
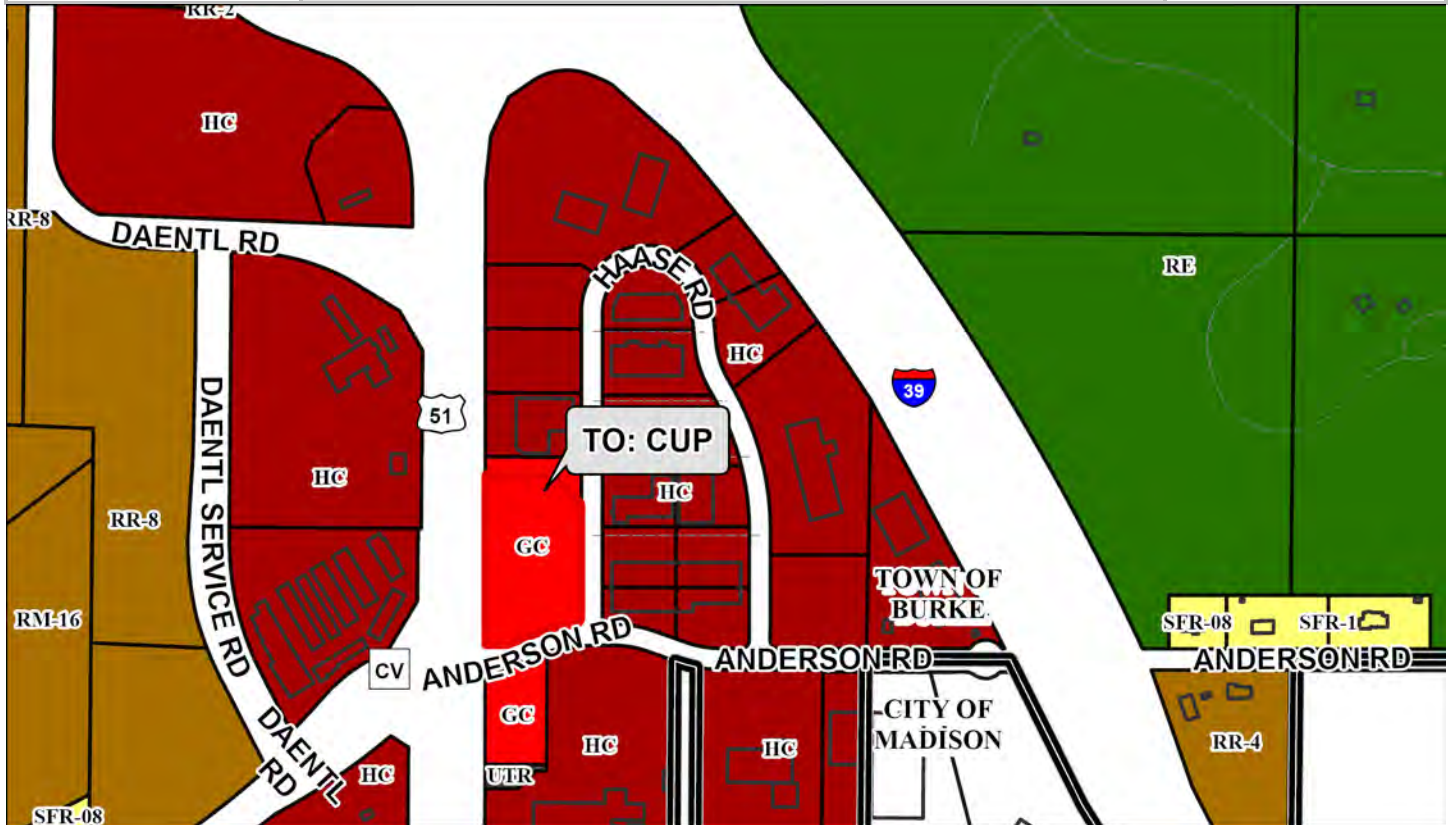


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> May 26, 2026	Conditional Use 02704
	<u>Zoning Amendment Requested:</u> TO CUP: DRIVE-IN ESTABLISHMENT (GAS STATION AND C-STORE)	<u>Town, Section:</u> BURKE, Section 9
	<u>Size:</u> 3.4 Acres	<u>Survey Required:</u>
	<u>Reason for the request:</u> DRIVE-IN ESTABLISHMENT (GAS STATION AND C-STORE)	<u>Applicant:</u> KWIK TRIP INC
		<u>Address:</u> NE CORNER OF ANDERSON RD AND HAASE RD



DESCRIPTION: Kwik Trip Inc. proposes a new gas station and convenience store location in an existing commercial subdivision. Establishments which accommodate vehicles for fueling are considered drive-in establishments requiring conditional use approval. Site will also include incidental outdoor sales as permitted by right.

