

City of Madison

Conditional Use

Location 2508 South Stoughton Road

Project Name
Schoepp Motors

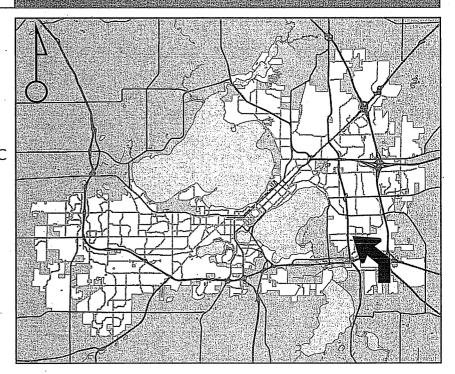
Applicant Doug Schoepp – Schoepp Motors/ Ronald Trachtenberg – Murphy Desmond, SC

Existing Use Commercial Building

Proposed Use Continuing Jurisdiction on an Approved Conditional Use

Public Hearing Date Plan Commission 21 May 2007

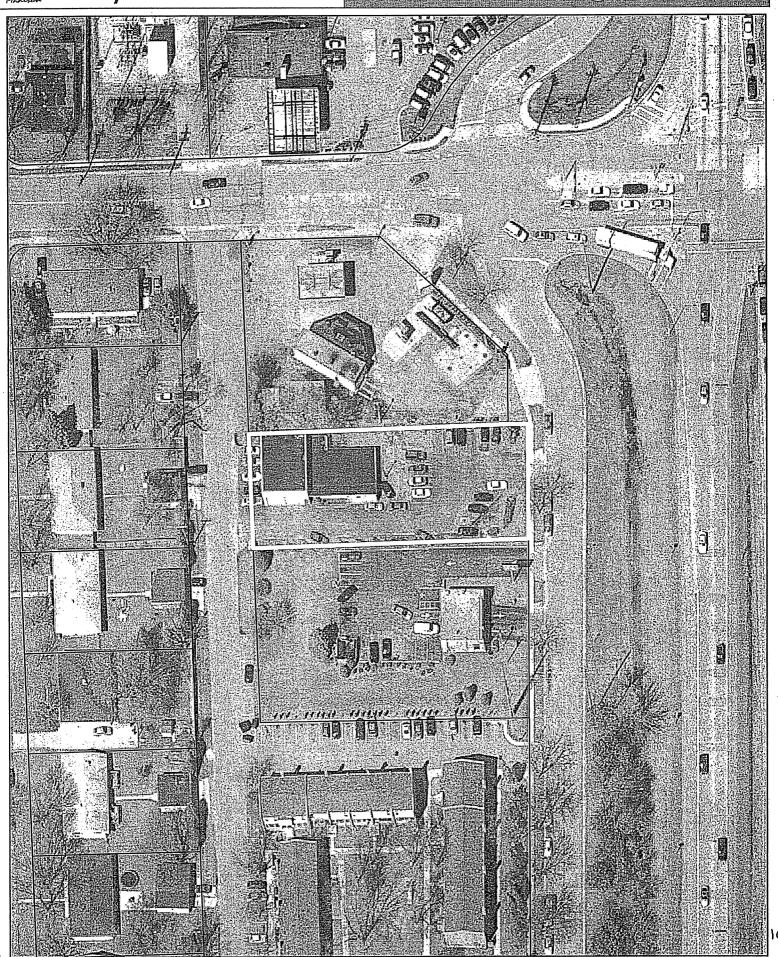
TOMPKINS DR



Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635 For Questions Contact: R4 LINDA VISTA RD SPAANEM C3L PFLAUM RD M1 R3 DOUGLAS TRL STOUGHTON RD SERVICE MAHER AVE C3L N TOUGHT R4 C3 w 10 TOMPKING DE

Scale : 1'' = 400' Planning Unit, Department of Planning and Development : RPJ : Date : 07 May 2007

2508 South Stoughton Road



Date of Aerial Photography: April 2005



Department of Planning & Development **Inspection Unit**

Website: www.cityofmadison.com

Madison Municipal Building 215 Martin Luther King, Jr. Boulevard P.O. Box 2984 Madison, Wisconsin 53701-2984 TDD 608 266 4747 FAX 608 266 6377 PH 608 266 4551

DATE:

April 18, 2007

TO:

Mark Olinger, Plan Commission Secretary Matt Tucker, Zoning Administrator

FROM:

SUBJECT:

Conditional Use Permit, 2508 S. Stoughton Road

Zoning staff has received a written complaint regarding conditional use permit (CUP) violations for the automobile repair facility located at 2508 S. Stoughton Road. Included with this letter you will find communication regarding an alleged violations of the approved conditional use permit (CUP), copies of inspection reports and official notices, a copy of the CUP approval letter issued by the Planning Unit, and miscellaneous correspondence related to this CUP.

The Plan Commission maintains continuing jurisdiction over conditional use permits. Per the City's Zoning Ordinance, when a written request is received by an aggrieved individual, the Plan Commission shall review the request and determine if a reasonable probability exists that the property is in violation of one or more of the conditions of approval. Attached you will find a copy of Section 28.12(10)(h) 4, which describes the CUP review process.

City Zoning staff members have inspected the site a number of times in 2006, after the original CUP was approved. These inspections were followed-up with correction notices, to correct sitespecific problems where the development has not followed-through on conditions of approval.

The business operator obtained site plan approval and the necessary permits for the automobile repair occupancy of the site in late-November 2006. Since that time, inspections reports show the operator has not maintained the property in consistency with the approved CUP or other general standards of the Madison General Ordinances. More recently, during weekend hours, staff inspected the property and observed after-hours business operations, parking violations, and loitering.

Staff has discussed the violations at the property and is of the opinion this property is not operating in compliance with the approved CUP. Staff recommends the Plan Commission find the complaint and subsequent inspections reflect reasonable probability that the subject conditional use is operating in violation of conditions of approval, and schedule this item for a public hearing at a future scheduled Plan Commission meeting.

This case is in the process of being referred to the City Attorney's office for prosecution. Any action from the Plan Commission in regard to continuing jurisdiction will not impact the City's efforts to obtain compliance through prosecution.

