



Department of Planning and Community and Economic Development
 Neighborhood Preservation and Inspection Division

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TO: Madison Plan Commission
FROM: Matt Tucker, Zoning Administrator *wt*
DATE: May 21, 2007
RE: Continuing Jurisdiction Hearing, 2508 S. Stoughton Rd., 5/21/07

Below is a brief explanation of the "Continuing Jurisdiction" clause as it pertains to the subject case.

The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority is 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 the City's Zoning Ordinance.

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 Conditional Use standards, a condition of approval or other requirement.

At its April 23rd 2007 meeting, The Plan Commission reviewed a written complaint against an approved conditional use at the subject property, and found the complaint valid to warrant the scheduling of a public hearing for said conditional use under the "Continuing Jurisdiction" clause. Any person may appear at such hearing and testify in person or represented by an agent or attorney.

At the hearing, the Plan Commission may:

- 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 these Standards will be met...
 1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
 2. That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.

...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.

An appeal from a decision of the Plan Commission may be taken to the Common Council.

MURPHY DESMOND ^{SC}

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21 May 2007

VIA HAND DELIVERY AND EMAIL bmurphy@cityofmadison.com

Chairperson and Members of the
City of Madison Plan Commission
c/o Mr. Brad Murphy
Planning Division Director
Department of Planning and Community
and Economic Development
215 Martin Luther King, Jr. Blvd.
Madison, WI 53703



Re: Our Client: Schoepp Motors, Inc.
Continuing Jurisdiction Review by the Plan Commission of a Conditional Use
Approved on August 7, 2006 (ID #04030) for an Auto Repair Establishment
Located at 2508 South Stoughton Road (16th Ald. Dist.)

Dear Chairperson and Members:

We are the attorneys for Schoepp Motors, Inc., the owner of the property located at 2508 South Stoughton Road, which property is subject to a conditional use approved on August 7, 2006 (ID #04030) for an automobile repair establishment. That conditional use was for the purpose of leasing the subject property to Keith and Andrew Valiquette for the operation of the subject automobile repair establishment. Please note that the conditional use permit is personal to the Valiquettes in that as a condition of the conditional use, when the Valiquettes' business ceases at 2508 South Stoughton Road, the conditional use itself terminates.

Because we believe that the building and grounds provisions of the conditional use are in compliance and the only issue before the Plan Commission pertains to the business operational aspects of the conditional use, because Schoepp Motors, Inc. has terminated the Valiquettes' lease effective at the close of May 31, 2007, and because the conditional use terminates upon the termination of the subject lease, Schoepp Motors, Inc., as owner of the subject property, will not be participating in the hearing on the continuing jurisdiction review by the Plan Commission.

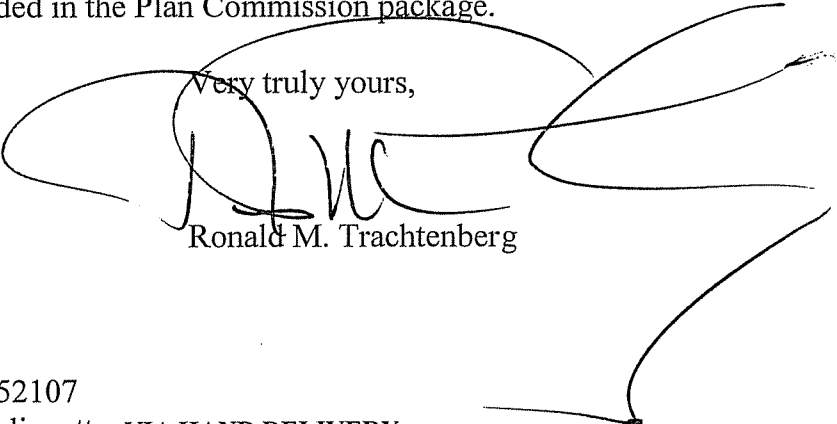
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The Plan Commission package on this matter contains a letter from Prophecy Auto Works, LLC (the Valiquettes) regarding the operation of their business. Our only comment with respect to that letter is that the letter asserts "Also, our lease with Schoepp Motors ends on March 31, 2008. We will not exercise any option to extend the lease and will be vacating the property on that date." By way of clarification, the subject lease had an initial term of August 1, 2006 through and including March 31, 2007, and an option to extend the lease term to and through March 31, 2008, provided that on or before February 1, 2007 and prior to March 1, 2007, the Valiquettes gave written notice of the extension of the lease and that the Valiquettes were not in default under the terms of the lease at the time of the notice of extension. Because no notice was given to extend the lease, the option was waived and the lease became a month to month tenancy under the terms of said lease. Schoepp Motors, Inc. has given the Valiquettes the requisite 30 day notice of termination of tenancy, which tenancy does end of the close of May 31, 2007. Please see a copy of our letter of April 23, 2007 to the Valiquettes, a copy of which was sent to Matt Tucker, Zoning Inspector for the City of Madison, and which is included in the Plan Commission package.

Very truly yours,


Ronald M. Trachtenberg

RMT:srp

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City of Madison Plan Commission 052107

cc: Messrs. Andrew and Keith Valiquette **VIA HAND DELIVERY**
Alderson Judy Compton **VIA EMAIL ONLY** district16@cityofmadison.com
Mr. Matt Tucker **VIA EMAIL ONLY** mtucker@cityofmadison.com