

# PLANNING DIVISION STAFF REPORT

August 28, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3913 Lien Road (District 3 – Alder Field)  
**Application Type:** Conditional Use and Certified Survey Map Referral  
**Legistar File ID #** [78197](#) and [79049](#)  
**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Club Car Wash; 1591 E Prathersville Road; Columbia, MO 65202

**Contact:** Brandon Robaidek; Robert E Lee and Associates, Inc.; 1250 Centennial Centre Blvd; Hobart, WI 54155

**Owner:** Repvblik Madison Outparcels, LLC; 1784 Hamilton Rd; Okemos, MI 48864

**Requested Action:** Consideration of a conditional use for a car wash in the Commercial Corridor-Transitional (CC-T) District, Consideration of a major alteration to an existing conditional use for an alteration to a planned multi use site per MGO Section 28.137(2)(e), and Consideration of a two-lot Certified Survey Map of property owned by Club Car Wash, all located at 3913 Lien Road.

**Proposal Summary:** The applicant proposes to construct a two-story, roughly 5,450-square-foot car wash facility, which will include a tunnel-style car wash. Nineteen outdoor vacuum stations will be located to the south of the car wash.

**Applicable Regulations & Standards:** This proposal is subject to the standards of approval for Conditional Uses [MGO §28.183(6)] as Table 28D-2 [MGO §28.061] lists a *car wash* as a conditional use in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. Additionally, MGO Section 28.137(2)(e) states, “A *planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.*” The UDC is also an approving body on this application request as the site is within Urban Design District No. 5 (“UDD 5”), which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of [Section 33.24](#)(12). Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

**Review Required By:** Urban Design Commission and Plan Commission

### Summary Recommendations:

- The Planning Division recommends it **approve** a request for a car wash in the Commercial Corridor-Transitional (CC-T) District and a major alteration to an existing conditional use for an alteration to a planned multi use site per MGO Section 28.137(2)(e) - all to allow construction of a car wash at 3913 Lien Road
- The Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning on **page 8** for the land use requests, and on **page 15** for the CSM.

**Background Information**

**Parcel Location:** The 58,115-square-foot (1.34-acre) subject site is located on the southeast side of East Washington Avenue between Lien Road and Mendota Street. The site is within Alder District 3 (Alder Field) and the Madison Municipal School District.

**Existing Conditions and Land Use:** The site, zoned CC-T (Commercial Corridor – Transitional District), is partially developed with a drive aisle running along the northwestern property line, surface parking occupying the southern half and grass occupying the rest. The site is cross-connected with the surrounding lots.

**Surrounding Land Uses and Zoning:**

**Northeast:** A vacant site beyond which is a gas station, both zoned CC-T (Commercial Corridor - Transitional district);

**Northwest:** Across East Washington Avenue, is a one-story, multi-tenant commercial building, zoned CC-T, and single-family residences zoned SR-C3 (Suburban Residential-Consistent 3 District);

**Southwest:** Surface parking for the Hy-Vee grocery store, zoned CC-T; and

**Southeast:** A former hotel which was recently approved to be converted into 190 residential units, zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Community Mixed Use (CMU) for the site. The site is not within the boundary of any adopted neighborhood or special area plans. The [Greater East Towne Area Plan](#) (2022) also recommends CMU for this site.

**Zoning Summary:** The subject property is proposed to be zoned CC-T (Commercial Corridor - Transitional District):

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	10.0'
Max. Front Yard Setback: TOD	20'	10.0'
Side Yard Setback: Where proposed buildings or abutting buildings have window openings in side walls within 6' of lot line	One-story: 5' Two-story or higher: 6'	70.9' northeast side 70.8' southwest side
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	72.8%
Minimum Building Height: TOD	2 stories	2 stories
Maximum Building Height	5 stories/ 78'	2 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	4 vehicle stalls 19 vacuum stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	1
Loading	Not required	None
Number Bike Parking Stalls	Car wash: 1 per 5 employees (2 stalls minimum)	None (See Comment #44)
Landscaping and Screening	Yes	Yes (See Comments #45, #46, #47, #48)
Lighting	Yes	Yes

<b>Other Critical Zoning Items</b>	Urban Design (UDD #5, Planned Multi-Use Site), Barrier Free (ILHR 69), Utility Easements, Wellhead Protection District (WP-15), TOD Overlay
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**Environmental Corridor Status:** The site is not within any mapped environmental corridors.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description

The applicant is seeking approval of a conditional use for a car wash in the Commercial Corridor-Transitional (CC-T) District and a major alteration to an existing conditional use for an alteration to a planned multi use site per §28.137(2) MGO at 3913 Lien Road. Additionally, the applicant is seeking approval of a two-lot Certified Survey Map of property owned by Club Car Wash located at 3913 Lien Road.

