

PLANNING DIVISION STAFF REPORT

April 20, 2015



PREPARED FOR THE PLAN COMMISSION

Project Address: 4701 American Parkway and 5433 Buttonwood Drive
Application Type: Conditional Use
Legistar File ID # [37594](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Jeff Osgood, Kwik Trip, Inc.; 1626 Oak Street; LaCrosse.

Property Owner: American Family Insurance Corp.; 6000 American Parkway; Madison.

Requested Action: Approval of a conditional use to allow construction of an auto service station, convenience store and car wash with accessory outdoor storage and display (sales) areas at 4701 American Parkway and 5433 Buttonwood Drive.

Proposal Summary: The applicant is requesting approval to construct a 7,160 square-foot convenience store, 5 fuel-dispensing islands containing 13 pumps, and a two-bay car wash on 2 undeveloped parcels in the American Center. As part of the proposal, the applicant is requesting the ability to store ice outside the building and to sell unspecified merchandise near the pump islands under the fuel sales canopy. The project will commence this August, with completion scheduled this December.

Applicable Regulations & Standards: Table 28D-2 of Section 28.061 identifies auto service (gas) stations, convenience stores and car washes as conditional uses in the CC (Commercial Center) district, with Supplemental Regulations in 28.151. Outdoor display, which is defined as "the display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis," and outdoor storage, which is defined as the "permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building" are conditional accessory uses in the CC district subject to Supplemental Regulations in 28.151. Section 28.183 of the Zoning Code 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 and car wash with accessory outdoor display at 4701 American Parkway and 5433 Buttonwood Drive subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

Background Information

Parcel Location: The subject site is an approximately 3.13-acre parcel located at the southeastern corner of American Parkway and Buttonwood Drive, Aldermanic District 17 (Clausius); Sun Prairie Area School District.

Existing Conditions and Land Use: Undeveloped land, zoned CC (Commercial Center District).

Surrounding Land Use and Zoning:

North: Undeveloped lands, zoned (Commercial Center District);

South: Multi-tenant retail building and Erin's Snug Irish Pub; there is a BP station located 400 feet south of the site across Eastpark Boulevard and American Center Drive, all zoned CC.

East: Undeveloped land, zoned CC;

West: Summit Credit Union and multi-tenant office/ employment buildings, zoned SEC (Suburban Employment Center District).

Adopted Land Use Plan: The Comprehensive Plan recommends that the subject site and properties on the east side of American Parkway be developed with General Commercial uses, while the parcels to the west across American Parkway in the American Center are recommended for Employment uses. The Rattman Neighborhood Development Plan identifies the subject site for neighborhood commercial uses primarily intended to serve the American Center business park.

Zoning Summary: The subject property is zoned CC (Commercial Center District):

| Bulk Requirements | | Required | Proposed |
|--|--|--|---------------------------------|
| Front yard setback | | 100' maximum | 81.9' to Buttonwood Drive |
| Side yard setback: other cases | | One-story: 5 | 175.3' to west; 57' to east |
| Rear yard setback | | The lesser of 20% of lot depth or 20' | Will exceed |
| Maximum lot coverage | | 85% | See Zoning condition |
| Maximum height | | 5 stories / 68' | 1 story / 19' |
| Automobile parking stalls | | 1 per 1,000 sq. ft. of convenience store (8) | 25 (plus 20 accessory off-site) |
| Accessible stalls | | 1 | 4 |
| Loading | | (1) 10 X 35' space | 1 |
| Bike parking | | 1 per 1,000 sq. ft. of convenience store; 1 per 5 employees for car wash | See Zoning condition |
| Building forms | | Freestanding commercial building | Meets building forms |
| | | | |
| Other Critical Zoning Items: | | | |
| Yes: | Barrier Free, Utility Easements | | |
| No: | Urban Design, Floodplain, Wellhead Protection, Landmarks, Waterfront Development | | |
| Prepared by: Planning and Zoning staff | | | |

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map G4).

Public Utilities and Services: The site is served by a full range of urban services.

