

## NOTICE

A meeting of the City of Evansville Board of Zoning Appeals will be held on the date and at the time stated below in City Hall, 31 South Madison Street, Evansville, Wisconsin 53536. Notice is further given that members of the City Council might be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall: (608)-882-2266 with as much advance notice as possible. Please silence cell phones and electronic devices during the meeting.

City of Evansville **Board of Zoning Appeals**  
Regular Meeting  
**Monday, February 24, 2025, 6:00 pm**  
3<sup>rd</sup> Floor, 31 South Madison Street, Evansville, WI 53536

## AGENDA

1. Call to Order
2. Roll Call.
3. Motion to approve the agenda.
4. Motion to waive the reading of the September 28, 2023 minutes and approve them as printed.
5. Civility Reminder
6. Citizen Appearances
7. Action Items.
  - A. Public Hearing and review of variance application VAR-2025-01 for parcel number 6-20-228.1 (13828 W US HWY 14)\* to allow a driveway width in excess of that allowed by Section 130-827(5) of the Evansville Municipal Code.
    - i. Initial Staff and Applicant Comments
    - ii. Public Hearing
    - iii. Board of Zoning Appeals Questions and Comments
    - iv. Motion
  - B. Public Hearing and review of variance application VAR-2025-02 for parcel number 6-20-228.1 (13828 W US HWY 14)\* to allow a building to be located other than what is directed by Sec. 130-419(2)(b) of the Evansville Municipal Code.
    - i. Initial Staff and Applicant Comments
    - ii. Public Hearing
    - iii. Board of Zoning Appeals Questions and Comments
    - iv. Motion
8. Motion to Adjourn

*\*- Note: This parcel was annexed into the City of Evansville by adoption of Ordinance 2024-13. It has not yet received its new parcel number identifying it as being in the City.*

*-Janice Turner, Chair*



City of Evansville **Board of Zoning Appeals**  
**Thursday, September 28, 2023, 6:00 p.m.**  
**3<sup>rd</sup> Floor City Hall, 31 S Madison St, Evansville, WI 53536**

**MINUTES**

1. **Call to Order** at 6:00 pm.

2. **Roll Call:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Janice Turner	P	Colette Spranger, Community Development Director
Ken Updike	P	Norm Paulson, Resident
Sarah Krause	A	Dan Nipple, Resident
Jeff Vrstal	A	Jeremy May, Resident
Ry Thompson	P	Jeanette Jones, Applicant
Hughes	P	Matt Pooock, Resident
Miller	P	Josh Kimball, Resident

3. **Motion to approve the agenda by Thompson, seconded by Hughes. Approved unanimously.**

4. **Motion to waive the reading of the minutes from the July 7, 2020 regular meeting and approve them as printed by Hughes, seconded by Thompson. Approved unanimously.**

5. **Civility Reminder.** Turner noted the City's commitment to civil discourse.

6. **Citizen appearances other than agenda items listed.** None.

7. **Action Items.**

A. **Public Hearing and review of variance application VAR-2023-0283 for parcel number 6-27-249 at 206 S Madison Street to allow building setbacks less than is allowed by Section 130-768(3) of the Evansville Municipal Code.**

- i. **Initial Staff and Applicant Comments.** Spranger shared her staff report.
- ii. **Public Hearing.** Spranger opened the public hearing at 6:44pm. Applicants advised the building was constructed in 1965. Applicants expressed allowing for drive-up pickup services would allow more privacy for the clients of the food pantry from the customers at the retail store. Public hearing was closed at 6:49pm.
- iii. **Board of Zoning Appeals Questions and Comments.**  
Turner expressed concern for the water flow on the slope, Jeremy May expressed downspouts could be used to direct it into the grass.  
Commissioners pointed out that the rendering and the drawings presented do not match. Applicants clarified the renderings are being updated as they go along.  
Hughes expressed the need for signage showing that the driveway is one-way.
- iv. **Motion. The Board of Appeals approves issuance of the variance to reduce the street side setback less than allowed by Section 130-768(3) of the Evansville Municipal Code. Setback is allowed to 1 foot of property line to accommodate an open-air canopy covering a half-circle driveway on this property, parcel 6-27-249, addressed at 206 South Madison Street. The variance is approved noting the following findings of fact and conditions:**

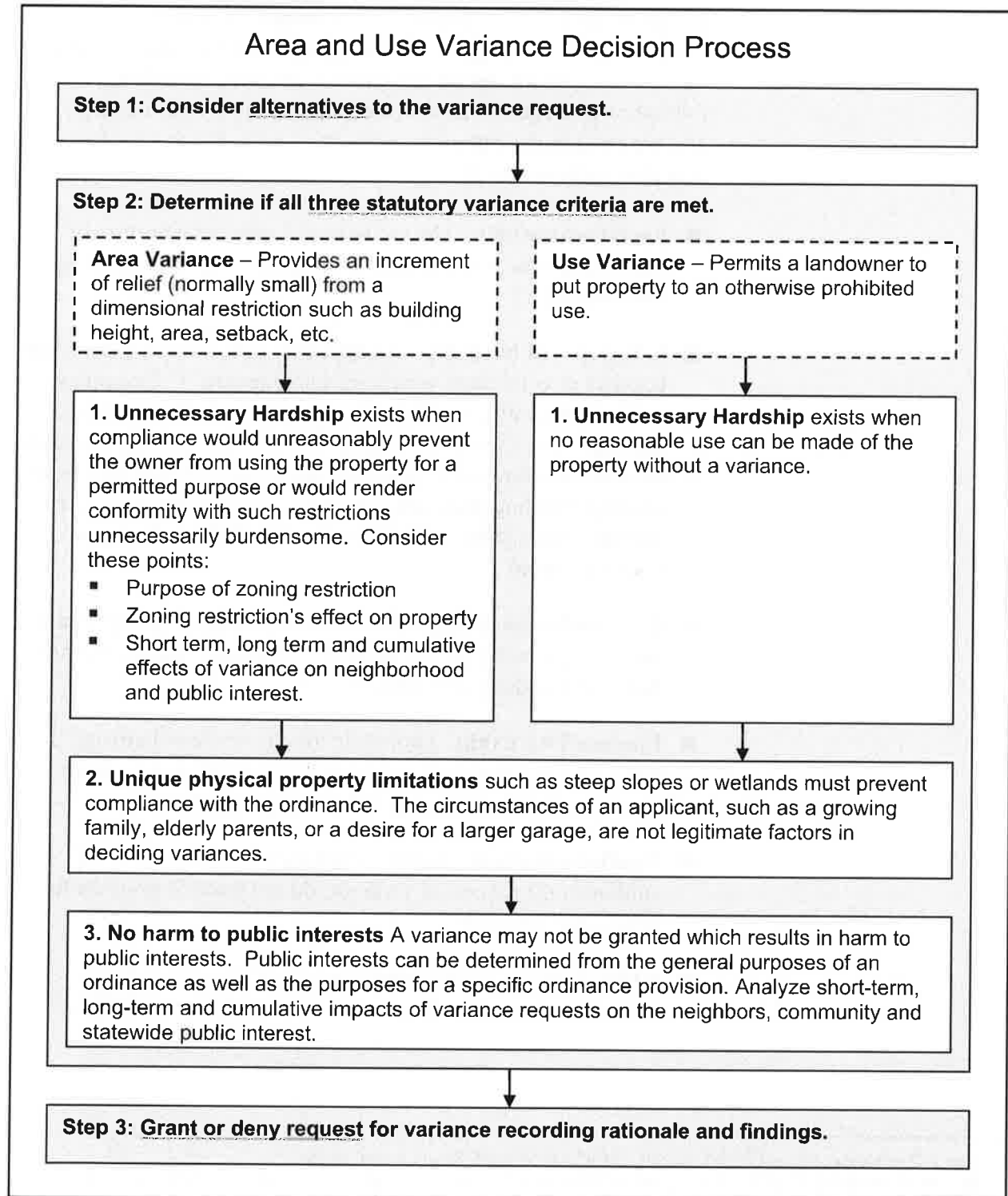
- *The variance will not cause a detriment to neighboring properties and is necessary due to an applicant presented hardship as a result of the building's long-standing non-conforming status in the B-1 zoning district.*
- *The granting of the variance does not suggest that a required street side yard setback be changed for all properties in the B-1 zoning district.*
- *The variance to the street side yard setback shall only apply to this canopy area along Liberty Street and not to any future expansion of the existing building.*
- *The granting of the variance is not contrary to the purposes set forth in the zoning code.*
- *The granting of the variance is not contrary to the public interest.*

*Motion by Thompson, seconded by Hughes. Approved Unanimously.*

8. *Motion to Adjourn* by Updike, seconded by Miller, passed unanimously.



Figure 25: Area and Use Variance Decision Process





## Board of Zoning Appeals

### February 24, 2025 Packet Table of Contents

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7B – Application

7B – Staff Report

### Maps

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- Site Keynote Plan
- Site Circulation Plan
- Site Accessibility Plan
- Landscape Plan
- Landscape Details

Minutes from November 5, 2024 Plan Commission Meeting



# VARIANCE APPLICATION

## Evansville, Wisconsin

Version: September 2023

**General instructions.** Complete this application as it applies to your project and submit 12 copies to the City Clerk along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the Community Development Director, who will ensure it is complete. If you have any questions, contact the Community Development Director at 608.882.2263 or [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov). You may download this file off of the City's website at: [www.ci.evansville.wi.gov](http://www.ci.evansville.wi.gov).

### - Office Use Only -

Initial application fee	<b>\$750</b>
Receipt number	
Date of pre-application meeting, if any	
Date of determination of completeness	
Name of zoning administrator	
Date of Board of Appeals review	
Application number	

### 1. Applicant information

Applicant name	
Street address	
City	
State and zip code	
Daytime telephone number	
Fax number, if any	
E-mail, if any	

### 2. Agent contact information

Include the names of agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Agent 1	Agent 2	Agent 3
Name			
Company			
Street address			
City			
State and zip code			
Daytime telephone number			
Fax number, if any			
E-mail, if any			

### 3. Subject property information

Street address		
Parcel number	6 - 27 - _____ . _____	Note: The parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification	Note: The zoning districts are listed below.  Agricultural Districts    A-1   A-2   A-3  Residential Districts    RR   LL-R12   LL-R12A   LL-R12B   LL-R12C   LL-R15   LL-R15A   LL-R15B LL-R15C   R-1   R-1A   R-1B   R-1C   R-2   R-3  Business District        B-1   B-2   B-3   B-4  Planned Office District   O-1  Industrial Districts       I-1   I-2   I-3	
Describe the current use		

# VARIANCE APPLICATION

## Evansville, Wisconsin

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4. Provide the section number of the Municipal Code from which a variance is being sought along with the standard. Describe the variance being requested.

5. Describe the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses found within the zoning district in which the subject property is located. (Refer to Section 130-153 (1) Evansville Municipal Code.)

6. Describe how the variance will not create a substantial detriment to adjacent property and will not be contrary to the purpose of the zoning code or the public interest. (Refer to Section 130-153 (2) Evansville Municipal Code.)