The applicant proposes to construct a two-story, roughly 5,450-square-foot car wash facility, which will include a tunnel-style car wash. The building will be located adjacent to the E Washington Avenue public sidewalk. Cars will enter the site via one of two entry points located along the southwest property line, pre-pay at a small kiosk located along the southeast property line before looping counterclockwise around the site, entering the car wash on the east side of the building, and exiting on the west. There are nineteen parking stalls located to the south of the building – each equipped with vacuuming capabilities. The actual vacuum turbine (machine) which powers the hoses for each of the stalls in the row will be located at the end east end of the row. The hoses will run to each stall via an overhead canopy/structure. The applicant proposes to enclose the two vacuum turbines with a fence or similar screening in order to help mitigate the noise impacts. Furthermore, to meet Zoning requirements, the applicant will need to install a minimum six-foot tall masonry or wood fence along the northeast and southeast property lines. The proposed hours of operation of both the car wash as well as the vacuums is 7:00 a.m. to 8:00 p.m.

As for the exterior materials, the two tall elements which bookend the building are clad with a dark grey concrete masonry unit (CMU) blocks. For the central portion of the building, the base is clad with CMU while the rest of the wall is clad with beige Exterior Insulated Finish System (EIFS) paneling.

If approved, the applicant intends to begin construction in fall 2023 with project completion in June 2024.

## Supplemental Regulations

According to Table 28D-2 [MGO §28.061], Car Washes must adhere to the following Supplemental Regulations found in MGO §28.151:

- (a) The car wash shall be completely enclosed when not in operation.
- (b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- (c) Any car wash line exit shall be at least thirty (30) feet from any street line.
- (d) The car wash shall be screened along all property lines with a minimum six-foot high (6) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.
- (e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
- (f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.
- (g) Vacuuming and cleaning are allowed outside if located within the rear yard and/or building envelope, and at least fifty (50) feet from a residential zoning district.

With the recommended agency conditions, Staff believe these supplemental regulations can be found met.

## Analysis and Conclusion

This proposal is subject to the standards of approval for Conditional Uses [MGO §28.183(6)] as Table 28D-2 [MGO §28.061] lists a *car wash* as a conditional use in the Commercial Corridor-Transitional (CC-T) District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use. Additionally, MGO Section 28.137(2)(e) states, “A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission.” The UDC is also an approving body on this application request as the site is within Urban Design District No. 5 (“UDD 5”), which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of [Section 33.24](#)(12). Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends CMU (Community Mixed Use) for the site. It notes that CMU areas consist of an intensive mix of residential, retail, office, institutional, and civic uses, serving residents and visitors from the surrounding area and the community as a whole. It further notes that CMU areas are generally located along relatively high-capacity transit corridors, with buildings two- to six-stories in height, placed close to the sidewalk, and screening any surface parking from the street.

As part of the “due consideration” of adopted plans, staff notes that the [Comprehensive Plan](#) states that CMU development should be transit oriented. In addition to physical planning considerations, TOD development is recommended to include uses that generate pedestrian activity, such as retail shops, services, and offices, particularly at ground level. Importantly, while these broad principles were established as part of a plan, a specific TOD ordinance has been created to implement the plan’s TOD recommendations. Staff notes that Zoning has determined that this development would comply with this recently adopted ordinance and staff note that the use is an allowable conditional use within this Zoning District.

Related to transportation, staff note that Strategy 5 on Page 30 states, “*Concentrate the highest intensity development along transit corridors, Downtown, and at Activity Centers.*” Supporting actions note the development of “*TOD overlay zoning along BRT and other existing and planned high-frequency transit service corridors to create development intensity minimums, reduce parking requirements, and to support transit use.*” Another action listed under this strategy is to “*Prepare plans to transition auto-oriented commercial areas into mixed-use Activity Centers.*”

The [Greater East Towne Area Plan](#) (2022) also recommends CMU for this site and recommends a building height of two to six stories. The Plan also recommends a number of site design elements in the appendix on Page 56. While it makes many of the same recommendations as the Comp Plan – such as buildings placed close to the street and shielding surface parking - this Plan also recommends a prohibition of exterior materials such as “*Exterior Insulation Finish Systems (EIFS), stucco, or similar materials.*”

Staff note that the Plan also recommends a planned street connecting Lien Road to Mendota Street, approximately following the drive aisle just to the south of the subject site. However, after consultation with the City Attorney’s Office, Staff note that because the subject site does not overlap the land and easement needed for that street connection, the plan recommendation regarding this connection does not apply to this development site or proposal.