Section 28.12(11)(h) 4. Conditional Use, Continuing Jurisdiction

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Subdivision (g) or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards 1 and 2 in Subdivision (g) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subdivision (i) hereunder. (Cr. by 6732, 8-30-79)

Prophecy Auto Works, LLC 2508 S. Stoughton Road Madison, WI, 53716

(608)224-2688

May 15, 2007

Ms. Nan Fey, Chairperson
City Plan Commission
Madison Municipal Building
P O Box 2985
Madison, WI 53701

Dear-Ms. Fev;

fam concerned with the hatchet job being done on my son and my self's business, Prophecy Auto Works, located at the address above—I have too numerous items to address in a single-letter, so I am going to attempt to address what I believe is most significant. My son and my self intend to appear at the public hearing on May 21, 2007 to defend ourselves.

The first major issue is the proper scheduling this public hearing on May 21, 2007. Your inspection unit issued a notice on 4-16-07 with alleged violations to be corrected on or before April 25, 2007. Your Zoning Administrator, Matt Tucker, recommended to your committee at a meeting on April 23, 2007, before any final inspection took place to schedule this public hearing on May 21, 2007. At a minimum your inspection unit failed to complete its work prior to coming to prejudicial conclusions and recommendations to the committee. At no time did the inspection unit contact us to gain input from us on what they observed. They only observed from a distance, took pictures and provided their own self serving opinion on what the pictures represent with no attempt at a fair and balanced interpretation of what they observed.

As an example of the hatchet job being perpetrated on my son and my self, Mr. Doug Klitzkie (see attached complaint) states "It was noted today, March 10th, that the above business was doing business at 2:30 pm as the bay doors were open and I could hear an air wrench being used." This complaint should have been summarily dismissed, since it is not a violation of our conditional use permit. No one from your inspection unit contacted us for our response to the allegations. It only issued an official notice to correct the "violation" that was not a violation. Our conditional use permit states "Business hours shall be limited to Monday through Friday from 7 00am to 9 00pm and Saturday 8:00am to noon We closed for business at noon on Saturday, March 10th. However, my son and Fremained working inside the shop on my personal vehicle and cleaning the shop. Nothing in our conditional use permit precludes us from working after hours on any vehicle inside our shop, cleaning the shop, mowing the lawn, sweeping the parking lot, taking out trash, looking under a hood, parking a car, etc. Also, regarding use of an air tool, our conditional use permit only bans the use of pneumatic tools "outside" the building and as the complaint letter states "the bay doors were open and I could hear an air wrench being used." Our pneumatic tools are all fairly new and are certified to operate at less than 80 decibels. Our building is constructed of concrete blocks and even with the doors up, you would have to be standing within 10 feet to even hear the air tool. As the map shows (see attached map), Mr. Klitzkie, who complained, lives more than five blocks away. I challenge him to prove he can hear any of our air tools from that distance.

Regarding Mr. Klitzkie, I googled his name and came up with 103 hits. Apparently, he is a member of the Glendale Neighborhood Association and is quite active in city government and politics. I question his motives in filing false accusations towards us, posing as some independent complainant when in fact he is a member of



the Association and is fully aware of the specific requirements of our Conditional Use Permit. Also, I have attached a letter my son and I sent to the Glendale Neighborhood Association back on February 7, 2007, where we offered to meet individually with any member or attend any meeting they inform us about to address their concerns. No one from the Glendale Neighborhood Association has contacted us to this date including Mr. Klitzkie. Please note the date March 10th on his complaint and our letter to the Association dated February 7th.

I could give you list of all the corrective actions we have taken whether we believed the alleged violations were justified or not, but I will end this letter at this point.

Also, our lease with Schoepp Motors ends on March 31, 2008. We will not exercise any options to extend the lease and will be vacating the property on that date.

Thank you in advance for your cooperation regarding this matter and our hope is that your committee will treat us fairly and with respect. We cannot say that your Zoning Administrator, Matt Tucker, has treated us fairly or with respect.

Andrew Valiquette

Keith Valiquette

Cc: blinds

Andrew Valiquette

Rec. blinds

Andrew Valiqu

Fax to: Department of Planning and Development

From: Doug Klitzkie

5420 Kvamme Lane

221-2124

Regarding: Conditional Use Permit Violation

2508 South Stoughton Rd.

It was noted today, March 10th, that the above business was doing business at 2:30 pm as the bay doors were open and I could hear an air wrench being used.

This establishment is not to have business hours on Saturday afternoons.

Cc: Ald. Compton

Prophecy Auto Works, LLC 2508 S. Stoughton Road Madison, WI, 53716

(608)224-2688

February 7, 2007

Ms. Kathy Dustin Glendale Neighborhood Association 709 Glenview Drive Madison, WI 53716

Dear Ms. Dustin;

This correspondence represents Prophecy Auto Works concern with regard to the endless complaints and allegations your association continues to receive from Goben-Motors concerning the day to day operation of our business.

Initially, I-would like to apologize for the amount of time that the Glendale Neighborhood Assoc has had to take to address the issues brought forth by Goben-Motors.

I believe that Judy Compton has lent a sympathetic ear to all that Goben Motors has had to say, although I feel that there are always two sides to every story and it is obvious that my side does not seem to carry too much weight with Ms. Compton. The accusations (bearing no foundation) that have been made and shared with others have had an adverse impact on our business and I only hope that we can soon put all of this behind us. Typically, we are reasonable people and quite easy to get along with. However, under the current circumstances I am becoming a bit frustrated. I would like the neighborhood association to know that I would much prefer to attempt to use an alternate means of conflict resolution besides involving so many individuals.

We are prepared to meet individually with any member of the Association or attend any meeting you inform us about. You only need to contact Keith or Andrew Valiquette at Prophecy Auto Works, LLC at 2508 S. Stoughton, Madison, WI 53716 or telephone (608)224-2688. My personal cell phone number is (608)772-5113. We will make every effort to meet with any and all members at your convenience.

Thank you in advance for your cooperation regarding this matter

Andrew Valiquette

Keith Valiquette, CPA

Cc: blind

MURPHY DESMONDS

Manchester Place 2 East Mifflin Street, Suite 800 Madison, Wisconsin 53703-4217

Mailing Address: P.O. Box 2038 Madison, Wisconsin 53701-2038

Telephone (608) 257-7181 www.murphydesmond.com

Ronald M. Trachtenberg Direct Line (608) 268-5575 Facsimile (608) 257-2508 rtrachtenberg@murphydesmond.com

23 April 2007

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Keith Valiquette 2508 South Stoughton Road Madison, WI 53716 Mr. Andrew Valiquette 2508 South Stoughton Road Madison, WI 53716

Re:

Our Client: Schoepp Motors, Inc.

Commercial Building Lease By and Between Schoepp Motors, Inc. and Keith and Andrew Valiquette at 2508 South Stoughton Road

Gentlemen:

As you are aware, we are the attorneys for Schoepp Motors, Inc. with respect to the above referenced lease.