7. In considering your application, the Board of Appeals needs to consider those factors listed in the last section of this application. Not all of these factors will relate to your application. For those that do, provide any pertinent information relating to your application.

8. **Other information.** You may provide any other information you feel will assist City staff and the Board of Appeals with the review of this application.

# VARIANCE APPLICATION

## Evansville, Wisconsin

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9. If the requested variance would modify a dimensional standard, attach one copy of a drawing (11" x 17") to each application, which shows the required dimensional standards and the proposed dimensions.

### 10. Applicant certification

<ul style="list-style-type: none"><li>◆ I certify that the application is true as of the date it was submitted to the City for review.</li><li>◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Municipal Code.</li></ul>	

Applicant Signature

Date

### Governing Regulations

The procedures and standards governing this application process are found in Chapter 130, Article 2, Division 6, of the Municipal Code.

### Information to Be Considered (See question 7) (Refer to Section 130-153 and 130-131 Evansville Municipal Code.)

1. Site design and physical characteristics
  - a. Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in this regard
  - b. Availability of water, sewer, rail, and other services and the utility requirements of the proposed site
  - c. Where public sewers are not available, the percolation characteristics of the soil
  - d. Adequacy of the proposed internal circulation system, including safety considerations
  - e. Access to sites from the internal circulation system
  - f. The costs of providing various public services
  - g. Appearance (how the area will look)
2. Site location relative to public road network
  - a. Convenient access to a public road network (safety of access points)
  - b. Visibility from the proposed road and the need for visibility
  - c. Access; the location is to provide access primarily by right hand turning movements
3. Land use
  - a. Compatibility with existing or proposed uses in the area
  - b. Relation to any existing land use plan
  - c. Relation to existing or proposed development at nearby interchanges
4. Traffic generation
  - a. Amount of daily and peak-hour traffic to be generated, related to site size. Traffic shall be subclassified as to arterial, collector, and local streets
  - b. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area
  - c. Expected composition of site-generated traffic by vehicle types
  - d. Effect of site-generated traffic on the operation of the area
  - e. Safety and convenience of future users
5. Community effects
  - a. Immediate and long range tax base
  - b. Access to market or service area
  - c. Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned
  - d. Compliance with the master plan's goals and objectives
6. Other relevant factors
  - a. Compliance with the performance standards in article III of the zoning code
  - b. Other additional impacts





**EVANSVILLE BOARD OF ZONING APPEALS****STAFF REPORT – February 24, 2025****APPLICATION NUMBER: VAR-2025-01****Applicant: Kwik Trip****Parcel: 6-20-228.1<sup>1</sup> (13828 W US HWY 14<sup>2</sup>)**

**Prepared by:** Colette Spranger, Community Development Director  
**Prepared for:** City of Evansville Board of Zoning Appeals

**Description of request:** The applicant is requesting a variance from the Evansville Municipal and Zoning Code for a driveway width in excess of what is allowed in the B-3 Community Business District. Driveway widths in all of Evansville's business districts are limited to 25 feet wide. The applicant is requesting two driveways of 35 feet each.

**Background of Request**

Kwik Trip is petitioning to open a fueling station and convenience store. The site is proposed to feature separate areas for gasoline and diesel fuels. Proximity to the approved but yet unbuilt soybean refinery plant is the primary driver for offering diesel fuel. Much of the anticipated traffic to the soybean plant is likely to be comprised of semi trucks, a fraction of which may visit the Kwik Trip site. A wide turning radius for those trucks is prompting the request for wider driveways.

Plan Commission is scheduled to review the Site Plan, Conditional Use Permit, and Rezoning Application at its March 4<sup>th</sup>, 2025 meeting. A public hearing for the applications was held on November 5<sup>th</sup>, 2024. Minutes from that meeting are included for review of this application. Specific concerns brought up by residents included:

- Impacts of increased traffic
- Pedestrian safety
- Appropriateness of location with regard to nearby housing.

There were also a number of residents expressing their support for the project, citing positive economic impacts or personal desire for the Kwik Trip brand.

An ordinance to finalize rezoning the parcel to B-3 Community Business from Agriculture will be reviewed by Common Council on March 11<sup>th</sup>. Any approval of site plans and conditional use permits will be contingent on approval of that ordinance.

For this application, the Board of Zoning Appeals need only determine whether the driveway width, rather than the size, appearance, and use of the entire site, is worthy of a variance.

**Zoning Code Background**

The City of Evansville recently adopted uniform driveway widths across its zoning districts. Most of the City's zoned commercial areas are already well established, which means ideal access management

<sup>1</sup> This parcel was annexed into the City of Evansville from the Town of Union on February 11<sup>th</sup>, 2025 by Common Council passing Ordinance 2024-13. At the time of writing, the documents recording that change were still being processed by Rock County and had not yet received its new parcel number.

<sup>2</sup> This was the site address pre-annexation. Future development on the site will be addressed as 680 East Main Street.

techniques for directing traffic cannot be easily implemented. This has resulted in commercial areas with numerous driveways that are close together and wider than what is necessary. Fixes such as shared driveways or interconnected parking lots are not likely to happen after the fact. In this case, the City chose to limit the width of driveways at the front property line. Narrower driveways slow down traffic and cut down on the pedestrian exposure to vehicular traffic. Because the land use pattern in the City is largely established, those wishing to repave their existing driveways will need to narrow them if they are in excess of 25'. For a site anticipating large amounts of semi truck traffic, the 25 foot width is too narrow to accommodate turns. Most of the allowed and conditional uses within the B-1, B-2, and B-3, and (to a lesser extent) the B-4 zoning districts are not ones that would generate large amounts of semi truck traffic. Therefore, a variance is the appropriate tool to use when considering wider driveways in these districts.

**Required Findings:** The Board of Zoning Appeals must consider the standards in Section 130-131 prior to making its findings. The six standards are as follows:

<b>1. Site design and physical characteristics</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.	A widened driveway will not impact topography, drainage, or vegetative cover at the finished site.
b. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.	Site is adjacent to and will connect to public utilities. A widened driveway will not impact access to these utilities.
c. Where public sewers are not available, the percolation characteristics of the soil.	Not applicable.
d. Adequacy of the proposed internal circulation system, including safety considerations.	With regards to internal circulation, the widened driveways will enable semi trucks to enter the site without damaging curbs or ripping up vegetation.
e. Access to sites from the internal circulation system.	No impact anticipated.
f. The costs of providing various public services	No impacts anticipated.
g. Appearance (how the area will look).	Driveway width is typically not a perceptible feature when discussing appearance.

<b>2. Site location relative to public road network</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Convenient access to a public road network (safety of access points).	<p>The proposed site features a driveway each on County Highway M and East Main Street/US Highway 14.</p> <p>WisDOT still controls access along part of the property. They are requiring a left turn lane for eastbound traffic on US Highway 14/Main Street.</p>
b. Visibility from the proposed road and the need for visibility.	<p>Visibility will be an issue with the driveways. A wider driveway increases the amount of time pedestrians have to interact with vehicular traffic. Staff is proposing that sidewalks, particularly at the driveways, be located at the property line. Currently sidewalks are about 5 feet from the curb when the property line ranges 20 to 30 feet from the roadway on both East Main/US Highway 14 and County Highway M. This will provide distance between pedestrians and the road and provide more time for vehicles to slow down as they enter the site. Sidewalks should be kept level for the pedestrian, and clearly marked so motorists can easily see that they are crossing a sidewalk. This may be accomplished by striping or using a colored concrete for sidewalk construction.</p>
c. Access; the location is to provide access primarily by right-hand turning movements.	<p>Staff is considering restricting driveway access along County Highway M to be right-in, right-out only as way to restrict cross traffic from the shared Piggly Wiggly/Family Dollar driveway and from motorists aiming to avoid the County Highway M/US Highway 14 intersection by cutting across Kwik Trip's long, unencumbered parking lot.</p>

<b>3. Land Use</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Compatibility with existing or proposed uses in the area.	The City's Future Land Use category for this undeveloped land is Walkable Business. Land uses to the south are industrial or planned industrial commercial; land uses to the east are commercial. Directly north the site abuts the backyards of a number of residences and a City-owned retention pond.
b. Relation to any existing land use plan.	Prioritizing pedestrian safety and connectivity would keep the proposed use in line with the City's Smart Growth Comprehensive Plan. One such policy is "Build commercial and mixed-use structures to the sidewalk and face entrances towards pedestrian traffic to promote walkability."
c. Relation to existing or proposed development at nearby interchanges.	The driveways are located as far as possible from the County Highway M/US Highway 14 signalized intersection so as not to negatively impact traffic.
d. In reviewing an application for a zoning district change to a business district, the plan commission and city council shall consider whether the proposed zoning district change likely will result in increased vehicular traffic on nearby local streets in areas of existing residential development and whether such increased traffic will have an adverse impact on the existing residential development.	The applicant has applied for rezoning, which is being reviewed by Plan Commission on March 4 <sup>th</sup> . Driveway widths are the same across residential and commercial districts, so this is not an applicable consideration.

<b>4. Traffic</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Amount of daily and peak hour traffic to be generated, related to site size. Traffic shall be sub-classified as to arterial, collector and local streets.	<p>East Main Street/US Highway 14 is an Arterial street. County Highway M is a Major Collector Street. The site is expected to yield 4,113 trips per day.</p> <ul style="list-style-type: none"> <li>• AM Peak (7 to 8 am): 276 trips per hour</li> <li>• PM Peak (4 to 5 pm): 298 trips per hour</li> <li>• 20% of the trips are likely to be “pass-by” trips, or those who stop at Kwik Trip en route to their actual destination.</li> <li>• Each “trip” is one-way, so 276 trips per hour is equivalent to 138 vehicles coming to and leaving the site.</li> </ul> <p>Each driveway is anticipated to handle 50% of the proposed trips. The traffic analysis performed by Kwik Trip (and included in this evening’s packet) built off one developed for the CHS Oilseed Processing Plant, which is estimated to add 3,036 trucks per week when fully operational and averaging 45 trucks during the typical weekday hour. <u>The Kwik Trip traffic analysis assumes the oilseed plant is fully operational.</u></p>
b. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.	<p>Average daily traffic counts were last performed by WisDOT in 2023. US Highway 14 was estimated to have 7,500 daily trips. County Highway M was estimated to have 2,700 daily trips.</p>
c. Expected composition of site-generated traffic by vehicle types.	<p>2 of the 22 fueling stations are for diesel vehicles. Assuming that a similar percentage of hourly trips are distributed between cars and semi trucks, about 9-10% of the hourly traffic could be semi trucks, or 12-13 trucks per hour.</p>
d. Effect of site-generated traffic on the operation of the area.	<p>The traffic analysis including the fully operational soybean oilseed plant makes it difficult to separate Kwik Trip’s impact on its own. A straight reading of average daily traffic counts and the provided analysis indicate that the amount of traffic could easily double what is already there.</p> <p>Staff would like to remind decision makers and the public that the existing intersection at County Highway M and US Highway 14 was improved in the late 2000s in anticipation of an ethanol plant that was never built. Average daily traffic counts have also dropped over time. The intersection is designed to take on more traffic than it currently experiences.</p> <p>The traffic analysis measures intersection functionality and congestion experience by the user, defined by Level of Service (LOS) ranging from A to F. The traffic report indicates that the addition of new driveways and increased traffic does reduce the LOS in several areas from a B to C. Level of Service C is defined as stable operation with periodic back-ups. An average delay at a signalized intersection lasts 20-35 seconds.</p>

