

## PLANNING DIVISION STAFF REPORT

September 16, 2019



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 6510 Cottage Grove Road (District 3 – Ald. Lemmer)

**Application Type:** Conditional Use

**Legistar File ID #** [57100](#)

**Prepared By:** Colin Punt and Mai Xue Vang, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant & Contact:** Jeff Osgood; Kwik Trip, Inc; 1626 Oak Street; La Crosse, WI 54602

**Property Owner:** Hovde Properties; 122 West Washington Ave STE 350; Madison, WI 53703

**Requested Action:** Approval of a conditional use to allow construction of a convenience store with an attached car wash and an accessory outdoor storage at 6510 Cottage Grove.

**Proposal Summary:** The applicant is requesting approval to construct a 9,450-square-foot convenience store with an attached one-bay car wash and five fuel-dispensing islands containing 20 pumps on an undeveloped parcel located at Kilpatrick Lane and new South Sprecher Road.

**Applicable Regulations & Standards:** Auto service (gas) stations and convenience stores and car washes are conditional uses in the CC-T (Commercial Corridor - Transitional) district per §28.061 M.G.O. Auto service stations, car washes, outdoor display, and outdoor storage are all subject to Supplemental Regulations in §28.151. §28.183, M.G.O. 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 construction of an auto service station, convenience store with an attached car wash in the Commercial Corridor – Transitional (CC-T) District at 6510 Cottage Grove Road. This recommendation is subject to input at the public hearing and conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Parcel Location:** The 75,767-square foot (1.74-acre) subject site is located at the southwest corner of Kilpatrick Lane and the South Sprecher Road realignment, just north of Cottage Grove Road. The site is within Aldermanic District 3 (Lemmer) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is undeveloped land and is zoned CC-T (Commercial Corridor – Transitional District).

**Surrounding Land Use and Zoning:**

South: Undeveloped land across Cottage Grove Road, zoned A (Agricultural) District;

East: Alta Green Condominiums, Buckeye Trail Condominiums, and Old Country View Condominiums along Herndon Drive, zoned SR-V2 and PD; undeveloped land, zoned A.

North: Undeveloped land, zoned TR-U1 (Traditional Residential - Urban 1) District;

West: Madison Gas & Electric substation and undeveloped land, zoned SR-V2 (Suburban Residential – Varied 2) District; multi-tenant commercial building, zoned CC-T (Commercial Corridor-Transitional District);

**Adopted Land Use Plan:** The 2018 [Comprehensive Plan](#) recommends Neighborhood Mixed-Use uses (two to four stories and up to 70 dwelling units per acres) for the subject site. The 2012 [Sprecher Neighborhood Development Plan](#) recommends that the subject property be developed with low- to medium-density residential uses with a recommended density of 8-11 units per acre.

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	75,765
Max. Front Yard Setback	65 ft	57 ft
Side Yard Setback	None	35 ft
Rear Yard Setback	20 ft	56 ft
Maximum Lot Coverage	85%	78%
Maximum Building Height	5 stories/68 ft	20 ft

Site Design	Required	Proposed
Number Parking Stalls	No minimum, 1 per 500 sq ft maximum = 19	23 (see zoning comment 2)
Accessible Stalls	1	2
Loading	None	1
Number Bike Parking Stalls	1 per 5 employees = 2	6
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Flex Building

<b>Other Critical Zoning Items</b>	Utility Easements
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*Table 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:** The subject site is served by a full range of urban services.