Staff believe that the proposal is generally consistent with many recommendations of both plans – the two-story building height, locating the building along the public street and using it to shield surface parking, etc. Staff believe that many of the smaller inconsistencies can be easily addressed (namely, switching the EIFS cladding with another material). In regards to the use itself, staff does not believe that establishment of an auto-oriented use, such as a car wash, is the intensity of use that is encouraged by the adopted plans. The auto-oriented development itself is not believed to significantly complement or directly support transit in the area. Nevertheless, the use is not precluded by the recently adopted TOD ordinance or the underlying zoning. Further discussion and staff's analysis on how this development relates to the applicable standards is noted below.

### **Conditional Use Standards**

The Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: *“The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met].”*

In reviewing the conditional use request to establish a car wash, staff provides the following additional analysis related to Standards 3, 4, 7, and 9. Conditional Use standard 3 states:

*“The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”*

Related to this standard, staff look at how the potential car wash could impact surrounding properties and have concerns on possible noise impacts, given the number, location, and proximity of the outdoor vacuums to the adjacent residential units. Note, the former hotel is being converted multi-family housing which is located roughly 165 feet southeast of the more southerly of the two outdoor vacuum turbines. Staff have discussed such concerns with the applicant team. In response, the applicant has provided a [supplemental memorandum and additional information](#) and proposes to install screening (likely a slatted fence) around each of the two outdoor vacuum turbines. In supplemental memorandum, they have stated that the vacuums typically generate roughly 70 decibels of noise (measured 20 feet away). As the vacuums will be at least 75 feet away from the property line shared with the multifamily development to the south, they fully expect to be compliant with the 75 decibel maximum permissible sound level allowed by MGO for the CC-T District (per MGO 24.08(6)(a)). The applicant will also be required (by the Supplemental Regulations for Car Washes, MGO Section 28.151) to install a six-foot-tall masonry or decorative wood fence along the southeast and northeast property lines. Along with the landscaping that they are proposing along these property lines, Staff believe this screening could potentially further mitigate the negative noise impacts. Lastly, Staff note that the hours of operation of the outdoor vacuums will be the same as the car wash – daily, from 7:00 a.m. to 8:00 p.m.

Conditional Use Standard 4 states:

*“The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”*

This standard addresses the impact that a proposed conditional use could have on the development pattern or improvements on surrounding properties and should be informed by the specific aspects of the proposal. Staff notes that adopted plan recommendations are among the key measures typically used to review “normal and orderly” development. In this case, staff advises that whether the establishment of this conditional use could be determined to preclude the development of “community mixed-use” development in the surrounding properties.

As noted above, staff believes the proposal is generally consistent with many recommendations of adopted plans, including those related to building height and siting. Considerations related to the establishment of an auto-oriented use within this mixed-use, transit overlay corridor are discussed above. Under this standard, staff advise that the Commission should address whether the establishment of this conditional use would impede the development on normal and orderly development of *surrounding* properties in a manner consistent with adopted plans. Provided that external impacts of this development could be controlled and managed so as not to make surrounding properties undesirable for mixed-use development, staff believes it is possible this standard could be found met.

Conditional Use Standard 7 States:

*“The conditional use conforms to all applicable regulations of the district in which it is located.”*

As mentioned previously in this report, buildings in the Transit-Oriented Development (TOD) Overlay District are required to be at least two stories. The particular requirement in the Zoning Code (MGO Section 28.104(7)(c)) reads as follows: *“A minimum of two stories is required for a minimum of seventy-five percent (75%) of the building footprint [...]”* Staff note that while the plans originally submitted show a building with a small, roughly 1,000-square-foot office space at the west end of the second floor and the rest of the space on that level labelled as “unoccupied”, [revised floor plans](#) (included in the supplemental memorandum, locate in the [Legistar File](#) for this request) show an enlarged second floor plan with roughly 3,675 square-feet of office, storage, and ‘white box’ (i.e. to be determined) space. Staff caution that compliance with whether this building meets the standards to be considered a two-story building is a determination of the Zoning Administrator. That said, Staff note that Zoning staff have been working with the applicant.