e. Safety and convenience of future users.	<p>As is normally required when development occurs on undeveloped land, Kwik Trip will need to extend sidewalk to the edge of its property along County Highway M.</p> <p>Staff is requesting that a condition be added to this variance. There is a small sidewalk connecting Deanna Drive to County Highway M. Kwik Trip extending its sidewalk to only the edge of its property leaves a gap of 300 feet between sidewalks, which would require users to walk on the unimproved gravel shoulder. This is consistent with City land use policy that “[connectivity be improved]...by using trails and sidewalks to make walking easy and safe.” A path is possible through the City-owned retention area, which has raised areas not typically covered by water. Rock County may also be willing to allow a sidewalk within its right-of-way along County Highway M, which is in its jurisdiction in this location.</p> <p>Exact locations or engineering on this path have not yet been developed. A condition of granting this variance would be to work with the City engineer and develop this connection at the same time sidewalk is being developed on its own.</p> <p>Safety is a concern in this area; earlier this month (February 2025) a pedestrian was hit while in the crosswalk coming home from Piggly Wiggly.</p>
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<b>5. Community Effects</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Immediate and long-range tax base.	<p>Offering diesel at this location would be a benefit to users of the CHS oilseed processing plant and local trucking companies. Offering safe and convenient access from the road is a part of maintaining smooth and uneventful traffic patterns in this area.</p> <p>This would be a significant investment and addition to the City's tax rolls, lessening the burden on residential taxpayers.</p>
b. Access to market or service area.	This site was chosen for the amount of current traffic in addition to the traffic anticipated from the oilseed processing plant.
c. Relation to scenic or recreation values.	Not applicable.
d. Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.	To be decided at the Board of Zoning Appeal's discretion.
e. Compliance with the master plan's goals and objectives.	With respect to the planned land use of “Walkable Business”, this variance can be accommodating for the applicant while maintaining and even improving existing conditions for pedestrians.

<b>6. Other Relevant Factors</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Compliance with the Performance Standards in Article III of the zoning code.	No impacts anticipated.
b. Additional impacts.	None.

**Board Consideration:** The Board must determine whether exceptional circumstances are present and that there is an absence of detriment, as specified above, in order to grant the variance. Specific conclusions must be noted by the Board in the motion. Per Section 130-153:

*“No variance to the provisions of this chapter shall be granted by the board of appeals unless it has considered the standards in section 130-131 and it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:*

- (1) *Exceptional circumstances.* There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of such a general or recurrent nature as to suggest that this chapter should be changed.
- (2) *Absence of detriment.* The variance shall not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (3) *Conclusions of law.* The findings of the board shall be accompanied by findings of fact and conclusions of law.”

**Staff conclusion:** When considering the request against other properties and uses on other properties in the B-3 zoning district, staff is of the opinion that a variance is the appropriate tool to address this issue. It should be considered the variance runs with the land in perpetuity, which would allow the site to redevelop with the same exceptions granted regardless of use.

**Staff recommended motion:** The board can choose to approve, deny, or approve with conditions the variance request(s). If the board chooses to approve, the following motion can be used or modified:

***The Board of Appeals approves issuance of a variance to allow a driveway in excess of what is allowed by the Evansville Municipal Code. This variance allows a 35 foot wide driveway when measured at the property line on annexed parcel 6-20-228.1, addressed at 680 E Main Street (formerly 13828 West US Highway 14). The variance is approved noting the following findings of fact and conditions:***

- 1. 35 feet is wide enough to allow semi trucks to make safe and efficient turns while staying on pavement. This site will experience more semi truck traffic compared to the average business in the B-3 Community Business District.***
- 2. Applicant to work with City (and County if necessary) on completing offsite sidewalk connections.***
- 3. Sidewalk connections to be completed prior to site receiving its occupancy permit.***

- 4. The variance will not cause a detriment to neighboring properties and is necessary due to a hardship of semi trucks having large turning radii, and the site receiving larger-than-normal amounts of semi traffic.***
- 5. The granting of the variance does not suggest that driveway standards should be changed throughout the entire zoning district.***
- 6. The granting of the variance is not contrary to the purposes set forth in the zoning code.***
- 7. The granting of the variance is not contrary to the public interest.***



# VARIANCE APPLICATION

## Evansville, Wisconsin

Version: September 2023

**General instructions.** Complete this application as it applies to your project and submit 12 copies to the City Clerk along with the required application fee. Before you formally submit your application and fee, you may submit one copy to the Community Development Director, who will ensure it is complete. If you have any questions, contact the Community Development Director at 608.882.2263 or [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov). You may download this file off of the City's website at: [www.ci.evansville.wi.gov](http://www.ci.evansville.wi.gov).

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### 1. Applicant information

Applicant name	
Street address	
City	
State and zip code	
Daytime telephone number	
Fax number, if any	
E-mail, if any	

- 2. Agent contact information** Include the names of agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Agent 1	Agent 2	Agent 3
Name			
Company			
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City			
State and zip code			
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### 3. Subject property information

Street address		
Parcel number	6 - 27 - _____ . _____	Note: The parcel number can be found on the tax bill for the property or may be obtained from the City.
Current zoning classification	Note: The zoning districts are listed below.  Agricultural Districts    A-1   A-2   A-3  Residential Districts    RR   LL-R12   LL-R12A   LL-R12B   LL-R12C   LL-R15   LL-R15A   LL-R15B LL-R15C   R-1   R-1A   R-1B   R-1C   R-2   R-3  Business District        B-1   B-2   B-3   B-4  Planned Office District   O-1  Industrial Districts       I-1   I-2   I-3	
Describe the current use		

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4. Provide the section number of the Municipal Code from which a variance is being sought along with the standard. Describe the variance being requested.

5. Describe the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses found within the zoning district in which the subject property is located. (Refer to Section 130-153 (1) Evansville Municipal Code.)

6. Describe how the variance will not create a substantial detriment to adjacent property and will not be contrary to the purpose of the zoning code or the public interest. (Refer to Section 130-153 (2) Evansville Municipal Code.)

7. In considering your application, the Board of Appeals needs to consider those factors listed in the last section of this application. Not all of these factors will relate to your application. For those that do, provide any pertinent information relating to your application.

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### 10. Applicant certification

<ul style="list-style-type: none"><li>◆ I certify that the application is true as of the date it was submitted to the City for review.</li><li>◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Municipal Code.</li></ul>	

Applicant Signature

Date

### Governing Regulations

The procedures and standards governing this application process are found in Chapter 130, Article 2, Division 6, of the Municipal Code.

### Information to Be Considered (See question 7) (Refer to Section 130-153 and 130-131 Evansville Municipal Code.)

- Site design and physical characteristics
  - Existing topography, drainage patterns, and vegetative cover and the suitability of the proposed use in this regard
  - Availability of water, sewer, rail, and other services and the utility requirements of the proposed site
  - Where public sewers are not available, the percolation characteristics of the soil
  - Adequacy of the proposed internal circulation system, including safety considerations
  - Access to sites from the internal circulation system
  - The costs of providing various public services
  - Appearance (how the area will look)
- Site location relative to public road network
  - Convenient access to a public road network (safety of access points)
  - Visibility from the proposed road and the need for visibility
  - Access; the location is to provide access primarily by right hand turning movements
- Land use
  - Compatibility with existing or proposed uses in the area
  - Relation to any existing land use plan
  - Relation to existing or proposed development at nearby interchanges
- Traffic generation
  - Amount of daily and peak-hour traffic to be generated, related to site size. Traffic shall be subclassified as to arterial, collector, and local streets
  - Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area
  - Expected composition of site-generated traffic by vehicle types
  - Effect of site-generated traffic on the operation of the area
  - Safety and convenience of future users
- Community effects
  - Immediate and long range tax base
  - Access to market or service area
  - Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned
  - Compliance with the master plan's goals and objectives
- Other relevant factors
  - Compliance with the performance standards in article III of the zoning code
  - Other additional impacts





## EVANSVILLE BOARD OF ZONING APPEALS

**STAFF REPORT – February 24, 2025**

**APPLICATION NUMBER: VAR-2025-01**

**Applicant: Kwik Trip**

**Parcel: 6-20-228.1<sup>1</sup> (13828 W US HWY 14<sup>2</sup>)**

**Prepared by:** Colette Spranger, Community Development Director  
**Prepared for:** City of Evansville Board of Zoning Appeals

**Description of request:** The applicant is requesting a variance from the Evansville Municipal and Zoning Code for placing a gas station/convenience store other than what is directed by allowed by Sec. 130-419(2)(b). That section states that “Any convenience store/food counter building shall be located within the building envelope closest to the street side or occupy the corner area of any lot it occupies. Gas pump areas shall not be located in any front yard area.”

### Background of Request

Kwik Trip is petitioning to open a fueling station and convenience store. The site is proposed to feature separate areas for gasoline and diesel fuels.

Plan Commission is scheduled to review the Site Plan, Conditional Use Permit, and Rezoning Application at the March 4<sup>th</sup>, 2025 meeting. A public hearing for the applications was held on November 5, 2024. Minutes from that meeting are included for review of this application. Specific concerns brought up by residents included:

- Impacts of increased traffic
- Pedestrian safety
- Appropriateness of location with regard to nearby housing.

There were also a number of residents expressing their support for the project, citing positive economic impacts or personal desire for the Kwik Trip brand.

An ordinance to finalize rezoning the parcel to B-3 Community Business from Agriculture will be reviewed by Common Council on March 11<sup>th</sup>. Any approval of site plans and conditional use permits will be contingent on approval of that ordinance.

For this application, the Board of Zoning Appeals need only determine whether the building and canopy placement rather than the size, appearance, and use of the entire site, is worthy of a variance.