The initial term under the commercial building lease ran from April 1, 2006 through and including March 31, 2007. There was a one year renewal provision under section 3 of the commercial building lease, however, you failed to give written notice of that extension prior to the termination of the initial term of the lease. Therefore, pursuant to section 20 of the commercial building lease, your tenancy is now on a month to month basis.

On behalf of Schoepp Motors, Inc., we are hereby giving you 30 days notice that Schoepp Motors is hereby terminating your month to month tenancy effective the end of the day on May 31, 2007. You are to have vacated the premises on or before the termination date and time.

We also assume that you have received the reissue notice from the Building Inspection Unit of the City of Madison dated April 16, 2007.

Please be advised that the City of Madison is commencing proceedings to revoke the conditional use permit for 2508 South Stoughton Road under which you are operating. We anticipate that the Plan Commission at its meeting of April 23, 2007, will commence a revocation proceeding and will authorize staff to send out the required notices. We are enclosing with this letter a copy of the Plan Commission agenda, a copy of the email of Matt Tucker, Zoning Administrator for the City of Madison, to the undersigned of April 20, 2007, and the materials that we were able to print off the internet which we understand are being provided to the Plan Commissioners at their meeting of April 23, 2007.

MURPHY DESMOND

Manchester Place 2 East Mifflin Street, Suite 800 Madison, Wisconsin 53703-4217

Mailing Address: P.O. Box 2038 Madison, Wisconsin 53701-2038

Telephone (608) 257-7181 www.murphydesmond.com

Ronald M. Trachtenberg Direct Line (608) 268-5575 Facsimile (608) 257-2508 rtrachtenberg@murphydesmond.com

23 April 2007

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Keith Valiquette 2508 South Stoughton Road Madison, WI 53716 Mr. Andrew Valiquette 2508 South Stoughton Road Madison, WI 53716

Re:

Our Client: Schoepp Motors, Inc.

Commercial Building Lease By and Between Schoepp Motors, Inc. and Keith and Andrew Valiquette at 2508 South Stoughton Road

Gentlemen:

As you are aware, we are the attorneys for Schoepp Motors, Inc. with respect to the above referenced lease.

The initial term under the commercial building lease ran from April 1, 2006 through and including March 31, 2007. There was a one year renewal provision under section 3 of the commercial building lease, however, you failed to give written notice of that extension prior to the termination of the initial term of the lease. Therefore, pursuant to section 20 of the commercial building lease, your tenancy is now on a month to month basis.

On behalf of Schoepp Motors, Inc., we are hereby giving you 30 days notice that Schoepp Motors is hereby terminating your month to month tenancy effective the end of the day on May 31, 2007. You are to have vacated the premises on or before the termination date and time.

We also assume that you have received the reissue notice from the Building Inspection Unit of the City of Madison dated April 16, 2007.

Please be advised that the City of Madison is commencing proceedings to revoke the conditional use permit for 2508 South Stoughton Road under which you are operating. We anticipate that the Plan Commission at its meeting of April 23, 2007, will commence a revocation proceeding and will authorize staff to send out the required notices. We are enclosing with this letter a copy of the Plan Commission agenda, a copy of the email of Matt Tucker, Zoning Administrator for the City of Madison, to the undersigned of April 20, 2007, and the materials that we were able to print off the internet which we understand are being provided to the Plan Commissioners at their meeting of April 23, 2007.

Mr. Keith Valiquette Mr. Andrew Valiquette 23 April 2007 Page 2

Since the conditional use permit is for your occupancy at 2508 South Stoughton Road only (see paragraph 3 of the conditional use approval letter), since Schoepp Motors, Inc. is terminating your lease as of the end of the day on May 31, 2007, and since the basis of the revocation proceeding is your non-compliance with the conditional use permit requirements, Schoepp Motors, Inc. will not be defending any revocation of the conditional use. You may, of course, provide your own defense with respect to the revocation proceeding.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours

Ronald M. Tracktenberg

RMT:srp 060986

valiquette jt 042307

Enclosures

cc: Schoepp Motors, Inc.

Attn.: Mr. Doug Schoepp (w/enc.) VIA EMAIL ONLY dschoepp@schoeppmotors.com

Schoepp Motors, Inc.

Attn.: Mr. Jim Aubart (w/enc.) VIA EMAIL ONLY jaubart@schoeppmotors.com

City of Madison, Dept. of Planning and Development

Attn.: Mr. Matt Tucker, Zoning Inspector VIA EMAIL ONLY mtucker@cityofmadison.com

City of Madison Common Council

Attn.: Alderwoman Judy Compton VIA EMAIL ONLY district 16@cityofmadison.com

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

Item No.

Violating Section No.

CORRECTIONS REQUIRED

COMPLAINT

REISSUE NOTICE

28.11(2)(f) 1. 10.08(8)(g) 28.12(11)(h)4

Discontinue parking vehicles outside of the designated parking spaces on the property located at 2508 South Stoughton Road. The approved site plan dated September 27, 2006 designates thirteen (13) parking spaces, including two (2) handicap accessible stalls. Enclosed is a copy of the approved site plan, dated September 27, 2006.

Item number 10 of the conditions of approval for the conditional use for the automobile repair shop states:

All automobiles and trucks parked on the premises shall be parked in a designated parking space. All parking spaces shall be designated by painted lines in conformity with the approved site plan. All drive lanes and fire lanes shall be kept clear of parked vehicles. There shall be no parking on any lawn or landscaped areas.

28.11(3)(m) 2. 27.05(2)(t)

Properly post the two (2) handicap accessible stalls with the approved and required handicap signs. Ensure that the posts are securely anchored.

NOTE:

Handicap accessible stalls are to be used only for the parking of vehicles displaying official cards or license plates for the disabled.

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City
Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

Item No.	Violating Section No.	CORRECTIONS REQUIRED
3.	28.09(3)(b)2 28.09(3)(d)6 28.12(11)(h)4	Discontinue any repair or servicing of vehicles outside of the building. All repair of automobiles and trucks shall be done within the existing building. No such repair work shall be done (including but not limited to the use of pneumatic tools) outside the existing building.
4.	28.09(3)(b)2 28.09(3)(d)6 28.12(11)(h)4	Discontinue outside storage of vehicle parts, tires, or dumpsters. No garbage or disposed of automotive or truck equipment shall be stored on the exterior of the existing building.
5.	28.12(11)(h)1 28.12(11)(h)4	Discontinue any vehicle repairs, servicing, or work outside of the hours of operation. Business hours shall be limited to Monday through Friday from 7:00 a.m. to 9:00 p.m. and Saturday 8:00 a.m. to Noon. There shall be no after hours loitering on the property.
6.	31.04(3)(d)	Remove the banner from the east facade of the building.
		Compliance to the above named code(s) shall be on a continual basis.
		This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

Item No.

