the development of an automobile dealership at 2501 East Springs Drive. The approved site plan included 142 stalls for inventory display. At that time, the only improvement on the adjacent property at 4824 High Crossing Boulevard was the extension of the internal private drive that was shown on the master plan. During the review of that proposal, the applicant made references to possible expansions onto the 4824 High Crossing Boulevard, though nothing was formally before the City until this time.

## Project Description

The proposed alteration would expand the approved automobile sales facility onto the adjacent property at 4824 High Crossing Boulevard. As noted in the application materials, a primary reason for the expansion at this time is for stormwater management purposes. Previously, stormwater management was to occur with an on-site, underground storage tank. As revised, new bio-beds are proposed across both properties to manage stormwater.

Development of this site is proposed in three phases. Under the first phase, the applicant proposes to install the street-facing inventory and access off High Crossing Boulevard. The second phase would include the extension of the private street shown on the underlying master plan. The third phase of the development would be the construction of the additional inventory area. Prior to implementation of phased improvements, the applicant proposes to seed areas with lawn.

At the time of build out, the expansion site would include 75 inventory stalls while the revised existing site would include 116 stalls, bringing the total to 191 stalls. The inventory stalls on the expansion site are set back about 20 feet from the street, with landscaped bio-retention beds provided between the stalls and the street.

The plans show the relocation of a proposed sidewalk that was at the western edge of the approved lot. That sidewalk would be replaced by a new sidewalk that is proposed along the new western edge of the site, adjacent to the private drive. Other than the relocation of one of the approved display areas to the far eastern corner of the site, plans do not suggest there are any changes to the approved retaining wall concept approved at the corner of East Springs Drive and High Crossing Boulevard.

## Analysis and Conclusion

While auto sales facilities are a permitted use in the CC-T (Commercial Corridor Transition District), this proposal requires Plan Commission review as a conditional use alteration as the subject properties are part of an approved "planned multi-use site" that includes a conditional use. Alterations to planned multi-use sites also require an advisory recommendation from the Urban Design Commission. This proposal is subject to the conditional use approval standards of Section 28.183 of the Zoning Code.

### Conditional Use Approval Standards

The underlying master plan for this "planned multi-use site" approval depicted the subject properties as retail development buildings. As with the initial auto sales approval in June 2013, its expansion represents a different land use than what was shown on the approved master plan. As noted above, the use itself is permitted under both properties' CC-T zoning. As such, staff believes the Plan Commission could make a finding that the expansion of the use meets the conditional use standards. However, staff believes certain modifications should be considered as they relate to the approval standards. Two standards are highlighted:

**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 concerns relate to the phasing plan and specifically, the construction of the internal private streets shown on the underlying master plan. The applicant proposes to complete the street network as part of Phase II, which would allow construction within five years. The Traffic Engineering Division has requested that this street be constructed at this time. They believe that the phase 1 layout is likely to result in traffic accessing lots to the north in the development through areas where customers will be looking at inventory. The main access road would provide better access to the northerly lots.

Staff also has some concerns on the resulting landscaping, including frontage landscaping, which in this case plays an important role in defining the aesthetic character of the development. The following suggestions are provided for consideration of the Urban Design Commission:

- **Restore the frontage plantings to match previous approval.** The applicant has revised the frontage landscaping along the approved site, at the highly visible corner of East Springs Drive and High Crossing Boulevard. The applicant has added two trees to the area, but reduced the width of the smaller planting

beds in the current version of the plans. Staff supports the additional trees, but also wishes to see the smaller beds enlarged to match the previous approval.

- **Landscape Maintenance Plan.** Staff recommends that applicant provide a maintenance plan for their landscaping, including the bio-beds.
- **Bio-Bed Species Clarification.** The planting schedule for the bio-beds indicates a variety of species will be provided, planted at a gallon container size. A note under the table indicates that “Plant Species and size substitutions may be made prior to construction due to pending soil testing results and final engineering.” Staff recommends this note be removed. If there revisions to the bio-bed plantings, these should be specifically noted during the final sign-off. Such revisions could be approved by staff or forwarded back to the Urban Design Commission should significant changes be proposed.

### Conclusion

Staff believes the expansion of the previously approved automobile sales facility can meet the applicable conditional use standards. At the time of report writing, staff was not aware of any objections to the proposal.

## 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 expand a previously approved automobile sales facility and lot at 2501 East Springs Drive onto 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

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

1. That the applicant removes the note on the planting schedule for the bio-beds that states, “Plant Species and size substitutions may be made prior to construction due to pending soil testing results and final engineering.”
2. That the entire private drive shown on the site plan and included in the master plan be constructed as part of the first phase of the development.
3. That the applicant provide include a landscape maintenance plan, including specifications for maintenance of the bio-bed plantings.
4. That the frontage planting beds in front of the approved facility at 2501 East Springs Drive shall not be reduced as shown on the submitted plans.
5. That with the exception of the relocated display area, no changes to the previously approved frontage retaining wall are included in this approval.

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

6. The recording information for the Amended Ingress – Egress Easement shall be noted on the site plan.
  7. Proposed development shall not alter or affect the drainage of adjacent and upstream lots.
  8. The current expanded site plan shows the entire phased area. The site plan shall be revised or an additional sheet shall be added that distinguishes improvements to be constructed in phase 1 from improvements to be constructed in phases 2 and 3.
9. 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)
  10. 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)
  11. All damage to the pavement on High Crossing & East Springs, 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)
  12. 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. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))
  13. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
  14. 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.
  15. 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-151but 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)

16. If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds. (POLICY)
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 a) Detain the 2 & 10 year storm events; b) Control 80% TSS (5 micron particle) off of new paved surfaces; c) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; d) Provide oil & grease control from the first 1/2" of runoff from parking areas; and e) 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.
18. 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)
19. 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 [lzenchenko@cityofmadison.com](mailto: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))
20. 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).
21. 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.
22. 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)

23. Applicant shall construct main access roadway through lot 4 that is currently shown in phase 2, in phase 1. Current phase 1 layout is likely to result in traffic accessing lots to the north in the development through areas where customers will be looking at inventory. The main access road will also provide better access to the northerly lots as planned in the GDP.

24. Applicant shall construct access from High Crossing Blvd as a driveway type opening.

25. 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, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the two (2) feet overhang, adjacent driveway approaches to lots on either side and across the street, on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

26. 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.

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

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

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

Comments were not received in time to be included in this report.

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

This agency submitted a report with no recommended conditions of approval.

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

29. This property is not in a wellhead protection district. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21. 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)

30. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

31. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to

Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

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 Reindahl park impact fee district (SI22). Please reference ID# 13159 when contacting Parks about this project.

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

This agency did not provide comments for this request.