### Zoning Code Background

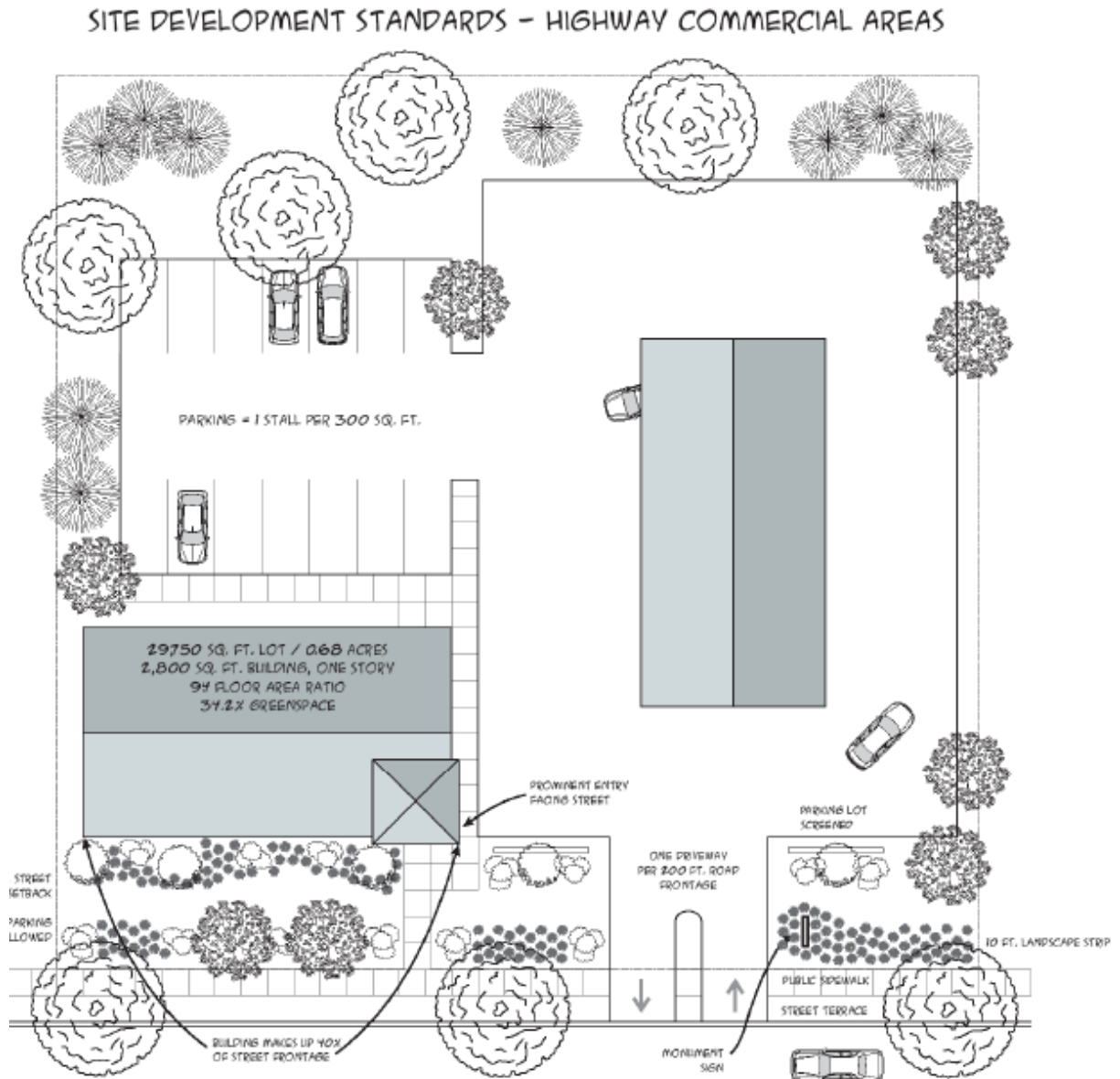
The City recently passed updates to its zoning ordinance to improve building placement along streets and preferred site design with regard to gas stations. Recently this resulted in some success with shielding the parking area at the upcoming Culver’s and ensuring the building itself is the prominent feature of the site. The City has long used the Allen Creek Corridor Plan to guide design for new

<sup>1</sup> This parcel was annexed into the City of Evansville from the Town of Union on February 11<sup>th</sup>, 2025 by Common Council passing Ordinance 2024-13. At the time of writing, the documents recording that change were still being processed by Rock County and had not yet received its new parcel number.

<sup>2</sup> This was the site address pre-annexation. Future development on the site will be addressed as 680 East Main Street.

development, and codifying it into the zoning ordinance is one tool the City can use to continue to improve streetscapes and prominent entrances to the City.

Below is the image City staff have used to convey this goal. It features a prominent entrance that faces the street, parking behind the building, and a canopy area that is set back into the property. Generous landscaping screens the fuel canopy area from the street, especially for pedestrians.



**Required Findings:** The Board of Zoning Appeals must consider the standards in Section 130-131 prior to making its findings.

<b>1. Site design and physical characteristics</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.	The natural topography of the site slopes from the west to the center of the property, where the applicant proposes one of two stormwater ponds, dropping from an elevation of 926' to 913'. The land then rises again where the existing home on the property rests, and then slopes down one or two feet and is relatively flat along County Highway M.
b. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.	Site is adjacent to and will connect to public utilities. Granting a variance would have no impact on this consideration.
c. Where public sewers are not available, the percolation characteristics of the soil.	Not applicable.
d. Adequacy of the proposed internal circulation system, including safety considerations.	<p>Along the northern edge of the property there is a stretch of pavement over 600' long and about 25 feet wide with no barriers to thru traffic. In some instances, this pavement is almost 66 feet wide and leads to two parking areas and the diesel canopy. Traffic would be coming from both directions and would be unrestricted as cars and trucks navigate where to park. For reference, East Main Street is 36' from curb to curb.</p> <p>At the November Plan Commission meeting, several commissioners noted that this area was likely to act a throughway avoiding the signalized intersection.</p> <p>Staff suggested traffic calming measures such as bump outs or landscape islands, a drastic reduction or redirection of pavement, or enforcing the County Highway M driveway as right-in, right-out only. Shifting the fuel canopy further north and placing the store at the corner could offer a physical barrier to thru traffic in this location. Semi truck traffic will be oriented to the East Main Street entrance and will leave via the County Highway M driveway. Any traffic calming devices should consider safe and clear passage for these vehicles.</p>
e. Access to sites from the internal circulation system.	<p>Diesel customers and gasoline customers are likely to stay separate, apart from entering and leaving the site. The two canopy areas are at opposite ends of the site and separated by design.</p> <p>Wrap-around walkways surrounding the convenience store make it easier for motorists to approach the building's entrances.</p> <p>There is a striped area along the pavement leading from the diesel canopy to the convenience store.</p>
f. The costs of providing various public services	No impacts anticipated.

g. Appearance (how the area will look).	Part of the reasoning behind the City's zoning change was to encourage emphasis on building appearance, especially in areas considered to be entryways to the City.
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In its application, Kwik Trip states:

"The parcel is subject to unique physical conditions, such as its shape and size, that limit the feasibility of locating gas pumps elsewhere on the property. For instance, the lot has irregular dimensions and is significantly constrained to the corner and the access locations are limited to be further away from the intersection. This leaves the front yard as the most practical and efficient location for the gas pump area."

Staff would like to note that a Kwik Trip store built in Fitchburg features the building on the corner with gas canopies recessed. While there are differences (the proposed store in Evansville is on a busier highway with a signalized intersection, the Fitchburg site includes a carwash but no diesel canopy) the two stores are nearly identical in size (~9,200 square feet) and take up similar acreage with the standard fuel canopy.



*Site plan layout of Kwik Trip convenience store on a corner lot with fuel pump canopy behind, approved in Fitchburg.*





*Rendering of site approved in Fitchburg.*

<b>2. Site location relative to public road network</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Convenient access to a public road network (safety of access points).	<p>The proposed site features a driveway each on County Highway M and East Main Street/US Highway 14.</p> <p>WisDOT still controls access along part of the property. They are requiring a left turn lane for eastbound traffic on US Highway 14/Main Street.</p>
b. Visibility from the proposed road and the need for visibility.	The site would be prominent at the corner as one enter or exits Evansville.
c. Access; the location is to provide access primarily by right-hand turning movements.	Staff is considering restricting driveway access along County Highway M to be right-in, right-out only as way to restrict cross traffic from the shared Piggly Wiggly/Family Dollar driveway and from motorists aiming to avoid the County Highway M/East Main Street intersection by cutting across Kwik Trip's long, unencumbered parking lot.

<b>3. Land Use</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Compatibility with existing or proposed uses in the area.	The City's Future Land Use category for this undeveloped land is Walkable Business. Land uses to the south are industrial or planned industrial commercial; land uses to the east are commercial. Directly north the site abuts the backyards of a number of residences and a City-owned retention pond.
b. Relation to any existing land use plan.	<p>Land use policies for the City of Evansville include the following:</p> <ul style="list-style-type: none"> <li>• Build commercial and mixed-use structures to the sidewalk and face entrances towards pedestrian traffic to promote walkability.</li> <li>• Make the front of the building "permeable" (i.e., no blank walls, use windows, doors, material changes and other amenities to keep the buildings interesting).</li> <li>• Require pedestrian amenities and functional landscaping in parking lots and adjacent to industrial development to improve safety and reduce the visual and environmental impact.</li> <li>• Discourage parking lots in front of buildings, in favor of on street parking and shared driveway</li> </ul>
c. Relation to existing or proposed development at nearby interchanges.	The driveways are located as far as possible from the County Highway M/US Highway 14 signalized intersection so as not to negatively impact traffic.
d. In reviewing an application for a zoning district change to a business district, the plan commission and city council shall consider whether the proposed zoning district change likely will result in increased vehicular traffic on nearby local streets in areas of existing residential development and whether such increased traffic will have an adverse impact on the existing residential development.	The applicant has applied for rezoning, which is being reviewed by Plan Commission on March 4 <sup>th</sup> . Any approvals given at Plan Commission will have a condition that Common Council must pass the rezoning ordinance, which formally zones the land from Agriculture to Community Business. Upon annexation, the land was zoned into the City as Agriculture, which the City uses as a holding district until a specific development or appropriate use is identified.

<b>4. Traffic Generation</b>	
<b>Consideration</b>	<b>Staff Comments</b>
a. Amount of daily and peak hour traffic to be generated, related to site size. Traffic shall be sub-classified as to arterial, collector and local streets.	<p>East Main Street/US Highway 14 is an Arterial street. County Highway M is a Major Collector Street. The site is expected to yield 4,113 trips per day.</p> <ul style="list-style-type: none"> <li>• AM Peak (7 to 8 am): 276 trips per hour</li> <li>• PM Peak (4 to 5 pm): 298 trips per hour</li> <li>• 20% of the trips are likely to be “pass-by” trips, or those who stop at Kwik Trip en route to their actual destination.</li> <li>• Each “trip” is one-way, so 276 trips per hour is equivalent to 138 vehicles coming to and leaving the site.</li> </ul> <p>Each driveway is anticipated to handle 50% of the proposed trips. The traffic analysis performed by Kwik Trip (and included in this evening’s packet) built off one developed for the CHS Oilseed Processing Plant, which is estimated to add 3,036 trucks per week when fully operational and averaging 45 trucks during the typical weekday hour. <u>The Kwik Trip traffic analysis assumes the oilseed plant is fully operational.</u></p>
b. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.	<p>Average daily traffic counts were last performed by WisDOT in 2023. US Highway 14 was estimated to have 7,500 daily trips. County Highway M was estimated to have 2,700 daily trips.</p>
c. Expected composition of site-generated traffic by vehicle types.	<p>2 of the 22 fueling stations are for diesel vehicles. Assuming that a similar percentage of hourly trips are distributed between cars and semi trucks, about 9-10% of the hourly traffic could be semi trucks, or 12-13 trucks per hour.</p>
d. Effect of site-generated traffic on the operation of the area.	<p>The traffic analysis including the fully operational soybean oilseed plant makes it difficult to separate Kwik Trip’s impact on its own. A straight reading of average daily traffic counts and the provided analysis indicate that the amount of traffic could easily double what is already there.</p> <p>Staff would like to remind decision makers and the public that the existing intersection at County Highway M and US Highway 14 was improved in the late 2000s in anticipation of an ethanol plant that was never built. Average daily traffic counts have also dropped over time. The intersection is designed to take on more traffic than it currently experiences.</p> <p>The traffic analysis measures intersection functionality and congestion experience by the user, defined by Level of Service (LOS) ranging from A to F. The traffic report indicates that the addition of new driveways and increased traffic does reduce the LOS in several areas from a B to C. Level of Service C is defined as stable operation with periodic back-ups. An average delay at a signalized intersection lasts 20-35 seconds.</p>

e. Safety and convenience of future users.	In its application Kwik Trip states: "Due to the exceptional and unusual circumstances of this parcel, including site constraints and functional considerations, the requested variance is necessary to allow for the practical and efficient operation of the gas station."
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## 5. Community Effects