Violating Section No.

CORRECTIONS REQUIRED

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

c: SCHOEPP MOTORS INC ATTN DOUG SCHOEPP 3010 W BELTLINE HWY **MIDDLETON WI 53562**

> RONALD M TRACHTENBERG MURPHY DESMOND SC 2 E MIFFLIN ST PO BOX 2038 MADISON WI 53701-2038

Please notify the inspector when work is completed.

On:

Telephone:

266-4429

Inspected by:

Jenny Kirchgatter

3-26-07

Date Issued: 4-16-07

The violations shall be corrected on or before:

April 25, 2007

10

Code Enforcement Officer:

Tucker, Matthew

From:

Towle, Ron

Sent:

Tuesday, April 03, 2007 2:40 PM

To:

Tucker, Matthew

Subject: 2508 S Stoughton Rd

Matt,

On March 17, 2007 I observed the automobile repair shop at 2508 S Stoughton from approximately 12:30pm to 1:30pm.

When I arrived the first things I noticed were the bright orange cones blocking their driveway prohibiting egress to their lot (see photo).

The next observation was that there were cars parked "helter skelter" instead of in the stalls on the west side behind the building. Some of these vehicles were missing parts.

The blacktop area to the south of the building was parked full of cars. Some had their hoods open as if they were being worked on. There was more than one male repairman who went from a vehicle into the repair garage through the partially open overhead door.(see photo)

There were cars waiting to be repaired parked in the striped and signed Handicap stalls.(see photo)

There is a "fence" type bicycle rack.

Cars were also parked on the southeast part of the lot in no particular pattern.

There was also a car parked on the S Stoughton Rd Frontage rd. for sale. (see photo)

Respectully, Ron Towle

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

Item No.	Violating Section No.	CORRECTIONS REQUIRED
		PROGRAMMED
		An inspection of the site/ landscaping/ parking facilities due to a change of use and Conditional Use approval at this property revealed the following:
1.	28.11(2)(f) 10.08(8)g	Properly stripe the parking stalls as shown on the approved site plan dated 09/27/06. This includes the two (2) handicap accessible parking stalls and the striped out accessible loading aisle.
2.	28.11(3)(m) 27.05(2)(t)	Properly post the two (2) designated handicap accessible stalls with approved and required handicap signs.
3.	28.11(3)(1)1 28.11(3)(e) 28.11(3)(h)2.d. 28.11(3)(i)3	Properly install and anchor the required two (2) stall bike rack. The bike rack shall be designed to accommodate U-shaped locking devices.
		Compliance to the above named code(s) shall be on a continual basis. This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

215 Martin Luther King, Jr. Blvd. P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City
Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

ltem No. Violating Section No.

CORRECTIONS REQUIRED

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. <u>If you have questions or problems, it is important to contact me before the due date at the number listed below.</u>

c: SCHOEPP MOTORS INC ATTN DOUG SCHOEPP 3010 W BELTLINE HWY MIDDLETON WI 53562

> RONALD M TRACHTENBERG MURPHY DESMOND S C 2 E MIFFLIN ST STE 800 PO BOX 2038 MADISON WI 53701-2038

Please notify the inspector when work is completed.

Telephone:

266-4429

Inspected by:

Jenny Kirchgatter

12-4-06

Date Issued:

12-8-06

The violations shall be corrected on or before:

May 1, 2007

10

Code Enforcement Officer:

On:

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

 An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

tem Violating
Vo. Section No.

CORRECTIONS REQUIRED

COMPLAINT

1. 28.11(2)(f) 10.08(8)(g) 28.12(11)(h)4

Discontinue parking vehicles outside of the designated parking spaces on the property located at 2508 South Stoughton Road. The approved site plan designates thirteen (13) parking spaces provided, including two (2) handicap accessible spaces.

Item number 10 of the conditions of approval for the conditional use for the automobile repair shop states:

All automobiles and trucks parked on the premises shall be parked in a designated parking space. All parking spaces shall be designated by painted lines in conformity with the approved site plan. All drive lanes and fire lanes shall be kept clear of vehicles. There shall be no parking on any lawn or landscaped areas or outside of approved parking spaces.

NOTE:

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code.

Failure to obtain compliance with conditions of approval will result in referral of these items to the City Plan Commission for reconsideration of the approved Conditional Use.

Enclosed is a copy of the approved site plan, dated 09/27/06, and the conditions of approval for the conditional use, approved at the 08/07/06 Plan Commission meeting.

215 Martin Luther King, Jr. Blvd.

P.O. Box 2984

Madison, Wisconsin 53701-2984

City of Madison OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City
Ordinances are being violated.

Property Located At:

2508 South Stoughton Road

OWNER:

KEITH VALIQUETTE 2508 S STOUGHTON RD MADISON WI 53716

Item No. Violating Section No.

CORRECTIONS REQUIRED

Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. <u>If you have questions or problems, it is important to contact me before the due date at the number listed below.</u>

c: SCHOEPP MOTORS INC ATTN DOUG SCHOEPP 3010 W BELTLINE HWY MIDDLETON WI 53562

> RONALD M TRACHTENBERG MURPHY DESMOND S C 2 E MIFFLIN ST STE 800 PO BOX 2038 MADISON WI 53701-2038

Please notify the inspector when work is completed.

Telephone:

266-4429

Inspected by:

Jenny Kirchgatter

12-4-06

Date Issued:

12-8-06

10

The violations shall be corrected on or before:

January 3, 2007

Code Enforcement Officer:

On:

Fax to:

Department of Planning and Development

From:

Doug Klitzkie

5420 Kvamme Lane

221-2124

Regarding: Conditional Use Permit Violation

2508 South Stoughton Rd.

It was noted today, March 10th, that the above business was doing business at 2:30 pm as the bay doors were open and I could hear an air wrench being used.

This establishment is not to have business hours on Saturday afternoons.

Cc: Ald. Compton

Tucker, Matthew

From:

Tucker, Matthew

Sent:

Monday, December 04, 2006 8:12 AM

To:

'Ronald M. Trachtenberg'

Cc:

Kirchgatter, Jenny

Subject: RE: 2508 S Stoughton complaint

Will Do.

The tenant stopped by late last week to apply for the C.O. and sign permits. He claimed little knowledge of the conditions of approval. I provided him with a copy of the approval letter ... no excuse now.