Staff believe it possible for the Plan Commission to find this standard met given the agency comments.

Conditional Use standard 9 states:

*“When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.”*

Staff acknowledge that the applicant has continued to refine the building’s design since the initial meetings with staff. While greatly improved, staff remain concerned with the location (and resulting utility) of the windows of the second story given the fact they are located roughly 1.5 feet off of the floor. The applicant has stated that they will address this before final sign off. A conditional of approval has been added to this end.

Other design considerations remain. In order to meet the Zoning Code, the applicant will also need to make changes to the amount of Concrete Masonry Units (CMU) blocks on the street-facing façade and reduce the amount of EIFS (Exterior Insulation Finish Systems) paneling on the exterior (though, as noted above, the neighborhood plan recommends a prohibition of EIFS paneling).

Given the UDC’s conditional final approval on August 16, 2023 and associated conditions, agency conditions, and other factors described above, staff believe the Plan Commission can find standard 9 met.

## Urban Design Commission

The UDC is both an advisory body and an approving body regarding this request. (The UDC Legistar File is [78222](#).) The UDC is an approving body as the site is within Urban Design District 5 (“UDD 5”), which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of Section 33.24(12). Additionally the UDC is also an advisory body to the Plan Commission as the building is part of a planned multi-use site containing more than forty thousand (40,000) square feet of floor area where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail, hotel, or motel use. At its August 16, 2023 meeting, the UDC granted final approval of the proposal, with the following comments and conditions:

- The landscape plan shall be revised to include landscape plantings in the islands flanking the vacuum area adjacent to the building.
- The split face CMU shall be changed to burnished block.
- Bring the block up to the head of the windows on the north and south elevations.
- Reconsider the orientation and scale of the tower elements.

## Land Division

The applicant has submitted a two-lot certified survey map in order to clean up some of the easements which run across the subject parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

## Conclusion

Staff believe that the proposal is consistent with many recommendations of both the Comprehensive Plan and Greater East Towne Area Plan – namely, the two-story building height, locating the building along the public street and using it to shield surface parking on site, etc. As discussed in this report, careful consideration should be given in regards to the conditional use standards. While staff believes that the establishment of this auto-oriented development is a less intensive use compared to what is recommended in adopted plans, this use, as proposed, is not precluded by the recently adopted TOD ordinance. On balance, staff believes the development could be found to meet the underlying conditional use standards and Land Division standards. Staff note that the proposal was granted final approval by the Urban Design Commission on August 16, 2023, with conditions.

At time of writing, Staff is unaware of any written comments from the public.

## Recommendation

### Planning Division Recommendations (Contact Chris Wells, (608) 261-9135)

- The Planning Division recommends it **approve** a request for a car wash in the Commercial Corridor-Transitional (CC-T) District and a major alteration to an existing conditional use for an alteration to a planned multi use site per MGO Section 28.137(2)(e) - all to allow construction of a car wash at 3913 Lien Road
- The Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning **on the following page** for the land use requests, and on **page 15** for the CSM.



**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

**Planning Division Recommendation** (Contact Chris Wells, (608) 261-9135)

1. The hours of operation for the car wash and outdoor vacuums shall be daily from 7:00 a.m. to 8:00 p.m. Future modifications to the hours of operation of the car wash and outdoor vacuums may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
2. The second floor windows on the E Washington Avenue façade shall be raised/enlarged to be more functional. To be reviewed and approved by Zoning and Planning Staff prior to final sign off.

**Urban Design Commission** (Contact Jessica Vaughn, (608) 267-8740)

The Urban Design Commission granted **final approval** of the project on August 16, 2023 subject to the following condition(s):

3. The landscape plan shall be revised to include landscape plantings in the islands flanking the vacuum area adjacent to the building.
4. The split face CMU shall be changed to burnished block.
5. Bring the block up to the head of the windows on the north and south elevations.
6. Reconsider the orientation and scale of the tower elements.

