



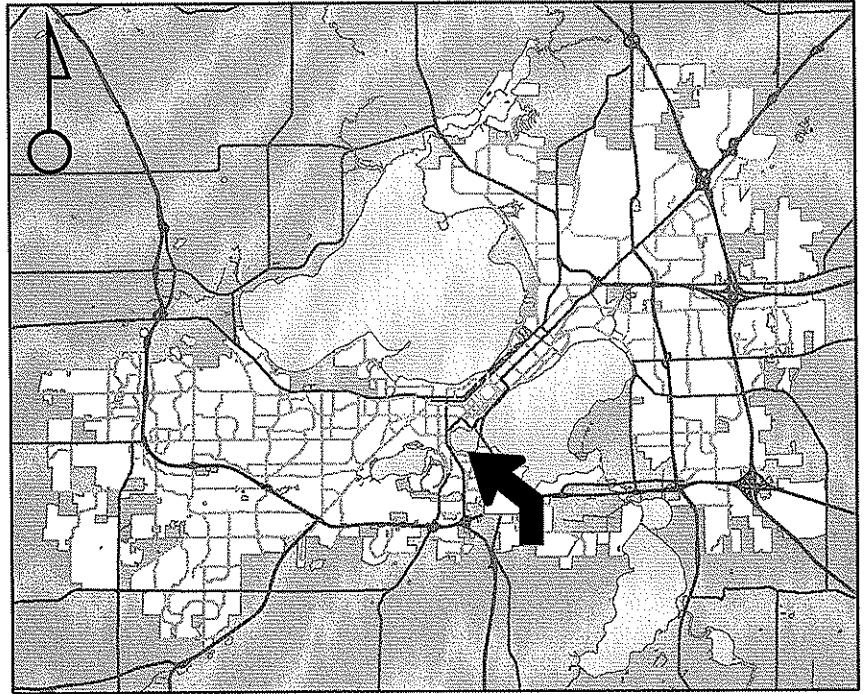
Location
907 South Park Street

Project Name
Octopus Car Wash

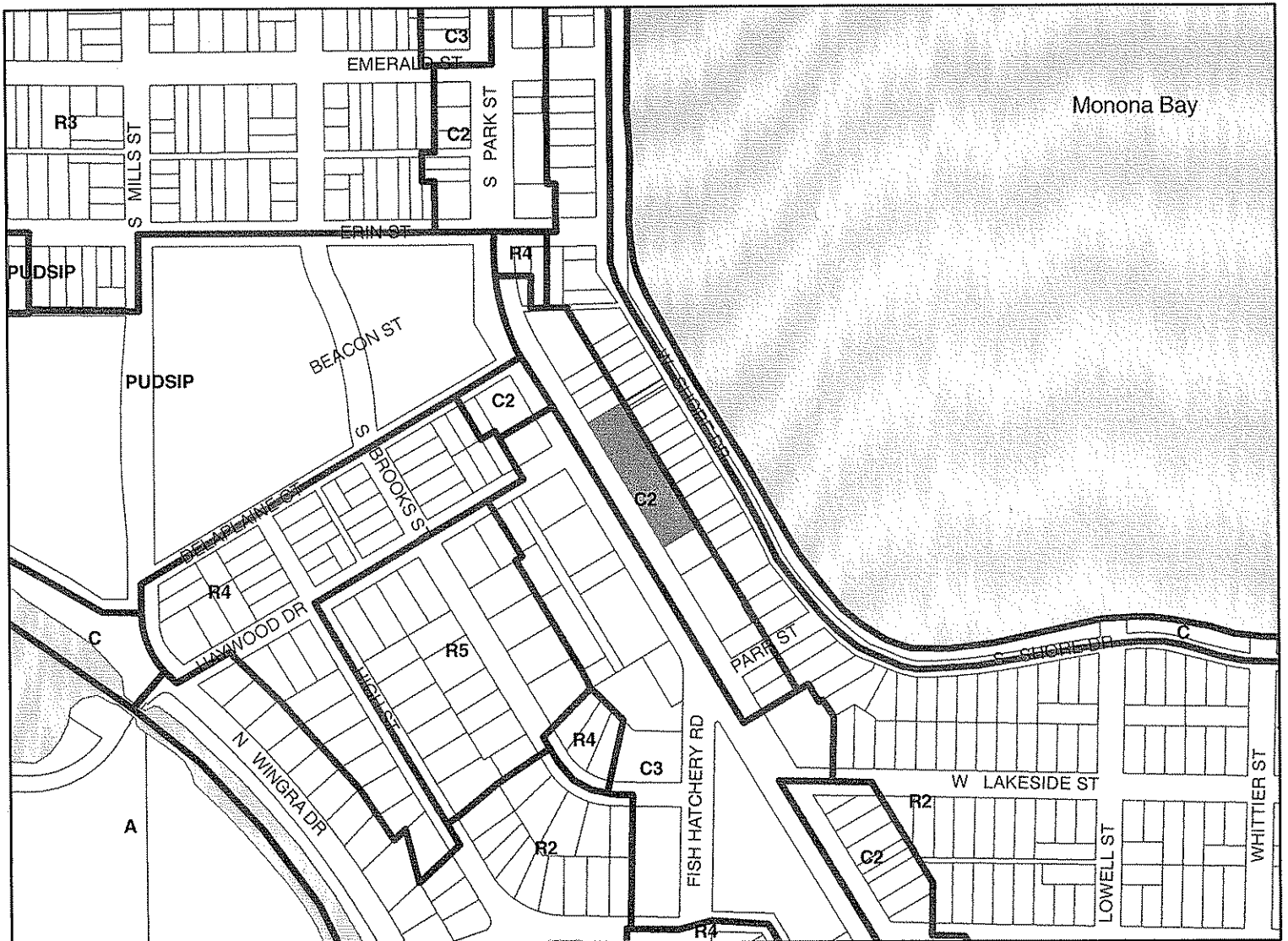