Matt

From: Ronald M. Trachtenberg [mailto:RTrachtenberg@murphydesmond.com]

Sent: Sunday, December 03, 2006 2:18 PM

To: Tucker, Matthew **Cc:** Kirchgatter, Jenny

Subject: RE: 2508 S Stoughton complaint

As soon as Ms. Kirchgatter has completed her review, please provide us a copy of same.

Ronald M. Trachtenberg Murphy Desmond S.C. 2 E. Mifflin Street, Suite 800 P.O. Box 2038 Madison, WI 53701-2038 (608) 268-5575 (Direct) (608) 257-2508 (Fax) www.murphydesmond.com

CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains information that is legally privileged, confidential, and exempt from disclosure. It is intended for use only by the individual or entity named above. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it and immediately notify me by email. Thank you.

----Original Message----

From: Tucker, Matthew [mailto:MTucker@cityofmadison.com]

Sent: Wednesday, November 29, 2006 2:10 PM

To: Ronald M. Trachtenberg

Cc: Kirchgatter, Jenny

Subject: RE: 2508 S Stoughton complaint

Thanks Ron. Here is a link to the CUP approval letter, which Jenny will be using to check for compliance (along with the approved site plan): http://www.cityofmadison.com/planning/projects/Approval% 20Letters/2508Stoughton080806.pdf

Matt Tucker

From: Ronald M. Trachtenberg [mailto:RTrachtenberg@murphydesmond.com]

Sent: Wednesday, November 29, 2006 2:00 PM

To: Tucker, Matthew

Subject: RE: 2508 S Stoughton complaint

Spoke with Letitia and then Doug Schoepp. Doug is having his general manager Jim Aubart pay the tenant a visit this afternoon and hold his hand to apply for the occupancy permit and the sign permit.

I will be sending the tenant a notice that he has to comply with those two things and the other items listed in the citizen complaint or face eviction. We are prepared to proceed with eviction if necessary.

Ronald M. Trachtenberg Murphy Desmond S.C. 2 E. Mifflin Street, Suite 800 P.O. Box 2038 Madison, WI 53701-2038 (608) 268-5575 (Direct) (608) 257-2508 (Fax) www.murphydesmond.com

CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains information that is legally privileged, confidential, and exempt from disclosure. It is intended for use only by the individual or entity named above. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it and immediately notify me by email. Thank you.

----Original Message----

From: Tucker, Matthew [mailto:MTucker@cityofmadison.com]

Sent: Wednesday, November 29, 2006 1:39 PM

To: Ronald M. Trachtenberg

Subject: 2508 S Stoughton complaint

Please see the attached correspondence.

Matt Tucker

Zoning Administrator
Department of Planning & Development
Inspection Unit
215 Martin Luther King, Jr. Blvd.
PO Box 2984
Madison, WI 53701-2984
608/266-4569 PH
608/261-9654 FAX
mtucker@cityofmadison.com
http://www.ci.madison.wi.us/

Tucker, Matthew

From:

Tucker, Matthew

Sent:

Wednesday, November 29, 2006 1:39 PM

To:

'Ronald M. Trachtenberg'

Subject: 2508 S Stoughton complaint

Please see the attached correspondence.

Matt Tucker

Zoning Administrator
Department of Planning & Development
Inspection Unit
215 Martin Luther King Jr. Blvd

215 Martin Luther King, Jr. Blvd. PO Box 2984 Madison, WI 53701-2984 608/266-4569 PH 608/261-9654 FAX mtucker@cityofmadison.com http://www.ci.madison.wi.us/

Fax to: Department of Planning and Developement

From: Doug Klitzkie

5420 Kvamme Lane

221-2124

Regarding: Conditional Use Permit

2508 South Stoughton Rd.

Recent observations have noted that the operation of the business at 2508 South established for for this property Stoughton Road is not operating in accordance with condidtional use standards

- Vehicles are parked perpendicular on the west end of the building.
- east bay door was half way open and two vehicles with their hoods up were The business appeared to be open on Saturday, Nov. 25 at 4:00 pm as the parked in front of the doors
- Two vehicles have been parked on the grass since the business opened

When will city staff inspect this premises to determine compliance with the

Tucker, Matthew

From:

Tucker, Matthew

Sent:

Wednesday, November 29, 2006 1:19 PM

To:

'liones@mayocorporation.com'; 'Ronald M. Trachtenberg'

Cc:

Kirchgatter, Jenny; Murphy, Brad

Subject: RE: 2508 S. Stoughton CUP

Tracking: Recipient

'ljones@mayocorporation.com' 'Ronald M. Trachtenberg' Kirchgatter, Jenny

Murphy, Brad

Read: 12/1/2006 12:56 PM

Greetings all-

We continue to have problems with this property. Since no progress has been made here, we will be issuing more citations and forwarding this case to the City Attorney's office for prosecution.

We have also received complaints that the facility is not operating in compliance with the approved Conditional Use Permit. If this is found to be true, we will move to bring this property back to the Plan Commission for reconsideration of the CUP under the "continuing jurisdiction" clause.

Matt Tucker:

Zoning Administrator

From: Tucker, Matthew

Sent: Wednesday, October 11, 2006 2:26 PM

To: 'liones@mayocorporation.com'

Cc: 'Ronald M. Trachtenberg'; Kirchgatter, Jenny

Subject: 2508 S. Stoughton CUP

Letitia-

Your client needs to obtain a certificate of occupancy for this new business. This may be lumped in with a building permit, should they be altering the building, or may be applied for stand-alone. They also need to apply for sign permits (for the signs which have been installed without permits).

Please have someone apply for the C.O. and sign permits at your earliest convenience.

Matt Tucker

Zoning Administrator

Department of Planning & Development

Inspection Unit

215 Martin Luther King, Jr. Blvd.

PO Box 2984

Madison, WI 53701-2984

608/266-4569 PH

608/261-9654 FAX

mtucker@citvofmadison.com

http://www.ci.madison.wi.us/

Tucker, Matthew

From: Tucker, Matthew

Sent: Wednesday, October 11, 2006 2:26 PM

To: 'ljones@mayocorporation.com'

'Ronald M. Trachtenberg'; Kirchgatter, Jenny

Subject: 2508 S. Stoughton CUP

Letitia-

Your client needs to obtain a certificate of occupancy for this new business. This may be lumped in with a building permit, should they be altering the building, or may be applied for stand-alone. They also need to apply for sign permits (for the signs which have been installed without permits).