Consideration	Staff Comments
a. Immediate and long-range tax base.	Offering diesel at this location would be a benefit to users of the CHS oilseed processing plant and local trucking companies. Offering safe and convenient access from the road is a part of maintaining smooth and uneventful traffic patterns in this area.  This would be a significant investment and addition to the City's tax rolls, lessening the burden on residential taxpayers.
b. Access to market or service area.	This site was chosen for the amount of current traffic in addition to the traffic anticipated from the oilseed processing plant.
c. Relation to scenic or recreation values.	Accomplished through landscaping and sidewalk connections.
d. Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.	To be decided at the Board of Zoning Appeal's discretion.
e. Compliance with the master plan's goals and objectives.	With respect to the planned land use of "Walkable Business", this variance can be accommodating while maintaining and even improving existing conditions for pedestrians.

## 6. Other Relevant Factors

Consideration	Staff Comments
a. Compliance with the Performance Standards in Article III of the zoning code.	No impacts anticipated.
b. Additional impacts.	None.

**Board Consideration:** The Board must determine whether exceptional circumstances are present and that there is an absence of detriment, as specified above, in order to grant the variance. Specific conclusions must be noted by the Board in the motion. Per Section 130-153:

*"No variance to the provisions of this chapter shall be granted by the board of appeals unless it has considered the standards in section 130-131 and it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:*

- (1) *Exceptional circumstances.* There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of such a general or recurrent nature as to suggest that this chapter should be changed.

- (2) *Absence of detriment.* The variance shall not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (3) *Conclusions of law.* The findings of the board shall be accompanied by findings of fact and conclusions of law."

**Staff conclusion:** When considering the request against other properties and uses on other properties in the B-3 zoning district, staff is of the opinion that a variance is the appropriate tool to address this issue. It should be considered the variance runs with the land in perpetuity, which would allow the site to redevelop with the same exceptions granted regardless of use.

**Staff recommended motion:** The board can choose to approve, deny, or approve with conditions the variance request(s). If the board chooses to approve, the following motion can be used or modified:

***The Board of Zoning Appeals approves issuance of a variance to allow for placing a gas station/convenience store other than what is directed by allowed by Sec. 130-419(2)(b) of the City of Evansville Municipal Code. This variance applies to annexed parcel 6-20-228.1, addressed at 680 E Main Street (formerly 13828 West US Highway 14). The variance is approved noting the following findings of fact and conditions:***

- 1. The variance will not cause a detriment to neighboring properties and is necessary due to a hardship of irregular site dimensions.***
- 2. The granting of the variance does not suggest that siting standards should be changed for gas stations/convenience stores.***
- 3. The granting of the variance is not contrary to the purposes set forth in the zoning code.***
- 4. The granting of the variance is not contrary to the public interest.***





# ALTA/NSPS LAND TITLE SURVEY

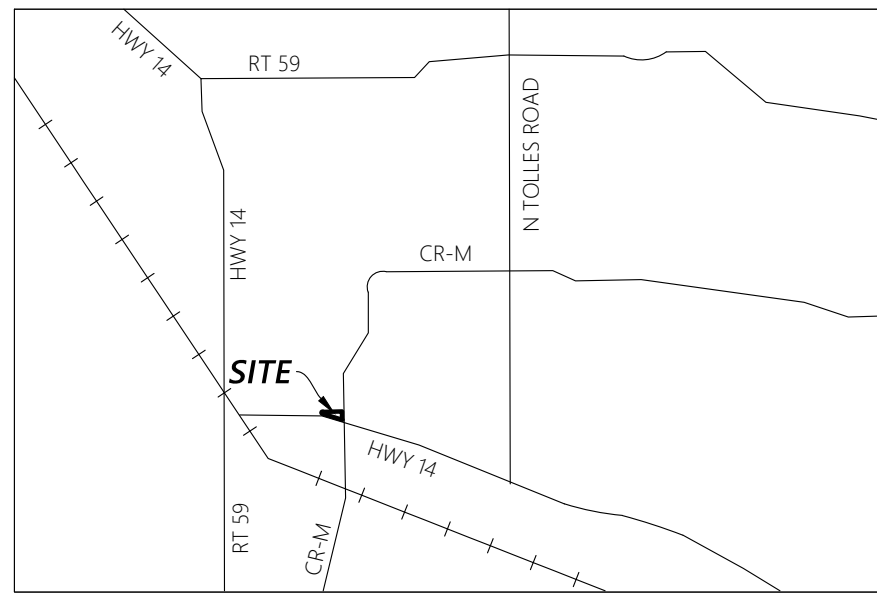
The Legal Description of record as contained within a Commitment for Title Insurance provided to the Surveyor by First American Title Insurance Company National Commercial Services.

Commitment Number NCS-1206065-MAD

Effective Date: January 26, 2024, 7:30 am

VICINITY MAP

NOT TO SCALE

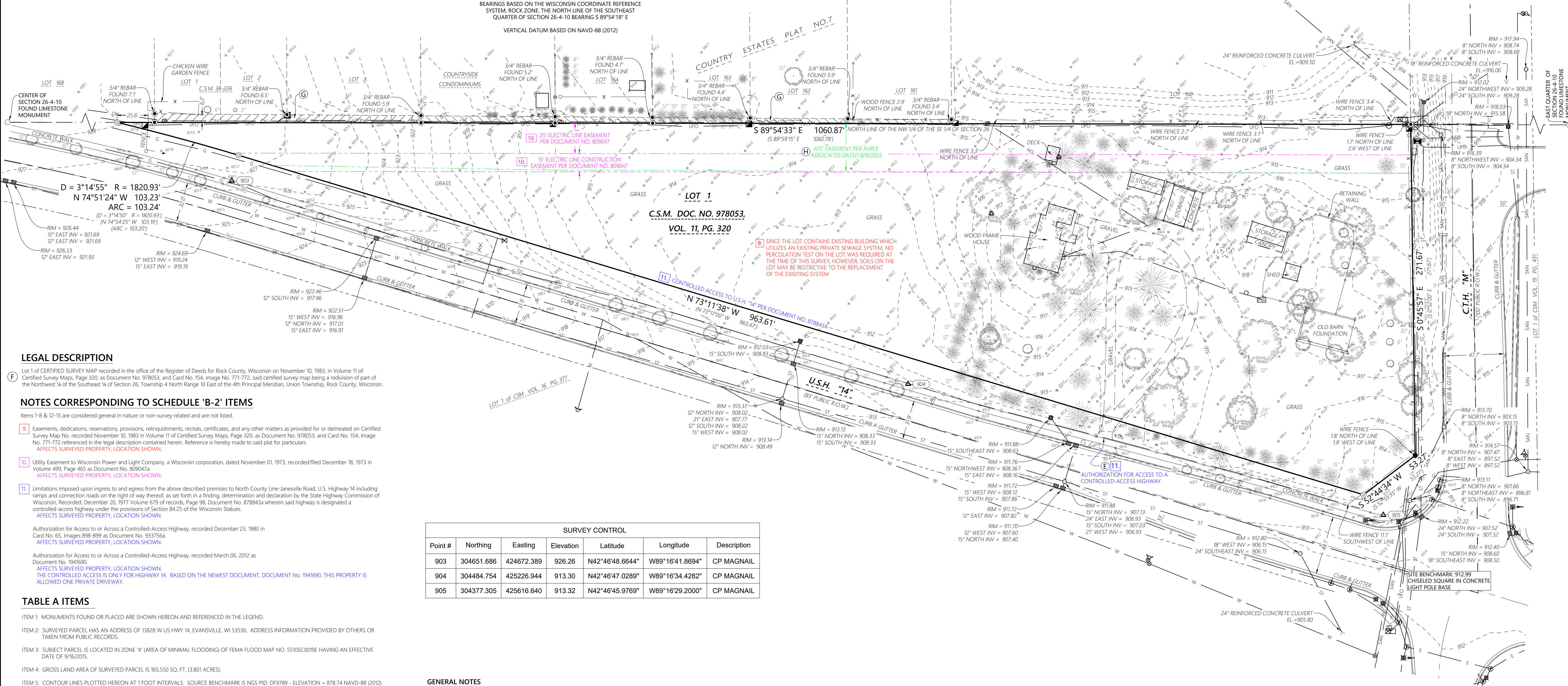


Scale: 1" = 40'

DISTANCE UNITS BASED ON THE UNITED STATES SURVEY FOOT

BEARINGS BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, ROCK ZONE. THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 26-4-10 BEARING S 89°54'18" E

VERTICAL DATUM BASED ON NAVD-88 (2012)



## LEGAL DESCRIPTION

Lot 1 of CERTIFIED SURVEY MAP recorded in the office of the Register of Deeds for Rock County, Wisconsin on November 10, 1983, in Volume 11 of Certified Survey Maps, Page 320, as Document No. 978053, and Card No. 154, Image No. 771-772, said certified survey map being a subdivision of part of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 4 North Range 10 East of the 4th Principal Meridian, Union Township, Rock County, Wisconsin.

## NOTES CORRESPONDING TO SCHEDULE 'B-2' ITEMS

Items 1-8 & 12-13 are considered general in nature or non-survey related and are not listed.

9. Easements, dedications, reservations, provisions, relinquishments, recitals, certificates, and any other matters as provided for or delineated on Certified Survey Map No. recorded November 10, 1983 in Volume 11 of Certified Survey Maps, Page 320, as Document No. 978053, and Card No. 154, Image No. 771-772 referenced in the legal description contained herein. Reference is hereby made to said plat for particulars. AFFECTS SURVEYED PROPERTY, LOCATION SHOWN.

10. Utility Easement to Wisconsin Power and Light Company, a Wisconsin corporation, dated November 01, 1973, recorded/ filed December 18, 1973 in Volume 499, Page 465 as Document No. 809047a. AFFECTS SURVEYED PROPERTY, LOCATION SHOWN.

11. Limitations imposed upon ingress to and egress from the above described premises to North County Line-Janesville Road, U.S. Highway 14 including ramps and connection roads on the right of way thereof, as set forth in a finding, determination and declaration by the State Highway Commission of Wisconsin, Recorded December 20, 1977 Volume 679 of records, Page 98, Document No. 878843a wherein said highway is designated a controlled-access highway under the provisions of Section 84.25 of the Wisconsin Statutes. AFFECTS SURVEYED PROPERTY, LOCATION SHOWN.