OBSERVATIONS: The proposed lot configuration meets county ordinance requirements, including lot size, public road frontage, building setbacks, and lot coverage of buildings. Development plan shows 66 off-street parking stalls and adequate circulation. Each fuel dispenser requires 1 parking stall, and the indoor sales use require 1.3 stalls per employee and 1 stall per 300 square feet of floor area. The required parking has been calculated based on a maximum 12 employees at peak time which results in 57 spaces. The proposed plan exceeds the minimum requirements. Proposed signage will require review and approval through the zoning permit process and should not be considered approved as part of this permit.

RESOURCE PROTECTION: There are no sensitive environmental resources within 300 feet of the subject property. Development is subject to erosion control and stormwater management. Applicant is in the process of obtaining approvals for both from the Dane County Land and Water Resources Department.

COMPREHENSIVE PLAN: This petition is in the town’s Industrial/Business planning area. “Drive-in establishments” aren’t specifically listed in this district, but the area does suggest the uses of “retail sales or service businesses, medical, dental and veterinary clinics, banks, and office buildings, to list a few”. Although there is no definition of these terms in the Comprehensive Plan, a service station/gas station would likely fall under this category, particularly since the

surrounding area includes commercial/industrial uses, so the proposal appears to fit into the neighborhood. Screening should be considered, as should a lighting plan, which minimizes disruption to neighboring properties. Both a landscaping and lighting plan have been submitted as part of this application. Conditions limiting hours of operation and employees to those stated in the application should also be considered. Overall, the conditional use permit proposal appears to be reasonably consistent with the Town's Comprehensive Plan.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The CUP application describes the proposed operations plan. The applicant states that the store will be built in accordance with applicable building, fire, environmental, and public health regulations. Additionally, their stores are designed with modern safety features including well-lit parking areas, security cameras, controlled access points, and clear sight lines, as well as spill-prevention systems and vapor-recovery technology.

2. *That 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.*

The applicant states that their stores are designed to be compatible with surrounding commercial and mixed-use areas, and that the architecture, landscaping, lighting and signage will meet or exceed local zoning requirements and minimize visual or operational impacts.

3. *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.*

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. This property and most of the surrounding properties are already developed and zoned for commercial use. The applicant states that the proposed store supports the planned commercial development pattern for the area and will not impede further growth, also that Kwik Trip facilities typically serve to anchor neighborhood services that complement surrounding businesses. The site layout preserves the access, utilities, and infrastructure needed for future development of adjacent parcels.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

Most of the utilities, access roads, and other improvements needed for the proposed use are in place. Applicants state the site will be fully served by existing utilities including municipal water, sanitary sewer, stormwater management, and electrical services. They are working with LWRD on stormwater management plan approvals to ensure no adverse runoff impacts. In addition, access roads and driveways will be constructed to local standards, and the development will include all necessary site improvements—parking, lighting, landscaping, and pedestrian connections.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Off street parking is provided for the property in 66 spaces including under the gas pump canopy. As noted above, the parking is adequate. The applicant states that the site plan provides safe and efficient ingress and egress for customers, delivery vehicles, and emergency services, and also accounts for traffic safety.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The proposed use conforms to the applicable regulations of the GC zoning district. Drive-in establishments are an allowable conditional use in the district. Outdoor display and sales is allowable as a permitted use, in an area up to 15 percent of the gross floor area of the principal building.

7. That the conditional use is consistent with the adopted town and county comprehensive plans.

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to drive-in establishments most likely involve traffic circulation and safety, and in some cases lighting. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103, there are no other special requirements for drive-in establishments.

TOWN ACTION: Pending (on Town Board Agenda 5/20/26)

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes adequate circulation and off-street parking as to not create disruption to the flow of traffic in the neighborhood. Town action is anticipated but not yet received as of the time of writing. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending town action, and any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) we would recommend approval with the conditions listed below. **The conditions below are for consideration only until the town recommendation is received. They reflect the general conditions from the Chapter 10 zoning code that apply to all CUPs, and this report will be updated with any town-approved conditions prior to ZLR action.**

CUP 2704 Potential Conditions of Approval

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.

6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
11. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
12. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit.

Conditions specific to CUP # 2704:

13. (possible addition of Town conditions)

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.