Please have someone apply for the C.O. and sign permits at your earliest convenience.

Matt Tucker

Zoning Administrator
Department of Planning & Development
Inspection Unit

215 Martin Luther King, Jr. Blvd. PO Box 2984 Madison, WI 53701-2984 608/266-4569 PH 608/261-9654 FAX mtucker@cityofmadison.com http://www.ci.madison.wi.us/



Department of Planning & Development **Planning Unit**

Website: www.cityofmadison.com

Madison Municipal Building 215 Martin Luther King, Jr. Boulevard P.O. Box 2985 Madison, Wisconsin 53701-2985 TTY/TEXTNET 866 704 2318 FAX 608 266-8739 PH 608 266-4635

August 8, 2006

Ronald Trachtenberg Murphy Desmond S.C. 2 East Mifflin Street, Suite 800 Madison, WI 53703

SUBJECT: 2508 South Stoughton Road

Dear Mr. Trachtenberg:

The Plan Commission, at its August 7, 2006 meeting, determined that the ordinance standards could be met subject to the conditions below for a conditional use for an automobile repair shop in the existing building located at 2508 South Stoughton Road.

In order to receive final approval of your proposal, the following conditions must be met:

THE PLAN COMMISSION ADDED THE FOLLOWING SPECIFIC CONDITIONS OF APPROVAL:

- 1. The perpendicular parking along the west wall of the building shall be removed in favor of two parallel parking spaces subject to approval by the City Traffic Engineer.
- 2. The conditional use for the auto repair shop shall be restricted to the current tenant and any new auto repair shop tenant shall require a new conditional use application to be presented to the Plan Commission.
- 3. This conditional use permit application is for the operation of an automotive/small truck repair facility only. (Tenant is operating a bookkeeping and accounting office on the premises which is a permitted use.) Sale of automobiles and trucks is prohibited. All business operations shall be conducted from the property, not from any adjacent property or easement areas.
- 4. Business hours shall be limited to Monday through Friday from 7:00 a.m. to 9:00 p.m. and Saturday 8:00 a.m. to Noon. There shall be no after hours loitering on the property.
- 5. The premises shall be operated in accordance with the plans submitted by the applicant, including the site plan, and any additional conditions required by the Plan Commission.
- 6. Exterior lighting on the premises shall be direc6ted in a downward fashion and shall not spill over to any neighboring property.
- 7. Five arbor vitae trees of a minimum height of three-feet shall be planted along the south boundary of the property opposite the garage door area to provide screening.

- 8. The existing signage is part of the conditional use permit. New signage shall require an amendment to the conditional use permit.
- 9. All automobiles and trucks parked on the premises shall be owned by the landlord (for short-term parking for his employees), tenant or customers. All such automobiles and trucks shall either be in drivable condition or awaiting repairs. Any automobiles or trucks brought in for repair and found to be non-repairable shall be removed from the premises within five business days. No junked automobiles or trucks nor automobiles or trucks awaiting salvage shall be parked on the premises. (Delivery vehicles shall also be permitted on the premises.)
- 10. All automobiles and trucks parked on the premises shall be parked in a designated parking space. All parking spaces shall be designated by painted lines in conformity with the approved site plan. All drive lanes and fire lanes shall be kept clear of parked vehicles. There shall be no parking on any lawn or landscaped areas.
- 11. All repair of automobiles and trucks shall be done within existing building. No such repair work shall be done (including but not limited to the use of pneumatic tools) outside the existing building.
- 12. No test driving of any automobile or truck shall be done on any residential street.
- 13. There shall be no exterior speakers or radio (or similar music or voice amplification equipment, including that emanating from automobiles or music vans) permitted on the premises so as to be audible from any of the surrounding properties. No radio remotes shall be permitted.
- 14. The premises shall be kept in a neat and orderly manner.
- 15. Any dumpsters shall be located within the existing building. No garbage or disposed of automotive or truck equipment shall be stored exterior of the existing building (nor on any adjacent property or easement areas).
- 16. The premises shall be kept free of graffiti. Areas that are graffitied shall be repainted as soon as practical to match the existing area.
- 17. City staff shall report to the Plan Commission after the expiration of six months from the granting of the conditional use permit regarding any complaints filed with respect to City Ordinance violations and/or conditional use permit violations.
- 18. The owner and tenant shall work with the Glendale Neighborhood Advisory Committee to address any future concerns with the operation of this facility, including issues related to impact on the adjacent and nearby housing and other properties, traffic patterns, and vehicular, bicycle and pedestrian safety.

PLEASE CONTACT JOHN LEACH, CITY TRAFFIC ENGINEERING, AT 266-4761 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING FIVE ITEMS:

19. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

Mr. R. Trachtenberg 8/8/06

Page 3

- 20. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
- 21. The applicant should modify the commercial/retail parking spaces using the 9' or wider stall for short-term parking of less than 6 hours.
- 22. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
- 23. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

PLEASE CONTACT JANET GEBERT, CITY ENGINEERING, AT 261-9668 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING THREE ITEMS:

- 24. There have been neighborhood concerns about the lack of lighting and public safety along the west side of this property adjacent to the vacated alley. Coordinate with Traffic Engineering the installation of private overhead lighting in this vicinity.
- 25. All work in the public right-of-way shall be performed by a City licensed contractor.
- 26. The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) formats and contain the following data, each on a separate layer name/level number:

- a) Building Footprints
- b) Internal Walkway Areas
- c) Internal Site Parking Areas
- d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred <u>lzenchenko@cityofmadison.com</u>. Include the site address in this transmittal.

PLEASE CONTACT KATHY VOECK, THE ASSISTANT ZONING ADMINISTRATOR, AT 266-4551 IF YOU HAVE QUESTIONS REGARDING THE FOLLOWING FOUR ITEMS:

Page 4

- 27. The ordinance required the Plan Commission shall find:
 - That adequate off-street parking exists on the site for vehicles awaiting repairs, servicing or pickup.
 - b. That all other business and servicing shall be conducted within completely enclosed buildings.
 - c. That no permanent or temporary storage of wrecked vehicles or rental vehicles shall occur on the premises unless completely screened from view or within an enclosed building.
- 28. Provide 2 bike-parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: Bike stalls shall be a minimum dimension of 6' x 2' with a 5' access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.
- 29. Exterior lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. Lighting will be limited to .08 watts per square foot.
- 30. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances. Permits must be issued by the Zoning Section of the Department of Planning and Development.

