

July 19, 2017

Wisconsin Fuel, LLC/Golden Green Properties, LLC-Variance Application Questions

(1)(A) and (B) Description of alternatives to the proposal that comply with existing code requirements or that require a lesser variance than that which is requested.

The applicant owns both parcels of land that are the subject of the requested variance and intends on rezoning the north parcel from C-1 Commercial District to C-2 Commercial District so the zoning is consistent and consolidating the parcels via Certified Survey Map. The use on the north parcel currently includes an automobile fueling station and fast food restaurant with drive-thru window; the present/previous use on the south parcel included automobile sales and service and truck repair. The applicant proposes to redevelop the consolidated parcel to include an automobile and truck fueling station, truck scale, convenience store to include food service with dining area, restrooms and showers, and a fast food restaurant with drive-thru service window. Alternative sites were not explored for the following reasons:

1. The applicant owns the property on which the subject development is proposed to occur on.
2. The location offers good visibility and ease of access to/from the highway.
3. Due to the nature of the use and the clients it caters to (inter-state travelers in automobiles with or without trailers, and semi-trucks and trailers), the driveway and vehicle maneuver areas as designed are required to accommodate the target clientele.

(2) Will there be an unnecessary hardship to the property owner to strictly comply with the ordinance?

Permitted uses in the C-2 Commercial District include retail and service uses (i.e. the proposed convenience store with restroom/shower facilities and food service/restaurants). Accessory to the permitted uses are the fueling stations and truck scale; the accessory uses require a Conditional Use Permit. The use as proposed is very similar in nature to the use located on the east side of County Highway N and is appropriate for a highway interchange setting. To be efficient and safe, the drive aisle and vehicle maneuver areas are designed as proposed to be able to accommodate large vehicles with trailers/tankers and automobiles towing trailers (campers, etc.) that commonly utilize the interstate highway system.

Section 11.03(2)(a)2. of the Dane County Code of Ordinances (hereinafter referred to as “Ordinance”) requires a minimum 75 foot setback between structures and wetlands that are two (2) acres in size or larger. Section 11.015(42) of the Ordinance defines “structure” as: *“Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto”*. The proposed asphalt vehicle maneuver areas, truck scale, fuel pumps and associated fuel canopy are considered structures pursuant to the aforementioned definition and must therefore be located a minimum of 75 feet from the wetland boundary. As illustrated on the accompanying site plan, there is a wetland complex on the west side of the property running the entire length of the property from north to south. As mapped on the Wisconsin Wetland Inventory Map, the mapped wetland is less than two (2) acres in size; structure setbacks from wetlands do not apply to wetlands that are less than two (2) acres in size. As delineated in conjunction with the County Highway N improvement project, the subject wetland is much larger than mapped [in excess of two (2) acres]. The presence of this wetland as delineated unreasonably prevents the property owner from using the property for the proposed purpose unless a variance is granted; strict compliance with the Ordinance would be unreasonably burdensome and prevent the property owner from using the property for a permitted purpose; the required setbacks would prevent safe and efficient vehicle maneuvering and would limit the use of the property.

(3) Do unique physical characteristics of the property prevent compliance with the ordinance? If so, please explain.

The presence of the large [greater than two (2) acres] wetland complex on the west side of the property running the entire length of the property from north to south is a unique physical characteristic in that the size of the wetland as mapped on the Wisconsin Wetland Inventory Map is less than two (2) acres. As explained above the structure setbacks from wetlands would not have applied to the wetland as mapped.

(4) Effect on this property, the community or neighborhood, and the general public interest if this variance were granted. Description of how negative impacts would be mitigated.

If the requested variance is granted, the proposed development will replace two (2) aging properties with one (1) new and improved use that will be more aesthetically pleasing, will have increased site security to prevent loitering and other undesirable activity, and provide a broader range of services to travelers and local residents alike in the form of convenience shopping, dining choices, and an increased tax base. Structure setbacks from wetlands are intended to provide a protective buffer to prevent contaminants (sediment, grease, oil, etc.) from washing into the wetland during storm events. The site will be graded to direct stormwater to subsurface stormwater detention/retention facilities that will treat stormwater for both quantity and quality as required by Dane County and State of Wisconsin regulations.