Authorization for Access to or Across a Controlled-Access Highway, recorded December 23, 1980 in Card No. 65, Images 898-899 as Document No. 933756a. AFFECTS SURVEYED PROPERTY, LOCATION SHOWN.

Authorization for Access to or Across a Controlled-Access Highway, recorded March 06, 2012 as Document No. 1941690. AFFECTS SURVEYED PROPERTY, LOCATION SHOWN. THE CONTROLLED ACCESS IS ONLY FOR HIGHWAY 14. BASED ON THE NEWEST DOCUMENT, DOCUMENT NO. 1941690, THIS PROPERTY IS ALLOWED ONE PRIVATE DRIVEWAY.

## TABLE A ITEMS

- ITEM 1: MONUMENTS FOUND OR PLACED ARE SHOWN HEREON AND REFERENCED IN THE LEGEND.
- ITEM 2: SURVEYED PARCEL HAS AN ADDRESS OF 13828 W US HWY 14, EVANSVILLE, WI 53536. ADDRESS INFORMATION PROVIDED BY OTHERS OR TAKEN FROM PUBLIC RECORDS.
- ITEM 3: SUBJECT PARCEL IS LOCATED IN ZONE 'X' (AREA OF MINIMAL FLOODING) OF FEMA FLOOD MAP NO. 5510SC0019E HAVING AN EFFECTIVE DATE OF 9/16/2015.
- ITEM 4: GROSS LAND AREA OF SURVEYED PARCEL IS 165,550 SQ. FT. (3.801 ACRES).
- ITEM 5: CONTOUR LINES PLOTTED HEREON AT 1 FOOT INTERVALS. SOURCE BENCHMARK IS NGS PID: DF9789 - ELEVATION = 878.74 NAVD-88 (2012) VERTICAL DATUM.
- ITEM 6(a)(b): NO ZONING REPORT PROVIDED TO SURVEYOR AS OF THE DATE OF THIS SURVEY. NO SETBACKS ARE IDENTIFIED IN ANY SCHEDULE B-II DOCUMENTS LISTED ABOVE.
- ITEM 7(a): EXISTING BUILDINGS WITH EXTERIOR DIMENSIONS AT GROUND LEVEL, ON THE SURVEYED PROPERTY, ARE SHOWN HEREON.
- ITEM 8: SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING FIELDWORK HAVE BEEN PLOTTED HEREON.
- ITEM 9: NO PARKING SPACES OBSERVED ON SURVEYED PROPERTY
- ITEM 11(a)(b): LOCATION OF UTILITIES ON OR SERVING THE SURVEYED PARCEL HAVE BEEN DETERMINED BY OBSERVED EVIDENCE AND MARKINGS REQUESTED BY THE SURVEYOR BY A DIGGERS HOTLINE REQUEST. TICKET NUMBERS 20240804631, 2024090713 AND 2024090735 WITH A START DATE OF MARCH 1-4, 2024. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FACILITIES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, UTILITY LOCATED REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. MEMBERS NOTIFIED WITH DIGGERS HOTLINE REQUEST ARE CHARTER COMMUNICATIONS, CITY OF EVANSVILLE-WATER & SEWER, CITY OF EVANSVILLE-ELECTRIC, DOT SOUTHWEST REGION, AT&T DISTRIBUTION, WE ENERGIES-WE GAS, AND TDS METROCOM.
- ITEM 14: THE NEAREST INTERSECTING STREET IS U.S. HWY "14" ALONG THE SOUTH SIDE OF THE SURVEYED PARCEL.
- ITEM 17: NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OBSERVED IN THE PROCESS OF CONDUCTING FIELD WORK.
- ITEM 18: NO DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR OF PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES.
- ITEM 20: "SANITARY-STORM INVERTS (PIPE SIZES), ADJACENT STRUCTURES, WATER PIPE SIZES, STREET WIDTHS/MEDIANS, ADJACENT/CROSS DRIVEWAYS, BORING HOLE LOCATIONS, 4 CONTROL POINTS (X, Y, Z)," SHOWN HEREON.
- ITEM 20(a): "LATITUDE AND LONGITUDE," OF CONTROL POINTS SHOWN HEREON.
- ITEM 20(b): UTILITY MAPS PROVIDED BY DIGGERS CALL TICKETS FROM ITEM 11(a)(b) HAVE BEEN PROVIDED TO CLIENT.

SURVEY CONTROL					
Point #	Northing	Easting	Elevation	Latitude	Longitude
903	304651.686	424672.389	926.26	N42°46'48.6644"	W89°16'41.8694"
904	304484.754	425226.944	913.30	N42°46'47.0289"	W89°16'34.4282"
905	304377.305	425616.640	913.32	N42°46'45.9769"	W89°16'29.2000"

## GENERAL NOTES

- A. EXHIBIT 'A' (LEGAL DESCRIPTIONS) AND SCHEDULE B, PART II EXCEPTIONS ARE REPRODUCED EXACTLY FROM THE TITLE COMMITMENT PROVIDED FOR THIS SURVEY.
- B. THE SURVEYOR'S SCOPE OF SERVICES IS LIMITED TO PROVIDING SERVICES IN A MANNER CONSISTENT WITH THE DEGREE OF CARE AND SKILL ORDINARILY EXERCISED BY MEMBERS OF THE SAME PROFESSION CURRENTLY PRACTICING UNDER SIMILAR CONDITIONS. SCHEDULE B ITEM DOCUMENTS MAY CONTAIN ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY WHICH THE SURVEYOR IS NOT QUALIFIED TO INTERPRET AND/OR ARE NOT WITHIN THE SURVEYOR'S SCOPE-OF-SERVICES (SEE CERTIFICATION). IT IS RECOMMENDED THAT INTERESTED AND AFFECTED PARTIES OBTAIN COUNSEL FOR INTERPRETATION OF ALL SCHEDULE B DOCUMENTS REFERENCED IN THE TITLE REPORT.
- C. THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ADDITIONAL EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY, OTHER THAN THE ITEMS PLOTTED AND NOTED HEREON.
- D. R.H. BATTERMAN & CO. INC., DOES NOT EXPRESS A LEGAL OPINION AS TO THE OWNERSHIP OR NATURE OF POTENTIAL ENCROACHMENTS SHOWN HEREON.
- E. THE SURVEYED PARCEL HAS ONE PHYSICAL ACCESS LOCATION TO U.S. HWY "14" AS PLOTTED HEREON.
- F. THE LEGAL DESCRIPTION CONTAINED IN THE TITLE COMMITMENT IS NOT THE SAME AS DEEDS OF RECORD AND COULD BE INTERPRETED DIFFERENTLY.
- G. LANDS SHOWN HEREON AS HATCHED AND BEING PART OF LOTS 161-167 OF COUNTRYSIDE ESTATES PLAT NO. 7 IS AN AREA OF UNKNOWN OWNERSHIP. BEING SEPARATELY DESCRIBED IN A DETACHMENT FROM THE CITY OF EVANSVILLE AND AS A PLAT OF SURVEY BY KEITH NOTICHOW DATED JULY 7, 2006. QUIT CLAIM DEEDS TO ROBERT AND GAIL HESSNER FOR THAT PORTION OF LOT 166 (DOCUMENT NO. 2228639) AND LOT 167 (DOCUMENT NO. 2228638) HAVE BEEN RECORDED BUT NO OTHER TRANSFER DEEDS HAVE BEEN RECORDED OF THIS HATCHED AREA AS OF THE DATE OF THIS SURVEY.
- H. AN UNRECORDED 40' ATC EASEMENT PROVIDED TO SURVEYOR BUT NOT INCLUDED IN SCHEDULE B-2 OF THE TITLE COMMITMENT.

## MONUMENT KEY

- 3/4" Iron Rebar Found
- Iron Pipe Found
- Iron Rebar Set
- 3/4" x 24"(1.5 Lbs./Ft.)

(XXX.XX) Record Information

## LEGEND

- Existing Boundary Line
- Existing Right-of-Way
- Existing Centerline
- Existing Section Line
- Existing Fence
- Existing Overhead Power
- Existing Watermain
- Existing Storm Sewer
- Existing Electric
- Existing Sanitary Sewer
- Existing Gas Main
- Existing Overhead Power
- Existing Underground Fiber Optic
- Existing Electric Pedestal
- Existing Electric Meter
- Existing Electric Manhole
- Existing Traffic Signal
- Existing Traffic Signal with Mast Arm
- Existing Transformer
- Existing Water Valve
- Existing Fire Hydrant
- Existing Well
- Existing Curb Inlet
- Existing Square Inlet
- Existing Septic Vent
- Existing Cleanout
- Existing Gas Meter
- Existing Brushline/Bush
- Coniferous Tree
- Deciduous Tree
- Existing Mailbox
- Existing Spot Elevation
- Existing Utility Pole
- Existing Guy Wire
- Existing Utility Pole with Light
- Existing Light Pole
- Existing Ground Light

## SURVEYOR'S CERTIFICATE

TO: KWIK TRIP, INC., A WISCONSIN CORPORATION  
FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a)(b), 7(a), 8, 9, 11(a)(b), 14, 17, 18, 20, 20(a) and 20(b) of Table A thereof.

The field work was completed on March 7, 2024.

David J. Earl, P.L.S.  
Wisconsin Professional Land Surveyor S-3257  
Dated this 20th day of March, 2024.  
Revised this 9th day of April, 2024.

If the surveyor's signature is not red in color, the plan is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.