Previous Approval

On July 26, 2010, the Plan Commission approved a conditional use for an accessory off-site parking area located at 4701 American Parkway to serve an adjacent restaurant located at 4601 American Parkway.

Project Description

The applicant is requesting approval to construct an auto service station, convenience store and attached car wash on an undeveloped 3.13-acre parcel located on the east side of American Parkway in the commercial

center planned as part of the American Center development. The convenience store and car wash will be housed in a one-story 10,075 square-foot building located on the easterly half of the site, which is comprised of two lots of the American Center plat. Entrances to the 7,160 square-foot store are proposed on the western and northern facades of the building, with the 2 car wash bays to be accessed along the southern façade, exiting to the north. Parking for 29 automobiles, including 4 accessible stalls, is proposed adjacent to the northern and western facades of the store and in an area located opposite the southern wall of the store and car wash access lane. A vacuum island is shown in this southern parking area. Five fuel-dispensing islands are proposed between the western wall of the store and American Parkway, which will contain 13 pumps. Access to the site is proposed from 2 driveways from Buttonwood Drive, which forms the northern edge of the property, and from 2 driveways from a private access drive that extends between American Parkway and American Family Drive on the east; no direct access to American Parkway is proposed. The applicant proposes for the fuel sales, convenience store and car wash to operate from 24 hours a day.

The new convenience store/ car wash building will be clad in brick, with a green standing-seam metal roof. The columns supporting the canopy will be clad in masonry to match the new building, while the canopy itself will be an off-white metal structure. A trash enclosure is proposed along the southern façade adjacent to the car wash entrance.

In addition to the 29 stalls proposed to serve the auto service station and convenience store, the application calls for construction of 20 auto stalls to be located on the north side of the east-west private drive that forms the southern edge of the property. The 20 stalls will serve Erin's Snug Irish Pub, which occupies an 11,650 square-foot building located to the southwest of the site at 4601 American Parkway. Parking for the restaurant-tavern is provided in a 74-stall lot that surrounds the building. As noted in the previous section, the Plan Commission approved an accessory off-site parking lot on the subject site in 2010, which contained 26 stalls to serve the neighboring pub. However, construction of the accessory lot never commenced, and the previous conditional use has expired.

Finally, the applicant is requesting approval for the accessory outdoor storage of ice and propane in canisters and for "general merchandising" under the canopy. Based on the elevations (Sheet A200B), the propane "cage" will be located on the western façade west of the store entrance, while two ice coolers are shown along the southern wall of the store adjacent to the trash enclosure. If approved, the outdoor fuel cage and ice coolers will need to be shown and dimensioned on the final site plans to ensure that adequate room exists for pedestrian circulation. [Note: Per the Zoning Administrator, the sale of liquefied propane is considered fuel sales related to the principal use of the property and is not considered outdoor storage or display.]

Supplemental Regulations

The supplemental regulations for automobile service stations and convenience stores (as applicable in the CC zoning district to the proposed facility) in Section 28.151 are:

- (b) A convenience store shall not be located within 1,980 feet distance of 3 or more existing convenience stores, as measured along the center lines of streets.
- (c) The following activities and equipment are allowed only in the rear yard and at least 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.

(d) The following activities and equipment are allowed only within an enclosed building [excerpt]:

2. Motor vehicle washing equipment.

(f) No building, structure, canopy, gasoline pump, or storage tank shall be located within 25 feet of a residential zoning district.

The supplemental regulations for car washes in Section 28.151 are:

- (a) The car wash shall be completely enclosed when not in operation.
- (b) Any access drive shall be located at least 30 feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- (c) Any car wash line exit shall be at least 30 feet from any street line.
- (d) The car wash shall be screened along all property lines with a minimum 6-foot high masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per 50 linear feet and one shrub per 4 linear feet.
- (e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
- (f) Water from the carwash shall not drain across any sidewalk or into a public right of way.

The supplemental regulations for outdoor display in Section 28.151 are:

- (a) Outdoor display shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).
- (b) All products on display shall also be sold in the principal retail use.
- (c) Outdoor display shall not exceed 16 hours per day.