Existing Use
Car Wash

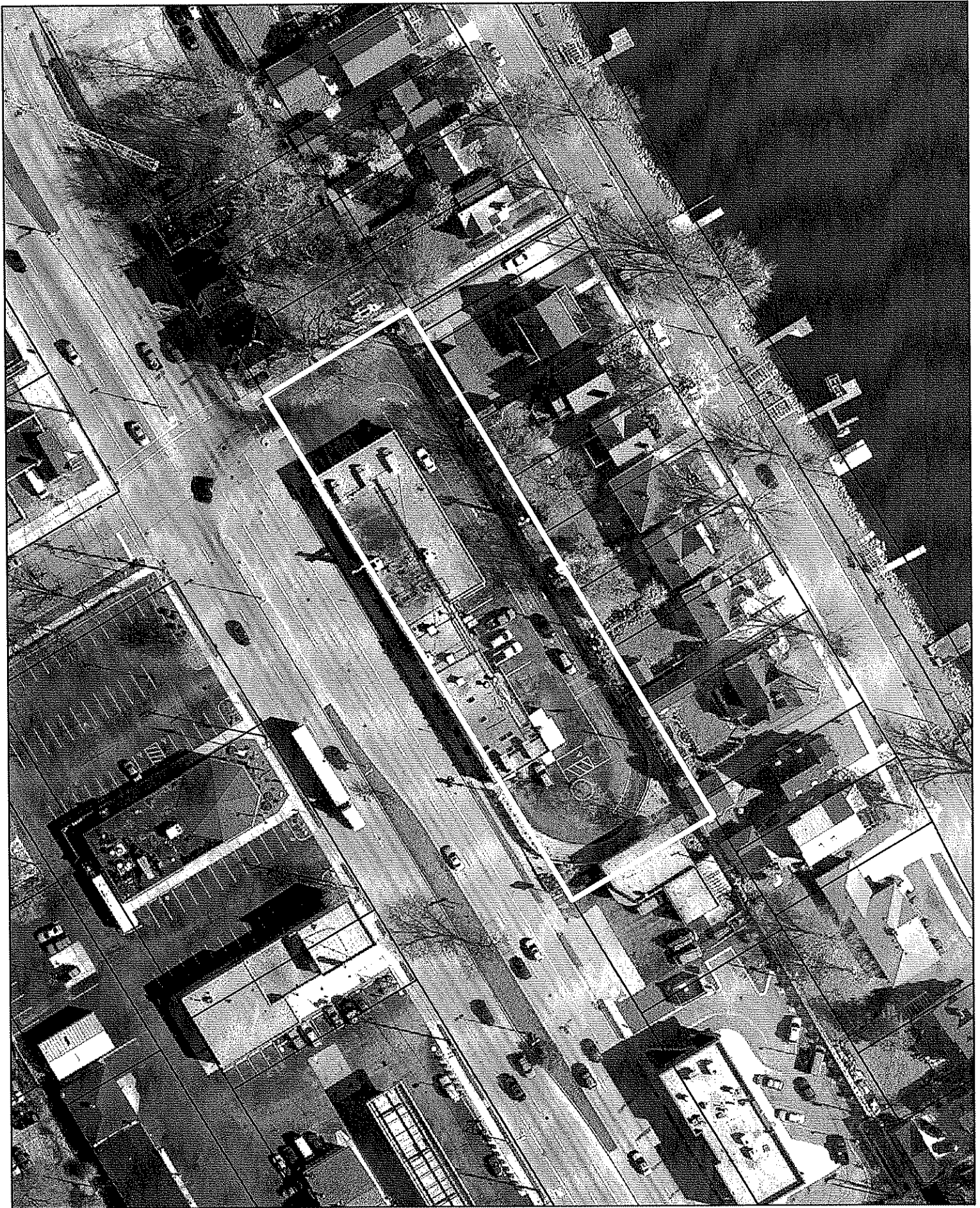
Proposed Use
Complaint Against Conditional Use
for Octopus Car Wash

