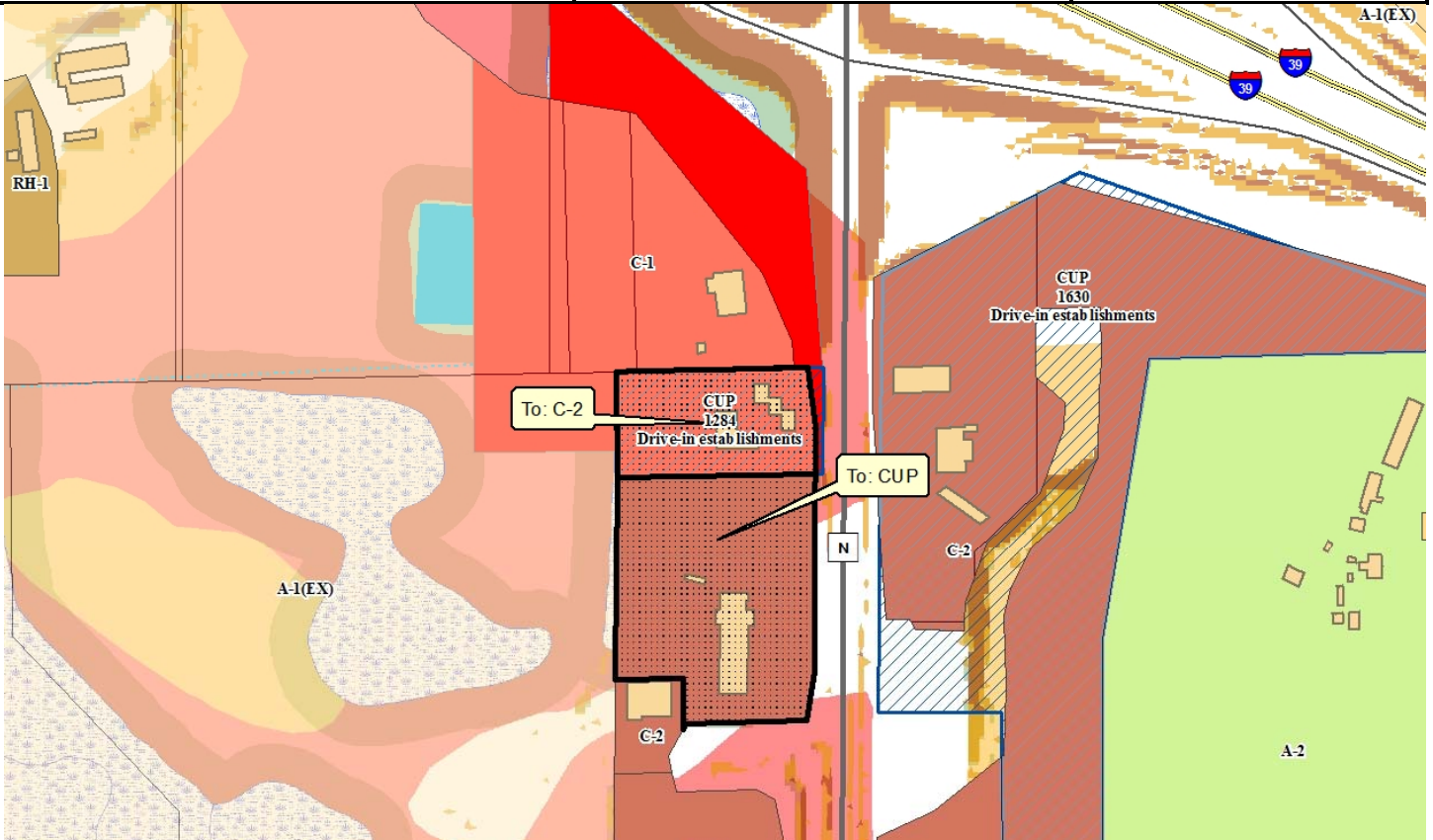




Notice of Public Hearing

<i>Public Hearing:</i> September 26, 2017	<i>Petition:</i> Petition 11194 CUP 02389
<i>Zoning Amendment:</i> C-1 Commercial District TO C-2 Commercial District	<i>Town/sect:</i> PLEASANT SPRINGS, Section 9
<i>Acres:</i> 1.788 <i>Survey Req. Yes</i>	<i>Applicant</i> WISCONSIN FUEL LLC
<i>Reason:</i> Shifting of property lines between adjacent land owners TO CUP: DRIVE-IN ESTABLISHMENT	<i>Location:</i> 2763 COUNTY HIGHWAY N

Zoning and Land Regulation Committee



DESCRIPTION: Applicant requests C-2 zoning for adjoining lands recently acquired in order to expand the existing BP gas station / convenience store / restaurant use located at 2763 County Highway N. A Conditional Use Permit (CUP) is requested to allow drive through access for the restaurant use and fueling stations. The project would result in an enlarged convenience store / truck stop facility that includes both auto and truck fueling.

OBSERVATIONS: An area of wetlands and hydric soils encroaches onto the western edge of the property. Site visits by county staff revealed standing water on a low lying area of the property that appears to be contiguous to the wetland area to the west. The proposal will impact these areas. The applicant is requesting a variance from the 75' wetland setbacks from the Board of Adjustment.