FOR THE EXCLUSIVE USE OF:

Bradford Fry  
c/o Kwik Trip Inc.  
1813 Kramer Street  
LaCrosse, WI 54602

ORDER NO: 34968

FIELD CREW: JY  
DRAWN BY: KRS  
SHEET 1 OF 1

File Name: 134003-2699-0262 - 40m Trip ALTA and Trip TDS External Surveyor Drawings.dwg

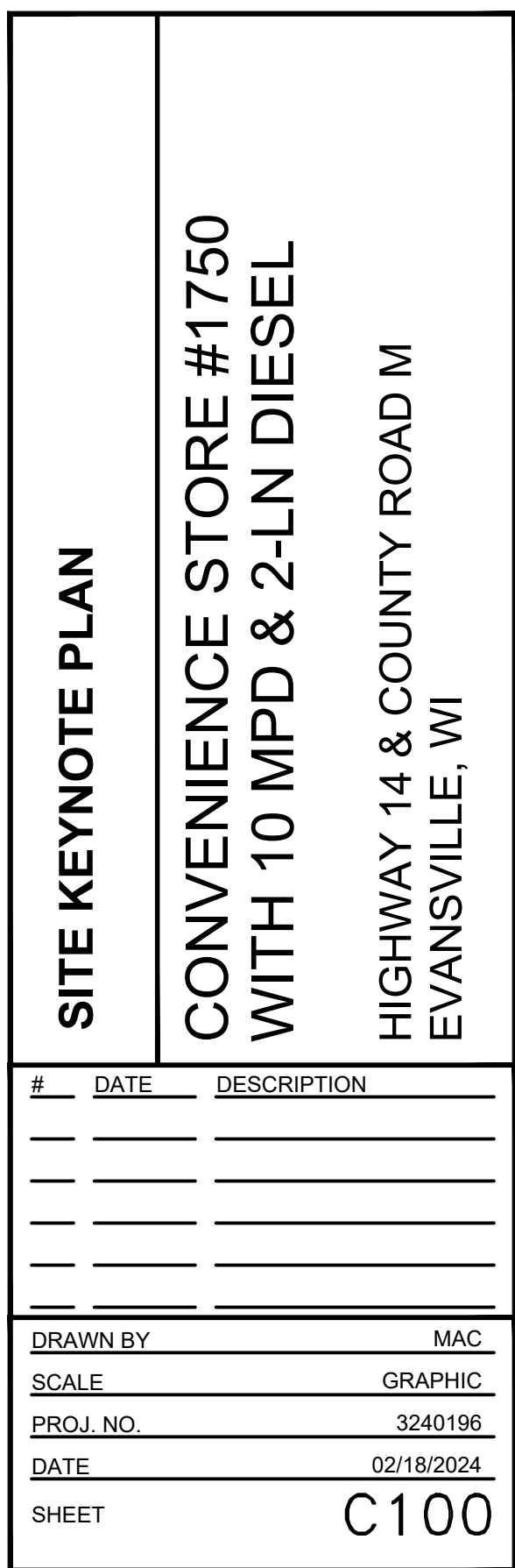
**Batterman**  
engineers surveyors planners

2857 Bartels Drive  
Beloit, Wisconsin 53511  
608.365.4464  
1040 N Wisconsin Street  
Elkhorn, Wisconsin 53121  
262.779.2250  
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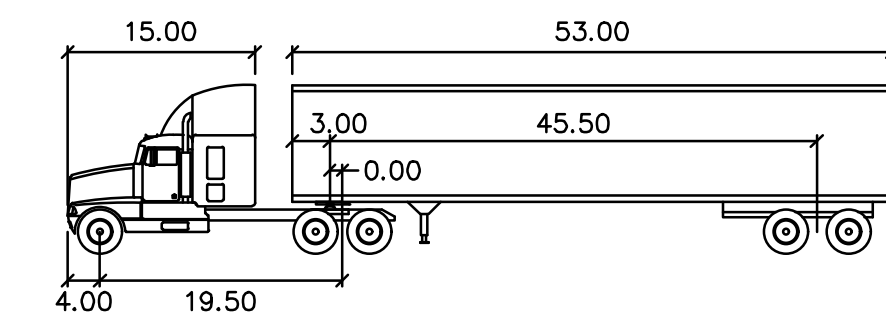
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WB-65			
	feet		
TraCTOR Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.4
TraCTOR Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		

WB-67			
	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		

LEGEND

— PROPERTY LINE  
= 18" CURB & GUTTER

PROPOSED CONCRETE  
PAVEMENT 8 INCH

PROPOSED CONCRETE  
PAVEMENT - 8 INCH

PROPOSED  
PAVEMENT

5 1/2" ASPHALT TYPE E  
WITH 12" AGGREGATE  
DENSE BASE



PROPOSED CONCRETE  
SIDEWALK - 6 INCH

PROPOSED CONCRETE  
SIDEWALK - PUBLIC:  
- 4 INCH CONCRETE  
- 6" AGGREGATE BASE  
- JOINTS 5' O.C.

SCALE: 1" = 30'



**KWIK TRIP, Inc.**  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8960

**raSmith**  
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
[rasmith.com](http://rasmith.com)

## SITE CIRCULATION PLAN

CONVENIENCE STORE #1750  
WITH 10 MPD & 2-LN DIESEL

HIGHWAY 14 & COUNTY ROAD M  
EVANSVILLE, WI

[illegible]

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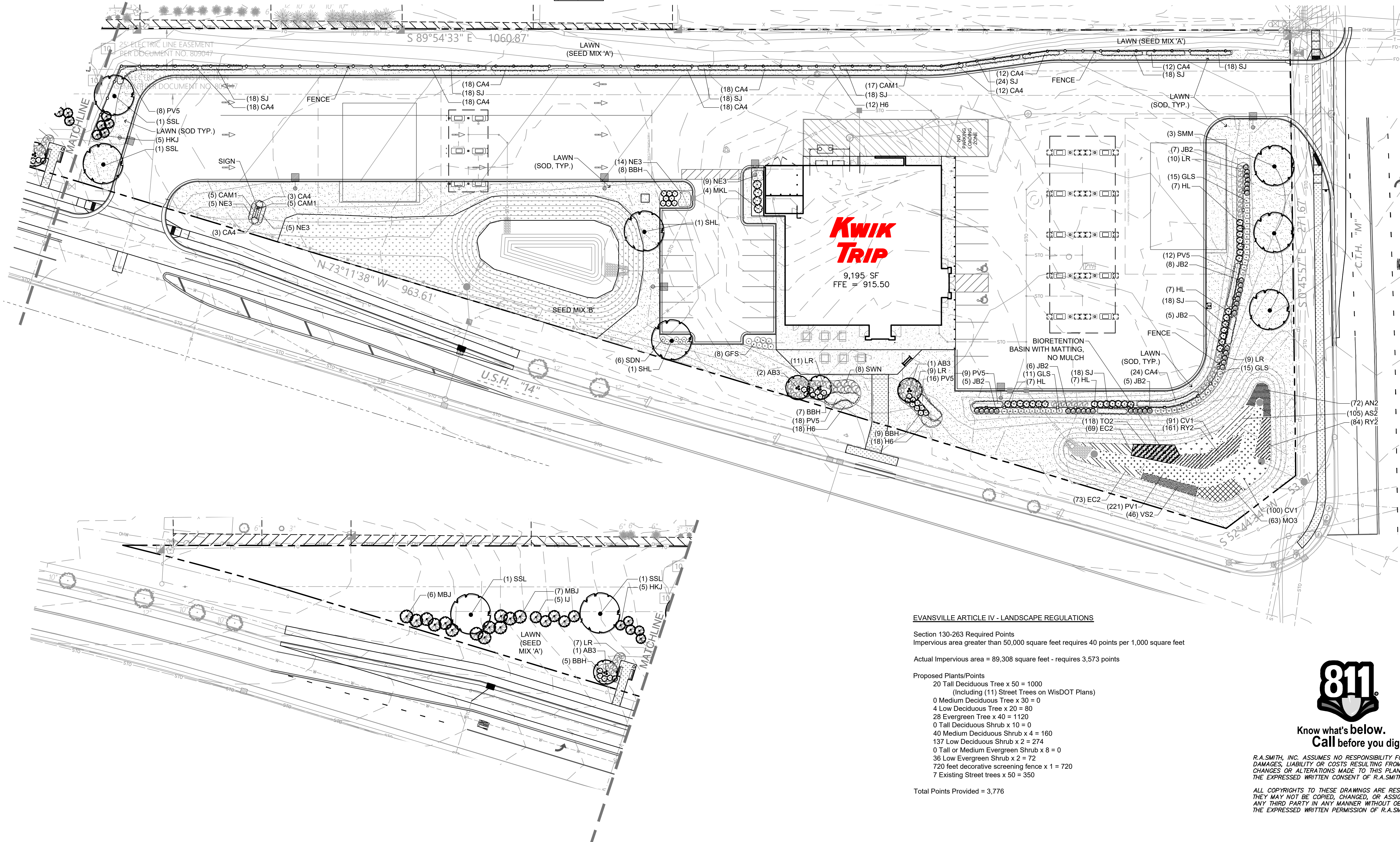
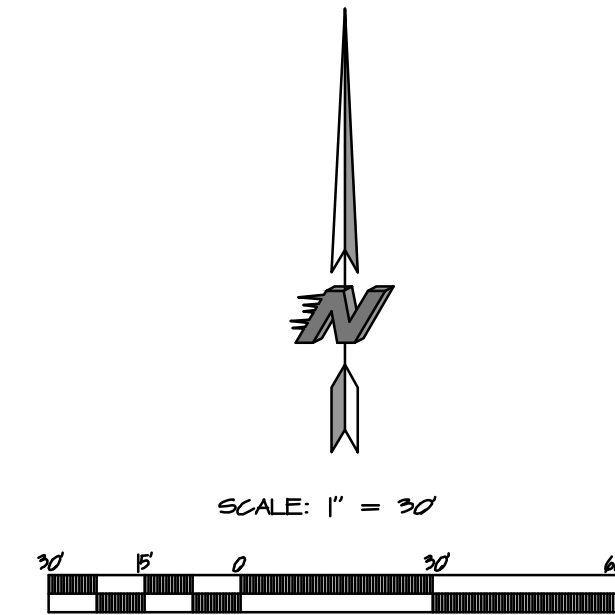




<u>CODE</u>	<u>QTY</u>	<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>INSTALLED SIZE</u>	<u>ROOT</u>	<u>SPACING</u>
<b>LOW DECIDUOUS TREE</b>						
AB3	4	Autumn Brilliance Serviceberry	Amelanchier x grandiflora 'Autumn Brilliance'	7' HT	B&B	Spacing as shown
<b>EVERGREEN TREES</b>						
HKJ	10	Hooks #5 Juniper	Juniperus chinensis 'Hooks #5'	5' HT	B&B	Spacing as shown
IJ	5	low Juniper	Juniperus chinensis 'lowa'	5' HT	B&B	Spacing as shown
MBJ	13	Mountainbatten Juniper	Juniperus chinensis 'Mountainbatten'	5' HT	B&B	Spacing as shown
<b>TALL DECIDUOUS TREE</b>						
MM	3	State Street Myriabe Maple	Acer myriabaie 'Morton' State Tree	2 1/2' CAL	B&B	Spacing as shown
SHL	2	Shademaster Louet	Gleditsia tricanthos 'nervis' 'Shademaster'	2 1/2' CAL	B&B	Spacing as shown
SSL	4	Sweet Street Linden	Tilia americana 'Kromm'	2 1/2' CAL	B&B	Spacing as shown
<b>LOW DECIDUOUS SHRUBS</b>						
SDN	6	Nikko Slender Deutzia	Deutzia gracilis 'Nikko'	15' HT	CONT	Spacing as shown
LR	53	Kodiak® Orange Diervilla	Diervilla x 'G2X8654'	15' HT	CONT	Spacing as shown
BBH	29	BoBo® Hydrangea	Hydrangea paniculata 'ILVBOB'	18' HT	CONT	Spacing as shown
GLS	41	Gro-Low Fragrant Sumac	Rhus aromatica 'Gro-Low'	15' HT	CONT	Spacing as shown
GFS	8	Goldflame Spiraea	Spiraea japonica 'Goldflame'	15' HT	CONT	Spacing as shown