Public Hearing Date
Plan Commission
25 February 2008



For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635







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

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: February 19, 2008
TO: Mark Olinger, Plan Commission Secretary
FROM: Matt Tucker, Zoning Administrator *(signature)*
SUBJECT: Complaint, Conditional Use Permit, 907 S. Park Street

Zoning Staff has received a written complaint regarding a Conditional Use violation for the automobile laundry (car washing) facility located at 907 S. Park Street. The complaint is based upon the fact that an existing 7' tall solid fence along the rear of the site was taken down in fall 2007, and replaced with a 6' tall solid fence.

The Plan Commission maintains continuing jurisdiction over Conditional Use approvals. Per the City's Zoning Ordinance, when a written request is received, the Plan Commission shall review the complaint to determine if a reasonable probability exists that the property is in violation of one or more of the conditions of approval. Included with this letter you will find communication regarding an alleged violations of the approved Conditional Use, copies of inspection reports and official notices, and a copy of the approved site plan (most recently modified June 2000), and a copy of Section 28.12(10)(h) 4., which describes the Conditional Use continuing jurisdiction review process.

Zoning Staff inspected the site on October 10th 2007 and observed the newly installed 6' tall solid fence. This inspection was followed-up with an official notice, with a final compliance date of November 20th 2008. To date, the 6' tall fence remains and no solution has been reviewed and approved.

It is staff's opinion the replacement fence is not in compliance with the screening requirements approved as part of this Conditional Use. Staff recommends the Plan Commission find the complaint and subsequent inspection reflect a 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.

The property owner has indicated a desire to resolve this matter, and has proposed alternatives to both the adjacent neighbors and the District Alderperson. It appears a resolution may be worked out soon, which may eliminate the need for a public hearing on this matter.

Tucker, Matthew

From: Kerr, Julia
Sent: Tuesday, January 08, 2008 2:27 PM
To: Tucker, Matthew; Murphy, Brad
Subject: Complaint

Matt and Brad, Please accept this email as an official complaint regarding the rear fence at Octopus Car Wash at 907 South Park Street and a request that the Plan Commission re-consider the existing Conditional Use permit under its continuing jurisdiction.

Zoning Inspector Patmythes issued an official notice on October 9, 2007 with a due date of November 20, 2007. I am reluctant to report a valued business in my district, but the violation has not been corrected nor has the owner emailed me with timeframe and plan to resolve this situation as we had agreed during a phone conversation in December.

Please do not hesitate to contact me with any questions.

Julia Kerr, Alder
Madison Common Council
District 13

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City of Madison

DUE DATE

CODE ENFORCEMENT

REVIEW DATE

Worksheet

0709-262-0136-3

907 S Park St		INSP.	CASE NBR.	CASE TYPE	
		GJP	207270012	REFERRAL	
NAME OF PERSON TO CONTACT, ETC.			EMP	DATE	ACTIVITY
Ald. Julia Kerr	h:	w:	mwt	09/27/07	FIRST ENTRY
REMARKS			gjp	10/08/07	INSPECTION
8' tall fence replace with 6' tall fence, no alteration to C. U. approved please contact Ald Kerr with updates.			gjp	10/08/07	ORDER TYPING
OWNER					
OCTO LLC 1211 LOMA DE CALIZA LN NE ALBUQUERQUE, NM 87123		h:			
		w:			
Original To: OCTO LLC 1211 LOMA DE CALIZA LN NE ALBUQUERQUE, NM 87123					
CC: Octo LLC Jill A. Jurkens, Reg. Agt. 907 S. Park St.; Madison, WI 53715					
CC:					
CC:					
NOTES					
10/08/07 screening fence less than 8 ft tall erected.					