**The following conditions have been submitted by reviewing agencies:**

***Land Use Request – Demolition Permit and Conditional Use***

**Engineering Division (Main Office)** (Contact Brenda Stanley, (608) 261-9127)

7. The City has limited sanitary sewer capacity in this area. Applicant shall submit projected wastewater flow calculations for the proposed development. Applicant may be required to build offsite sewer improvements as a condition of plan approval with a developer's agreement with the City. Applicant shall submit projected wastewater calculations to Mark Moder ([mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com)).
8. The adjacent property (3841 E. Washington Ave KNA 3917 Lien Rd.) is replacing and relocating the City sanitary sewer. Applicant shall update plan to show proposed sewer (City Project # 14424).
9. The low flow runoff from this property shall be pumped to the storm sewer on East Washington Ave. Further, the Developer shall provide documentation on their right to drain onto and through adjacent private property. If a written agreement/easement to discharge across adjacent private property cannot be obtained, then in addition to the stormwater requirements noted above the site will be required to provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.



10. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
11. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
13. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
14. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
15. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.
16. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
17. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
18. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
19. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

20. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control New Development: Detain the 2, 5, 10, 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

Unintended detention: If the plat or subdivision has an enclosed area with provides existing storage, the existing storage will need to be accounted for in addition to meeting the requirements for detention.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

TSS Redevelopment not TMDL: Reduce TSS by 40% (control the 20-micron particle) off of new paved surfaces as compared to no controls.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window. Volume Control: Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

Thermal Control: Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.

100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

22. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

23. Show the new Public Sanitary sewer easement per Doc No 5899848 and the proposed new main to be constructed southeast of this site. The existing sewer is to be abandoned that lies further southeast and that portion of the easement will be released upon abandonment.

24. Provide for review the amendment, restatement or new common access easement (Current Easement per Docs 1224537 & 2682865) to address the change to the location as proposed of the common private access road. The final document(s) shall be executed and recorded after the CSM has been recorded and prior to final sign off on the site plan. The new common access easement shall serve the same lands.
25. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for this and the parcel to the northeast shall be drafted, executed and recorded immediately after the CSM and prior to building permit issuance.
26. The proposed adjustment of the line between parcels requires a Certified Survey Map. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines and create the two new lots. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit.
27. The right of way of E Washington Avenue shall be confirmed to contain the width of right of way as it acquired. This shall be confirmed as part of the required Certified Survey Map.
28. The address of the proposed car wash is 3837 E Washington Ave. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
30. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
31. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
32. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
33. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
34. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.

35. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
36. One way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the Exit.
37. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.
38. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
39. The applicant shall work with Traffic Engineering on providing an ADA sidewalk connection to adjacent sites.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

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| <ol style="list-style-type: none"><li>40. Reduce the amount of EIFS used on the building. EIFS may be used at the top of the building and as a trim or accent material. EIFS shall not be used within three (3) feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.</li><li>41. Verify that the amount of CMU split-face block used on the E Washington Avenue facing façade does not comprise more than 33% of the street-facing façade. Smooth-face or split-face block shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.</li></ol> |
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42. Submit an overall site plan showing the entire cross-connected planned multi-use site including 3917 Lien Rd and 3801 E Washington Ave.
  43. The car wash facility shall comply with Supplemental Regulations Section 28.151 Car Wash.
  44. Bicycle parking for the car wash facility shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
  45. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
  46. Per Sections 28.142(3)(c) and 28.142(4)(e), planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or stone installed at a minimum depth of two (2) inches. If stone is used, it shall be spread over weed barrier fabric.

47. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
48. The car wash shall be screened along the northeast and southeast property lines with a minimum six-foot high (6) masonry or decorative wood fence. Provide details of the proposed screening wall or fence.
49. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
50. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
51. Submit building floor plans showing that the proposed building complies with the Transit Oriented Development (TOD) overlay district requirement for a two-story building. The building is required to be a minimum of two stories for a minimum of seventy-five percent (75%) of the building footprint.

**Madison Fire Department** (Contact Bill Sullivan, (608) 261-9658)

52. Provide a fire apparatus access plan.

**Parks Division** (Contact Kathleen Kane, 608-261-9671)

The agency reviewed this request and has recommended no conditions of approval.

**Forestry Division** (Contact Jeffrey Heinecke, (608) 266-4890)

53. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, and demolition plan sets.
54. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the site plan.
55. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

56. This property is in a Wellhead Protection District–Zone (WP-15). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at [Sscroggins@madisonwater.org](mailto:Sscroggins@madisonwater.org) for additional information, including a summary of the submittal requirements.

57. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Metro Transit** (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

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***Certified Survey Map***

**Engineering Division (Main Office)** (Contact Brenda Stanley, (608) 261-9127)

58. A Storm Water Management Report and Storm Water Management Permit is required for redevelopment when it occurs on this site. At that time the site shall meet the requirements of MGO 37. ADD THIS NOTE TO FACE OF CSM.

59. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))

60. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com)) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)



**City Engineering – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

61. The right of way of E Washington Avenue shall be confirmed to contain the width of right of way as it was acquired over the decades. Note that a recent Transportation Project Plat to the southwest has uncovered that existing monumentation is short by approximately 2 feet. The original reference line for E. Washington Ave circa 1952 was located from the southeasterly line of Bobsen’s Plat northwest of this CSM.
  62. Provide for review the amendment, restatement or new common access easement (Current Easement per Docs 1224537 & 2682865, modified by Doc No 2965461) to address the change to the location as proposed of the common private access road. The final document(s) shall be executed and recorded after the CSM has been recorded and prior to final sign off on the site plan. The new common access easement shall serve the same lands. The existing access easements shall be noted “To be released/amended/restated and new access easement(s) recorded by separate instruments”.
  63. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for this and the parcel to the northeast shall be drafted, executed and recorded immediately after the CSM and prior to building permit issuance.
64. Remove the Ameritech Easement per Document No 2970474 as it has been released by Document No 5909311.
  65. The Certified Survey Map shall show and label the full access easements all the way to Lien Road and E Washington Avenue, showing there is access to public right of ways that exist.
  66. The conveyance between adjacent parcels as allowed by Chapter 236 of the portion of Lot 3 included in this Certified Survey Map shall be completed, a recorded copy provided and the recording information added to the Certified Survey Map prior to recording.
  67. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com))
  68. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), the CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
  69. Conditions of approval noted herein are not intended to be construed as a review determining full compliance with City of Madison Ordinances and State of Wisconsin Statutes. The licensed professional preparing the land division is fully responsible for full compliance with all Ordinances and Statutes regulating this proposed land division.
  70. Modify the headers on each sheet and to the legal description to read “Part of Lot 3 and all of Lots 1 and 2, Certified Survey Map No. 8901 recorded in Volume 49, ....

71. Add text to the text in the legend for the No Access: As per Certified Survey Map No. 272 and Certified Survey Map No. 8901. Also add to the notes that E. Washington Ave is a Controlled Access Highway as per Document No. 913143.
72. For the “No Access” along the line bearing N 67°52’52” E, additionally place a note on the map for that lot line that access is restricted by Document No. 946488.
73. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start permit.
74. Revise the name of East Washington Avenue to E. Washington Avenue.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

75. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

**Madison Fire Department** (Contact Bill Sullivan, (608) 261-9658)

76. Confirm cross access easement incorporates required fire access lanes and/or fire hydrants for any future developments.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

77. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-15). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

78. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

**Office of Real Estate Services** (Contact Lance Vest, (608) 245-5794)

79. Prior to approval sign-off by the Office of Real Estate Services (“ORES”), the Owner’s Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

- 80. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner’s Certificate(s).
- 81. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....
- 82. Register of Deeds Certificate: Please include a space for the Register to hand write the recording info on the date of recording, to appear similar to the following:

Office of the Register of Deeds  
Dane County, Wisconsin  
Received for recording on \_\_\_\_\_, 20\_\_ at \_\_\_ o’clock\_\_M, and  
recorded in Volume \_\_\_ of CSMs on page(s)\_\_\_\_\_, Document No.\_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Register of Deeds

- 83. As of August 18, 2023, the 2022 real estate taxes are paid for the subject property.  
  
Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to:  
  
City of Madison Treasurer  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53701
- 84. As of August 18, 2023, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.
- 85. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish a 60-year Report of Title to ORES via email to Lance Vest (lvest@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall include all associated documents that have been recorded.  
  
A title commitment has been provided, but is considered only as supplementary information to the 60-year Report of Title. Surveyor shall update the CSM with the most recent information reported in the 60-year Report of Title. ORES reserves the right to impose additional conditions of approval in the event the 60-year Report of Title contains changes that warrant revisions to the CSM.
- 86. Depict, name, and identify by document number all existing easements cited in record title and the updated title report. Please depict or include a reference to the easements recorded as Document Nos. 2999728 and 4068621.
- 87. Depict and dimension all existing improvements including, but not limited to: buildings, drives, parking lots, encroachments, wells, septic systems, etc. located within the CSM boundary.

**The following agencies have reviewed this CSM request and has recommended no conditions of approval:**

Planning, Zoning, Assessor’s Office, Parks, Forestry, Parking Review and Metro