Approval of this proposal does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816. The trees shown in the street rights-of-way shall not be shown on the sign-off plan or construction plans unless they have previously been approved by the City Forester. If these are existing trees or species and locations that have been approved by the Forester, they shall be so labeled on plans.

Please follow the procedures listed below to receive your conditional use approval.

- Please revise plans per the above conditions and submit twelve (12) sets of the final site plans to the
 Zoning Administrator. The final plans are reviewed and approved by Traffic Engineering, Fire
 Department, City-Engineering, and Zoning. Any of these agencies may call-you-to-request-additionalinformation or to resolve problems.
- 2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting cover sheet approval.
- 3. No alteration of this proposal shall be permitted unless approved by the City Plan Commission provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of Plan Commission approval unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the date of issuance of the building permit. See Section 28.12(11)(h)(3), Madison General Ordinances. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against this approved conditional use.

IF YOU HAVE ANY QUESTIONS REGARDING OBTAINING YOUR BUILDING PERMIT OR OCCUPANCY PERMIT, PLEASE CALL KATHY VOECK OF THE CITY ZONING STAFF AT 266-4551.

Sincerely,

Sincerely,

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use.

Bill Roberts

Planning & Development

Applicant

cc: Zoning Administrator

City Engineering
Traffic Engineering

Matt Collins, Mayo Corp., 600 Grand Canyon Dr., Madison, WI 53719

Doug Schoepp, 3440 Laura Ln., Middleton, WI 53562

Zoning City Engineering Traffic Engineering Planning

CONDITIONAL USE APPLICATION - CITY OF MADISON 2508 SOUTH STOUGHTON ROAD MADISON, WI 53716-3318

CONTACTS

RONALD M. TRACHTENBERG 2 EAST MIFFLIN ST, STE 800 MADISON, WI 53703 MURPHY DESMOND S.C. - (608) 257-7181 - (608) 257-2508