The supplemental regulations for outdoor storage (as applicable in the CC zoning district to the proposed facility) in Section 28.151 are:

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

Analysis and Conclusion

The Planning Division believes that the proposed auto service station/ convenience store/ car wash complex can meet the conditional use standards and the applicable supplemental regulations for such uses in the CC zoning district. The new building and fuel sales canopy and site are well designed and should result in a development

that is consistent with the aesthetic of the American Center. Staff also has no objections to the proposed 24-hour a day operation of the facility, which will be located in an area exclusively developed with commercial and employment uses. The nearest residential development is located approximately a quarter-mile northeast of the subject site on Tancho Drive.

The Zoning Administrator has determined that the placement of ice coolers on the exterior of the building does not meet the definition of or regulations for outdoor storage, thereby requiring that those fixtures be removed. Planning and Zoning staff do not object to the proposed outdoor display (sales) of merchandise under the fuel sales canopy provided that the display complies with the supplemental regulations, which require that the products on display also be sold in the principal retail use and that the outdoor display not exceed 16 hours per day.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

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 and car wash with accessory outdoor display at 4701 American Parkway and 5433 Buttonwood Drive subject to input at the public hearing and the conditions that follow. No qualifying outdoor storage areas are proposed and therefore, none are approved.

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

Planning Division

1. No outdoor amplified advertisements or music shall be permitted at any time.
2. Outdoor display shall not exceed 16 hours per day. The applicant shall indicate what items will be displayed and sold outdoors and verify that those items will be sold in the convenience store. The final site plan shall show the locations where under the canopy outdoor display is proposed. No outdoor display shall be allowed in the parking lot, in landscaped areas, or on walkways adjacent to the convenience store.
3. The applicant shall revise Sheet SP 1.1 prior to final plan approval and the issuance of building permits to dimension and identify the proposed vacuum island, 20 accessory parking stalls for the adjacent restaurant-tavern, and propane tank enclosure. All walkways shall be dimensioned, with a minimum 5-foot pedestrian space to be provided clear of curb ramps, wheel stops, bollards and other permanent fixtures.
4. Revise the final plan set to cause Sheet A200 (architectural elevation "RH Store") to match Sheet A200B (colored). Include a height dimension on the final revised plan. All floorplans and elevation drawings shall match the site plan approved by the Plan Commission and as verified by the Planning Division prior to final sign-off and issuance of building permits.

City Engineering Division (Contact Janet Schmidt, 261-9688)

5. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the City Assessor's Office can then create the new

Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.

6. The address for the proposed Kwik Trip is 4825 American Parkway. There also is a driveway off of Buttonwood Drive without a southbound blocking median. If a Buttonwood Drive address is preferred or considered the primary access entry, please contact Lori Zenchenko for a revised address at Lzenchenko@cityofmadison.com.
7. 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.
8. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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
9. 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).
10. All damage to the pavement on American Parkway, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
11. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
12. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
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
14. For Commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than 1 acre and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
15. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls; provide infiltration in accordance with Chapter 37 of Madison General Ordinances; provide oil and grease control from the first 1/2" of runoff from parking areas, and; 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 MGO Chapter 37. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

16. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the City Engineering Division. (Lori Zenchenko lzenchenko@cityofmadison.com) The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
17. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
18. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

19. The applicant shall provide a sidewalk connection from AmCenter Drive to connect to walkway shown along southerly edge of site and adjacent to the shared access drive.
20. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
 21. 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.
 22. 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.
 23. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

24. Outdoor display shall not exceed 16 hours per day. The applicant shall indicate what items will be displayed and sold outdoors and verify that those items will be sold in the convenience store.
25. The final site plan shall show the locations where outdoor display (sales) and storage are proposed.
26. The sale of propane canisters is considered fuel sales. The outdoor ice coolers are not permitted and shall be removed from the final plans.
27. Provide a lot coverage calculation on the final plans for this project.
28. Pursuant to MGO Section 28.142(3) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
29. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan with photometrics and fixture cut sheets with the final plan submittal.
30. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide the minimum required bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. NOTE: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Provide details of bike rack on final plan sets.

Fire Department (Contact Bill Sullivan, 261-9658)

Note: 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)

31. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

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.