## Project Description

The proposed facility will consist of one-story, 9,450-square-foot convenience store building with an attached car wash located on the southern portion of the site. The primary entrances to the store are proposed on the north facade of the building, with a secondary entrance to the east. There are a total of 25 parking stalls on site, including two accessible stalls that are adjacent to the façade entrances. An enclosed dumpster is located on the west side of the building and an air compressor and a vacuum station is located on the east side. A car wash is attached to the south side of the convenience store building. Car wash traffic queues on the west side of the building, enters at the southwest corner, and exits at the southeast corner. The applicant also proposes storage and sale of ice and propane outside. The Zoning Administrator has indicated that these activities are allowed as part of the auto service station with convenience store. The proposed fueling canopy is 120 by 40 feet (4,800-square feet) and 15'-6" tall, according to the applicant, though the measured height on the submitted drawings is 19'-8", with lit striping and signage on the fascia. The canopy covers five fuel-dispensing islands, each with two pumps facing each direction (east and west), capable of serving 20 vehicles. Access to the site is proposed from the east on the future alignment of South Sprecher Road and from the north of Kilpatrick Lane. The applicant proposes for fuel sales and convenience store to operate seven days per week for 24 hours. The car wash is proposed to operate from 6:00 a.m. to 11:00 p.m. The submitted drawings show a typical Kwik Trip corporate-branded architectural plan with a brick façade and metal roof. The majority of the glazing on the primary building is primarily on the north and east facades. The application materials do not detail materials for the fueling area canopy.

The applicant intends to commence project work on March 1, 2020, with a completion date on November 31, 2020.

## Analysis and Conclusion

There are two conditional use approval requests before the Plan Commission for a proposed auto service station with convenience store and a car wash. In order to approve the Conditional Use requests, the Plan Commission must find that the proposed automobile service station and convenience store and car wash meet the Conditional Use approval standards pursuant to MGO §28.183(6). The analysis below begins with a summary of the adopted plan recommendations, includes a review of the conditional use standards, and finishes with a review of the applicable supplemental regulations.

### Adopted Plan Recommendations

This use at this location was a point of focus and discussion during Plan Commission meetings regarding the creation of the [Comprehensive Plan](#), adopted in 2018. The 2018 [Comprehensive Plan](#) recommends the subject site to be developed as a Neighborhood Mixed-Use (NMU) area. The NMU category includes relatively small activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. Development and design within NMU areas should be compact and walkable, well connected and integrated into neighborhoods, and development should be transit-oriented, even in areas where transit service does not yet exist. Non-residential uses in NMU areas typically focus on serving nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. Individual building should not include more than 10,000 square feet of commercial space, except for buildings containing grocery stores or community facilities. While new buildings in NMU areas are expected to be two to four stories in height, single-story buildings may be supported in very limited circumstances. One-story gas stations with an accompanying convenience store may be considered in newly

developing NMU areas if the proposed development is designed in a manner that does not impede or substantially detract from the existing or planned development in the surrounding area. Any such development should integrate site design elements that facilitate pedestrian and bicyclist access to the retail portion. Any convenience store and 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 2003 [Sprecher Neighborhood Development Plan](#) (most recently updated in 2012) recommends that the subject property be developed with low- to medium-density residential uses with a recommended density of 8-11 units per acre. Lands west of the site across existing Sprecher Road are recommended for commercial at the corner of Cottage Grove Road; industrial for the electrical substation, and park, drainage and open space surrounding the substation. The multi-family properties east of relocated Sprecher Road are recommended for a combination of low- to medium-density residential and medium-density residential (12-16 units per acre) development. During the discussions occurring during the creation and adoption of the Comprehensive Plan in 2018, the Plan Commissioners determined that this specific subject site to be used as a neighborhood activity center, in contrast to the recommendation of the neighborhood development plan as previously recommended.

### **Conditional Use Standards**

Auto service (gas) stations with convenience stores and car washes are conditional uses in the CC-T (Commercial Corridor - Transitional) district per §28.061 M.G.O. With regard to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) MGO are met. While staff believes that all applicable standards of approval can be found met, staff has comments regarding standard 3, which states that "the uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." There are currently two-family condominium buildings built along Herndon Drive which will front or side on Sprecher Road's future alignment. These homes are at a lower elevation than the proposed new development and are directly across the proposed roadway from the car wash exit, which is approximately 180 feet from the residentially-zoned parcels across future Sprecher Road. Staff anticipates headlight glare from exiting vehicles could potentially adversely affect these existing homes and has recommended a condition requiring additional screening to mitigate headlight glare. This could take the form of a decorative wall, additional plantings, or other solutions. Likewise, Staff has similar concerns regarding the LED stripe on the east side of the fueling canopy, which is less than 180 feet from the residentially-zoned parcels across future Sprecher Road. Staff recommends that the lighted portion of this feature be removed.