<u>CODE</u>	<u>QTY</u>	<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>	<u>INSTALLED SIZE</u>	<u>ROOT</u>	<u>SPACING</u>
<b><u>LOW EVERGREEN SHRUBS</u></b>						
JB2	36	Blue Forest Creeping Juniper	Juniperus sabina 'Blue Forest'	18" SPD	CONT	Spacing as shown
<b><u>MEDIUM DECIDUOUS SHRUBS</u></b>						
HL	28	Little Quick Fire® Hydrangea	Hydrangea paniculata 'SMHPLOQ'	18" HT	CONT	Spacing as shown
SWN	8	Summer Wine™ Ninebark	Physocarpus opulifolius 'Seward'	24" HT	CONT	Spacing as shown
MKL	4	Miss Kim Lilac	Syringa patula 'Miss Kim'	24" HT	CONT	Spacing as shown
<b><u>ORNAMENTAL GRASSES</u></b>						
CA4	164	Karl Foerster Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	1 GAL	CONT	24" Spacing
PV5	63	Shenandoah Switch Grass	Panicum virgatum 'Shenandoah'	1 GAL	CONT	30" Spacing
SJ	168	Jazz Little Bluestem	Schizachyrium scoparium 'Jazz'	1 GAL	CONT	18" Spacing
<b><u>PERENNIALS</u></b>						
CAM1	36	Montrose White Calamint	Calamintha nepeta 'Montrose White'	1 GAL	POT	18" Spacing
H6	48	Little Business Daylily	Hemerocallis x 'Little Business'	1 GAL	POT	18" Spacing
NE3	36	Walkers Low Catmint	Nepeta x faassenii 'Walkers Low'	1 GAL	POT	24" Spacing

CODE	QTY	COMMON NAME	BOTANICAL NAME	INSTALLED SIZE	ROOT	SPACING
BIORETENTION BASIN						
SHRUB AREAS						
AS2	105	Swamp Milkweed	Asclepias incarnata	4 1/2"	POT	18" Spacing
AN2	72	New England Aster	Aster novae-angliae	4 1/2"	POT	18" Spacing
CV1	191	Brown Fox Sedge	Carex vulpinoidea	4 1/2"	POT	18" Spacing
EC2	142	Pale Purple Coneflower	Echinacea pallida	4 1/2"	POT	18" Spacing
MO3	63	Wild Bergamot	Monarda fistulosa	4 1/2"	POT	24" Spacing
PV1	221	Switch Grass	Panicum virgatum	4 1/2"	POT	24" Spacing
RY2	245	Showy Coneflower	Rudbeckia speciosa	4 1/2"	POT	18" Spacing
TO2	118	Ohio Spigewort	Tradescantia ohioensis	4 1/2"	POT	18" Spacing
VS2	46	Hairy Vervain	Verbena stricta	4 1/2"	POT	24" Spacing



**Kwik  
STAR**

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**LANDSCAPE PLAN**

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**CONVENIENCE STORE WITH 10 MPD & 2**

**HIGHWAY 14 & COUNTY EVANSVILLE, WI**

#	DATE	DESCRIPTION
DRAWN BY	MAC	
SCALE	GRAPHIC	
PROJ. NO.	3240196	
DATE	02/18/2024	
SHEET	C700	



**Know what's below.  
Call before you dig.**

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**City of Evansville Plan Commission  
Regular Meeting  
Tuesday, November 5th, 2024, 6:00 p.m.**

**MINUTES**

- 1. Call to Order** at 6:01pm.
- 2. Roll Call:**

<b>Members</b>	<b>Present/Ab sent</b>	<b>Others Present</b>
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Gene Lewis	P	Theresa Wetherwax, Sheb Heissner, Mark Heissner
Aldersperson Abbey Barnes	P	Derek Blume, John Theilenhouse, Andy Phillips,
Bill Lathrop	A	Seth Schulz, Joe Geofrion, Candice Kasprzak
John Gishnock	P	Jeff Meyers, Mary Fiske, Nick Haefs, Seth Waddell
Mike Scarmon	P	Jonathan Hollingsworth
Eric Klar	P	

- 3. Motion to approve the agenda, by Klar, seconded by Barnes. Approved unanimously.**
- 4. Motion to waive the reading of the minutes from the October 1<sup>st</sup>, 2024 meeting and approve them as printed, by Klar, seconded by Barnes. Approved unanimously.**
- 5. Civility Reminder.** Duggan noted the City’s commitment to conducting meetings with civility.
- 6. Citizen appearances other than agenda items listed.**
- 7. Discussion Items.**
  - A. Review and Discussion on Site Plan Application SP-2024-04, Conditional Use Permit Application CUP-2024-06, and Rezoning Application RZ-2024-05 for a Kwik Trip Gas Station/Convenience Store on parcel 6-20-228.1**
    - 1. Review Staff Memo and Applicant Comments**

Spranger began by explaining that no action would be taken at tonight’s meeting because an annexation petition had still not been submitted to the State Department of Administration. Thus, the City should not taken action regarding land uses in land still within the Town of Union. She then reviewed the staff report, noted deficiencies of the site plan against the zoning code. Most notably the building placement does not conform to the requirements set forward for gas stations, where the convenience store building must front the street it sits on. For a corner lot, this means the building should front the corner where streets intersect. To date the City has not received a site plan that meets this standard. Spranger noted the landscape plan submitted includes a number of woody evergreens in an area that is subject to an easement by the American Transmission Company (ATC). ATC has the right to remove trees and woody material without notice. The bulk of the site’s landscape points are in that easement, which would otherwise be a benefit providing screening to neighboring residences. Another issue the site faces is

traffic, both internal and off site. The current site plan depicts a 30' wide driveway that is 600' long with no traffic control and multiple points of entry from the diesel canopy, a staff parking area, and the gasoline canopy. As a point of reference, Main Street in front of this property is 35' wide from curb to curb. Spranger is concerned this will become an unofficial thoroughfare for motorists wishing to avoid the intersection of County M and US Highway 14. A similar unofficial through street exists between Brown School Road and the shared driveway of Piggly Wiggly and Family Dollar. Finally, staff across City departments are concerned about the decreased level of service that additional traffic would bring to this intersection and the nearby driveways. As a matter of reference, the wait time for an average turn going southbound on County M from Piggly Wiggly increases almost 6 seconds per the traffic study that was provided. Similar delays occur at the westbound turn lane for County M and all directions of traffic for northbound County M.

Nick Haefs, a Kwik Trip representative, noted that one of the parking areas was meant to be dedicated for workers. He had no other questions at that time.

## **2. Public Hearing**

Mayor Duggan opened the public hearing at 6:35pm.

- John Thielenhouse, 637 Windsor Lane, wondered about traffic impacts on County M/Highway 14, noted that a bufferyard was required between this use at the neighboring residences, and requested an 8' fence. Later he asked if fences were required around the retention ponds.
- Derek Blume, Town of Union, noted that the site plan doesn't utilize the whole lot. Were other uses considered? And would the applicant consider splitting off that underused area? Kwik Trip representatives replied that the west side of the property sits slightly higher than the street corners, and that stormwater needs for the proposed uses would prevent other uses.
- Candice Kasprzak, 635 Windsor Lane, requested the CAD files from Kwik Trip.
- John Holingsworth, 631 Windsor Lane, asked if a fence/trees would be required.

Mayor Duggan closed the public hearing at 6:53pm.

## **3. Plan Commissioner Questions and Comments**

- Mayor Duggan inquired about the process for annexation.
- Gishnock asked about eastbound left turns into the site on Highway 14. Kwik Trip representatives responded that DOT was requiring a dedicated turn lane of 100'. Spranger apologized for not including it in that night's packet; off site improvements had just been submitted to the City the day before. Gishnock requested that the fence be extended further west to the end of property and that the applicant utilize the western triangular corner for additional trees and/or a picnic area, as a way to personalize the Kwik Trip experience in Evansville. Gishnock agreed that the 30' wide drive would be a cut through and that some sort of traffic calming would be necessary to address it. He also suggested eliminating and relocating the parking stalls on the far eastern edge of the site plan, noting that they were far from the store's entrance. The building could then be brought closer to the street. He noted that landscape islands could be a method of calming traffic in the 30' wide driveway area.
- Barnes asked for clarification regarding the location of underground refueling tanks. Notes there is no dedicated truck parking. Agrees with Gishnock that the fence should be extended.
- Scarmon asked if sidewalk would be extended along County M to the north edge

of the property. Staff confirmed this would be required, along with curb and gutter along County M. Echoed Barnes's comment regarding truck parking, noting that the 30' wide driveway area might trigger unauthorized parking and idling diesel vehicles. Asked if there would be directional signage for trucks entering and leaving property, and if diesel traffic would be one way. Current set up has two way diesel traffic.

- Lewis appreciated the consideration to attempt to lessen the impact on neighboring properties regarding noises, lights, and other potential nuisances.

**B. Review and Discussion for Conditional Use Permit Application CUP-2024-05 for a duplex in the R-1 Residential District One on parcel 6-27-358 (16 Jackson Street)**

**1. Review Staff Report and Applicant Comments**

Spranger's comments on the application were that normally a duplex is not a complicated issue for the R-1 district, but this particular parcel does not have sewer service in front of the property along Jackson Street. An alternative connection will need to be identified for getting each unit of the duplex its own lateral. A previous suggested connection by the City Engineer was to run a "long lateral" in the City terrace adjacent to the public sidewalk. However, that plan only considered a single family residence and not a duplex. Each unit needs its own lateral. Municipal Services needs to make a decision regarding the City's preference for dealing with this situation, which would set precedent for future similar situations.

**2. Public Hearing**

Mayor Duggan opened the public hearing at 6:53 pm. Spranger read a comment from Betty Kober, 303 E Main Street, who expressed that she would prefer not to see a duplex be built on that property. Public hearing was closed at 6:54pm.

**3. Plan Commissioner Questions and Comments**

- Gishnock wondered if more lots could be created for new infill development on Jackson Street, and if setting a precedent like this is necessary to promote infill development.
- Barnes asked if more lots could even be created on Jackson Street. Spranger replied that it was possible but would require neighbor cooperation for land divisions and likely another conditional use process, which meant such a situation was possible but not guaranteed.

**C. Concept Plan Discussion – Capstone Ridge**

Spranger summarized a submitted plan for a Planned Unit Development and replatting the Capstone Ridge subdivision plat. The prospective developers are interested in building multifamily units similar to Prairie Crossing. Staff was initially intrigued by the idea but after looking into City requirements for PUD and knowing that the developers wish to get started building in 2025, that perhaps another way of authorizing multifamily development without vacating City rights-of-way or months worth of work on PUD documents. The main issue of the plat is that the City's standard for stormwater is for infiltration ponds to hold two back-to-back 100 year rain events and the City Engineer is in doubt whether the existing ponds could handle more development. City staff is suggesting combining and deeding over lots for stormwater, keeping the roads laid out as is, and rezoning the bulk of the lots to R-2 zoning, which would allow duplexes by right. This would yield a similar number of units. The developers would still have to enter an agreement with the City and provide a letter of credit for improvements, but the

project would be more or less shovel ready with the approval of a rezoning and land divider's agreement.

**8. Community Development Report**

**9. Next Meeting Date:**

Tuesday, December 3<sup>rd</sup>., 2024 at 6:00 p.m.

**10. Adjourn.** 7:38 pm