rtrachtenberg@murphydesmond.com

mcollins@mayocorporation.com

MADISON, WI 53719 P - (608) 833-0628 F - (608) 833-0746 600 GRAND CANYON MATT COLLINS WAYO CORPORATION

RACINE, WI 53406 P - (800) 236-7000 F - (800) 236-7500

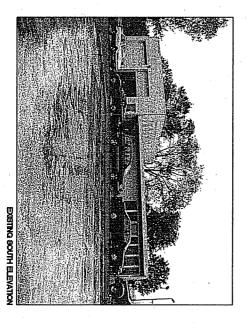
DESIGN CONSULTANT

9201 WASHINGTON AVENUE RUD LIGHTING

3440 LAURA LANE P - (608) 255-7003 MIDDLETON, WI 53562

SCHOEPP MOTORS DOUG SCHOEPP

2508 S. STOUGHTON RD MADISON, WI 53716-6318 PROPHECY MOTOR WORKS



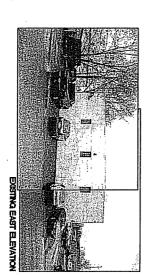
2222 2888 8888 8888

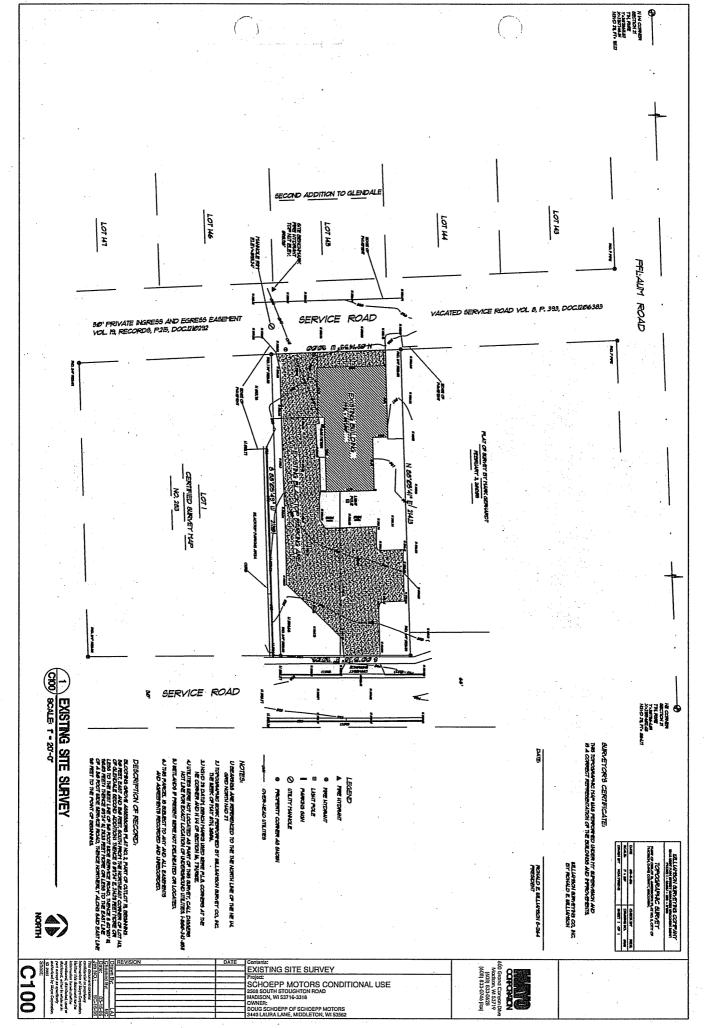
PROPOSED SITE PLAN EXISTING SITE SURVEY THE SHIT DRAWING INDEX

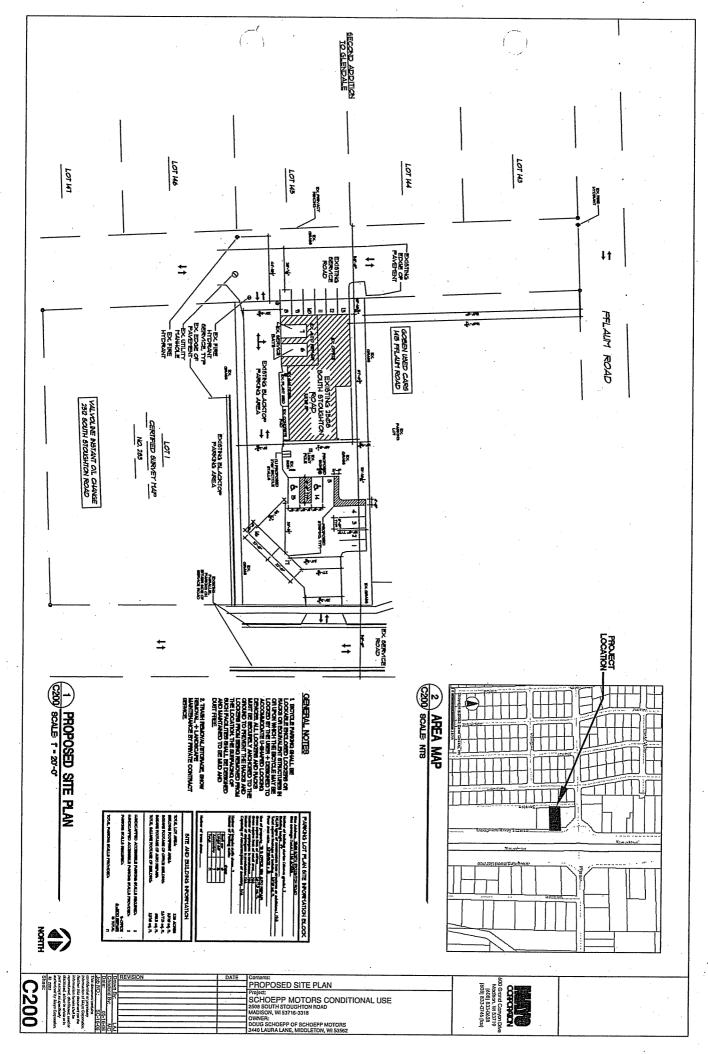
PROPOSED LIGHTING PLAN
PROPOSED SIGNAGE DETAILS

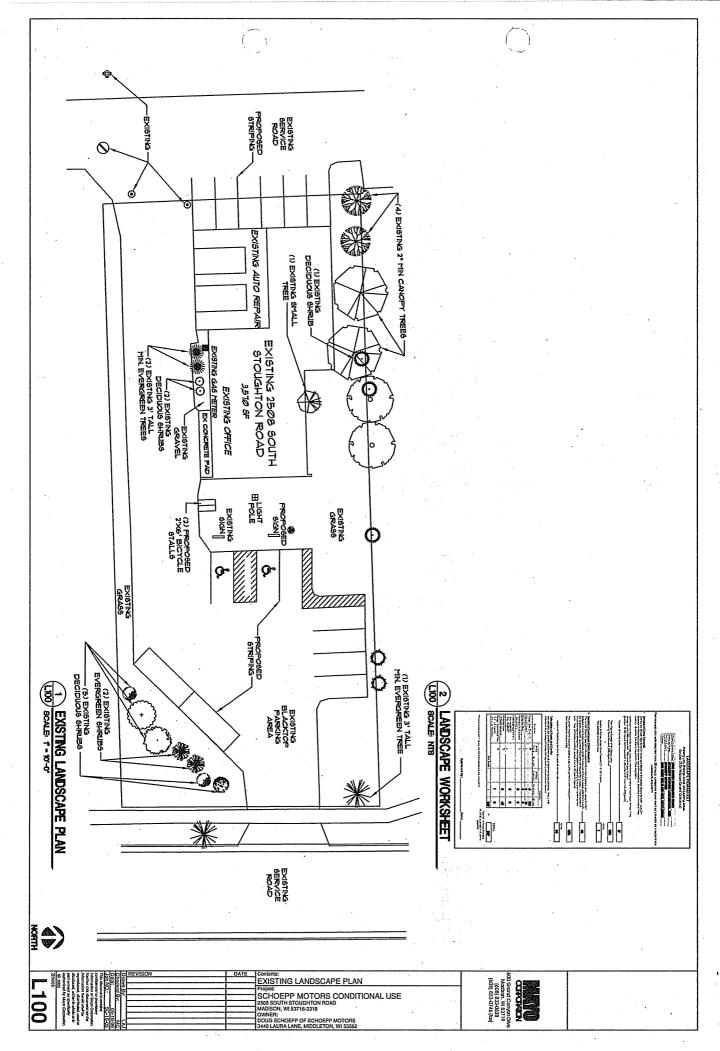
EXISTING ELEVATIONS

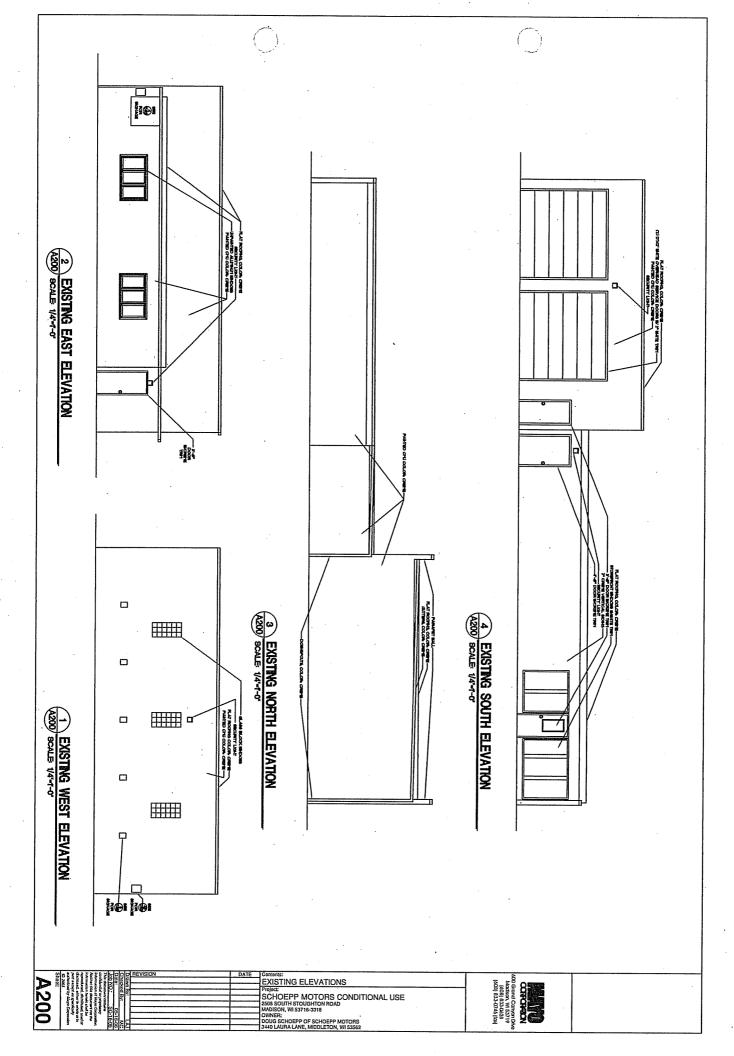
EXISTING LANDSCAPE PLAN











,10