From: Inspection Unit
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:
907 S PARK ST

OWNER:
OCTO LLC
1211 LOMA DE CALIZA LN NE
ALBUQUERQUE NM 87123

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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FIELD OBSERVATION

1. 28.12(11)(H)2

Replace the recently erected six (6) foot tall screening fence on the C2 zoned property at 907 South Park Street with a seven (7) foot tall screening fence.

The height of the screening fence on the approved site plan, dated June 9, 2000, has the height of the screening fence at seven (7) feet.

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. If you have questions or problems, it is important to contact me before the due date at the number listed below.

c: Octo LLC
Jill A. Jurkens, Reg. Agt.
907 S. Park St.
Madison, WI 53715

Please notify the inspector when work is completed.

Inspected by: Greg Patmythes

On: 10/8/07

The violations shall be corrected on or before:

Telephone: 261-9662

Date Issued: 10/9/07

November 20, 2007

Code Enforcement Officer: _____

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LAW OFFICES
STROUD, WILLINK & HOWARD, LLC
25 WEST MAIN STREET
SUITE 300
P.O. BOX 2236
MADISON, WISCONSIN 53701-2236

TELEPHONE (608) 257-2281
FACSIMILE (608) 257-7643
email@stroudlaw.com
www.stroudlaw.com

December 11, 2007

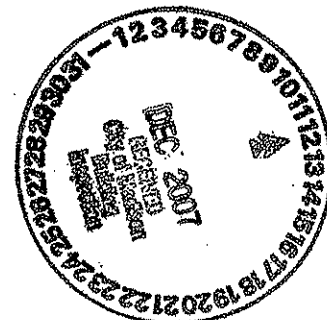
Greg Patmythes
Inspection Unit
215 Martin Luther King Jr. Blvd.
P.O. Box 2984
Madison, WI 53701-2984

Dear Greg:

You may recall that I represent Octo LLC with respect to the Official Notice you forwarded pertaining to the fence at 907 South Park Street. The purpose of this letter is to let you know that I spoke with Jeff Jurkens after our meeting last week and he is working to resolve the height violation.

We understand that the fence will need to be modified so that it is consistent with the Site Plan that was approved in June 2000. You and I discussed different alternatives that might be available other than removing the existing fence and replacing it with a new and taller fence. Jeff Jurkens understands that such alternatives will need to meet the intent of the screening ordinance and the intent of the existing CUP and then be approved by the City.

Jeff Jurkens is involving the neighbors in developing the proposed resolution. His intent is to develop a plan that will be acceptable to both parties. The architectural concept for this plan then will be submitted to you for your consideration.




STROUD, WILLINK & HOWARD, LLC

Greg Patmythes
December 11, 2007
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Thank you again for taking the time to meet with me regarding this matter. Please feel free to contact me with any questions you have as to the status of the proposed resolution.