TOWN PLAN: The property is located in the town's Highway Interchange commercial planning area.

RESOURCE PROTECTION: An area of resource protection corridor associated with mapped wetlands encroaches onto the westerly portion of the property. Staff has concerns that the proposal could negatively impact the wetlands.

STAFF: Proposed uses appear to be reasonably consistent with town plan policies. As noted above, there are wetlands that will be affected by the proposed development. Staff have identified several concerns with the proposal that should be addressed prior to ZLR action on the petition.

Please see page 2, below.

STAFF (continued): Staff is concerned that the applicant is relying on a wetland delineation that was performed for the Highway 39/90 / County N interchange project and may not include the entire development area of this site. Despite multiple requests, the applicant has been reluctant to provide any additional information on the actual wetlands that may be present on the site.

Staff is also concerned that the proposal will impact an existing septic drain-field associated with the building on an adjoining property at 2731 County Highway N. The applicant has acknowledged this and intends to coordinate with the affected property owner on relocation of the septic drain-field prior to construction.

There may be a traffic conflict on the west side of the property. The area west of the building is the primary ingress and egress path for truck traffic and is also being used for the drive –thru path and stacking area. The 35-foot path width may not be sufficient to safely convey the 3 drive paths.

Staff Recommendations: Staff recommends that the action on the petition be postponed until such time as the applicant completes a detailed wetland delineation by an assured delineator to document the exact location of wetlands on the property.

Pending completion of that delineation, and outcome of the wetland setback variance appeal with the Board of Adjustment, staff may have additional recommendations regarding the proposed development plans for the property.

9/26 ZLR Meeting: The Committee postponed action until three issues were addressed. These items were: 1) Obtaining a variance from the Board of Adjustment in order to encroach into the 75-foot wetland buffer area. 2) Provide information that the proposed sanitary facilities (holding tank) will be acceptable to the Department of Health and that the adjacent landowner is in agreement with the movement of a sanitary easement on the property. 3) address the vehicular movement conflict between tractor trailers and cars on the west side of the building.

Wetland buffer: The Board of Adjustment granted a variance from the 75-foot wetland buffer setback. The Board found that the current delineation report was valid and may be used in identifying the wetland boundary. They also found that the storm water management features included with the project would only improve the water quality going into the wetland area. The wetland is an isolated area with no direct connection with a navigable waterway.

Sanitary facilities: County Staff has received an email from John Hausbeck, Dane County Environmental Health Services Supervisor, regarding the proposed facility. The applicant has provided the necessary information to the Department of Health to support having the facility be serviced by a holding tank. The applicant has also identified an alternate location of the drainage field for the adjacent neighbor and the Department of Health has accepted the location. Staff suggests that a condition be placed on the proposal that the approval is contingent upon a revised septic easement be recorded on the property for the benefit of the adjacent neighbor.

Vehicular Conflicts: The project has been redesigned to address the conflict. A few parking stalls have been removed to widen the aisle way. The driveway entrance has been shifted over to divide truck vs. car directions. The queue (stacking) area for vehicles going through the drive-thru has been shifted against the building and curbed to define separate drive aisles for the drive-thru traffic and tractor trailer traffic.

TOWN: Approved with conditions. See next page.

Note: The Town conditions have been incorporated into the Staff conditions.

Proposed Petition 11194

If approved, Staff suggests the following conditions be part of the approval:

- A deed restriction shall be recorded on the property stating the following:
 1. Limit C-2 Commercial uses exclusively to: full service gas station / truck stop, including associated dine-in and drive through restaurant, retail sales and service uses, off street parking of motor vehicles. The parking of semi-truck vehicles shall have a designated rest area.
 2. Residential development is prohibited on the property.
 3. The installation or erection of off-premises advertising (billboard) signs is prohibited.
 4. The business may operate 24/7 all year round.
 5. Prior to the issuance of a zoning permits, the applicant shall:
 - a. Obtain from approval from Dane County Land and Water Resources regarding site erosion control and storm water management. The owner shall provide a copy of the approved plans to the Town of Pleasant Springs.
 - b. Obtain final site plain approval from the Town of Pleasant Springs Board. The final site plan shall show all environmental features, traffic circulation and parking, loading / unloading areas, landscaping, easements granted to adjoining property owners, and also include proposed signage and a detailed photometric plan for exterior lighting on the property.
 - c. Obtain a sanitary permit from Dane County Environmental Health.
 - d. Provide an emergency response plan for fuel spills to the Town of Pleasant Springs.
- The landowner shall record a Certified Survey Map with the Register of Deeds combining both lots. The certified survey map shall include the location of the well and all septic systems or easements on the property.
- A sanitary easement shall be recorded with the Register of Deeds to reflect the revised location of the drainage field for the benefit of the adjacent landowner.

Proposed Conditional Use Permit # 2389

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. The following list of conditions are those approved by the Town of Pleasant Springs.

1. This Conditional Use Permit is for a drive-thru establishment for a restaurant and fueling stations.
2. The owner shall adhere to the final site plan as approved by the Town of Pleasant Springs.
3. Lighting of the fueling stations shall adhere to the final site plan as approved by the Town of Pleasant Springs.
4. The owner shall provide a copy of the emergency response fuel spill plan to the Town of Pleasant Springs Board Board and County Zoning.
5. Hours of operation are 24-hour, 7 days a week