### **Supplemental Requirements**

Auto service stations and car washes are all subject to Supplemental Regulations in §28.151 M.G.O. Per the zoning ordinance, the supplemental regulations are established to address the unique characteristics of certain land uses. Zoning staff have not indicated that the proposal violates any of the supplemental regulations regarding auto service stations or car washes.

## Conclusion

While this proposal is not strictly consistent with the adopted neighborhood development plan, because of the discussions surrounding this use and location during the deliberation of the Comprehensive Plan, Staff believes that it is possible for the Plan Commission to find conditional use approval standards met, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

At time of writing, Staff has received several written comments from the public, which have been included in the Plan Commission packet.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to allow construction of a convenience store with an attached car wash and an accessory outdoor display and storage on a property zoned CC-T (Commercial Corridor - Transitional District) at 6510 Cottage Grove Road. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

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

1. Applicant shall install a decorative wall or landscaping immediately east of the car wash exit to mitigate headlight glare directed toward the residences across future Sprecher Road from vehicles exiting the car wash, with details to be approved by staff.
2. An 8" red LED stripe is shown on all sides of the fueling area canopy. There shall be no fascia lighting of the east side of the canopy.
3. Floor area and layout of the convenience store building shall be consistent between letter of intent, site plans, and building floor plans.
4. Clarify the location of the ice and propane storage on the site plans, floor plans, and elevation plans.
5. Label height dimensions and materials on the fueling canopy elevations.

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

6. 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 (19 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.

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

7. Developer's Engineer shall coordinate with Engineering staff to make sure that the lateral installed with the subdivision development (Project 12583) is installed in the proper location to provide sewer service to the property. Daniel Olivares dolivares@cityofmadison.com, (608)261-9285 is the contact for this project.
  8. The stormwater design and construction of the public stormwater facility on OL1 must at least be completed (at least rough graded) prior to this construction permit being issued.
9. 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, surety to guarantee the construction of the improvements and a deposit to cover estimated City expenses will be required.
  10. This property has deferred assessments for the Door Creek Southern Sewer assessment district that are due and payable prior to final approval.
  11. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
  12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
  13. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
  14. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
  15. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. 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/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
  16. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
  17. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at

meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>. 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. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this lot is part of a larger CSM and is dependent on the public outlot to treat for detention and TSS. This site shall be required to treat for oil and grease on site. The larger development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>. The Storm Water Management plan and report requirements can be found with the CSM conditions of approval. 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.
19. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
20. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

**City Engineering Division – Mapping Section** (Contact Jeffrey Quamme, 266-4097)

21. Coordinate and request from the utility companies serving this area the easements required to serve this development and other lots within the pending CSM. Those easements shall be properly shown, dimensioned and labeled on the pending Certified Survey Map. Coordination is necessary considering the retaining walls, picnic table area and sign proposed along the northerly and easterly sides of the lot adjacent to the street right of ways. Electric, gas and communication facilities are typically installed within or near those locations.
22. Provide for review, comprehensive reciprocal easement and agreement for common access off of proposed Kilpatrick Lane as necessary to accomplish the land division and site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
23. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland storm water drainage. A private Storm Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.
24. The address of the proposed Kwik Trip is 6525 Kilpatrick Ln. Since the car wash is attached to the building, it will not require a separate address (unless requested by MFD or the applicant). The site plan shall reflect a

proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

25. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

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

26. 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.
27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
28. 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.
29. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
30. 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.
31. 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.
32. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
33. "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.



34. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
35. Per MGO 10.08 (4)(a)3. A Class III has a maximum permitted entrance width of 30 feet. The applicant shall provide information if they wish for a variance.
36. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

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

37. Include a fire access plan showing the location of the required fire lane locations, dimensions & turn radii with the site verification plan set.