Very truly yours,

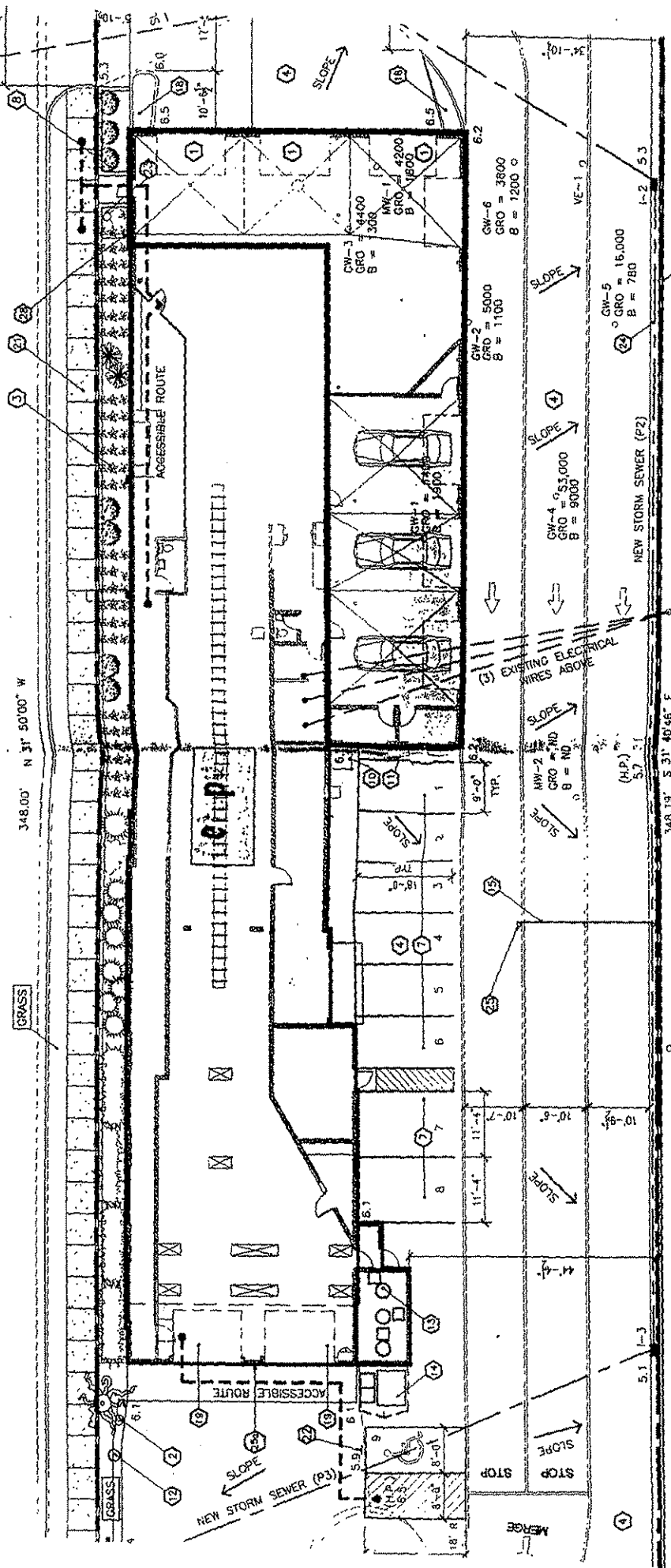
STROUD, WILLINK & HOWARD, LLC

By: 
Joseph P. Bartol

JPB/ssg

cc Octo, LLC

S. Park Street



"Existing" F' tall fence,
 June 2000 Plan.

(MT)

D SITE PLAN
 5" = 1'-0"

✓

Sec. 28.12(11)(h) 4. Continuing Jurisdiction, Conditional Uses

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

From: Jeff Jurkens [mailto:jjurkens@gmail.com]
Sent: Monday, February 11, 2008 10:29 AM
To: Jillian Hussey; Kerr, Julia
Cc: mobrien@charterinternet.com; Joe Bartol; Ayjurkens@aol.com; jerdex
Subject: The dreaded fence

Dear Ms Hussey and Alder Karr,

I have been most anxious how the fence was progressing in my absence. While on a short sabbatical out of the country, I encountered several lapses in internet access due to a complete melt down of my laptop's hard drive. So, I was not clear as to what was going on. However, I fired off an email pushing for closure on the fence issue each chance I had. Upon my return, I got good news and bad. The good is we have what we believe is a good solution; the bad is I don't believe anyone shared the information. With this last part, I am none too happy. However, I am back, hence this letter.

Everyone wishes to know a time line. I believe you both have expressed understanding that to some a large degree it is going to be weather dependent, but I think everyone would be more comfortable with a more exact idea as to when it will be completed.

I wouldn't expect anyone not in the car wash business to be aware of this as I am but we have not had, since sometime in November, three full days without precipitation. The only way to fix this fence situation correctly is tearing the new fence down completely, then erect the "solution" fence. If we were to do that with these weather conditions, there is a real possibility that that fence could be down literally for weeks. I don't think anyone; us included, want that to happen. We can tear it down in stages while we are under the effects of this so far, first in recorded history anomaly in the weather pattern. However, we cannot put it back up with continuity during periods of precipitation. The resulting fence would look like what it would be - a crazy quilt. I refuse to do that either to my neighbors nor to us.

Every time it snows (and I believe the last one put us over the all time record in a season) we have to plow the lot. This leaves a huge pile of snow up against the fence. Normally, we would live with that - a deep pile of snow from the curb on our property way up against the fence. However, in preparation of erecting the fence, we have been keeping extra help on to shovel the snow against the fence into wheelbarrows by hand and moving it over on top of our reclaim pit, covering it with blankets and heating it with waste water from the car wash process so it melts into the pit and out the sanitary sewer. This so when spring is on the way; we will have a considerable head start on removing the new fence and replacing with the newer fence. This should save time we would otherwise have to wait for nature to prepare the area by itself for the mission to be completed.

The fence company finally shared a graphic depiction of raising the fence slats up a foot and then running 1" x 12"s along the bottom to give us a bit more than the necessary height. This meets what Zoning and I believe you requested.

Attached please see the sketch we received from the fence company. I expected something a bit more professional, but this is what I have and I believe it gets the idea across.

Most sincerely and at your service,

Jeff Jurkens

PS: The only thing I am not clear on is if we still need / want a meeting with all neighbors. I will do anything reasonable to make every one live happily ever after. :)