



CITY OF MADISON  
ZONING BOARD OF APPEALS  
APPEAL APPLICATION

\$200 Filing Fee

Ensure all information is typed or legibly printed using blue or black ink.

Notices are sent to the District Alderperson and to owners of record as listed in the Office of the City Assessor. Maximum size for all drawings is 11" x 17".

Name of Applicant: Bubble Time Express, LLC

Address: % Attorney Ronald M Trachtenberg  
2501 Parmenter Street Suite 200B Middleton WI 53562

Daytime Phone: 608-444-5699 Evening Phone: Same

Email: mtrachtenberg@fuhrmanandodge.com

1. The undersigned hereby appeals the decision of the Zoning Administrator in regard to Madison General Ordinance Section No. 28.068(5)

2. When relevant to a specific property, fill out below:  
Street Address: 414 Grand Canyon Drive

3.  List of grounds for the appeal, statements, evidence of fact, and any additional information associated with the appeal are provided on a separate attachment.

Applicant Signature: Ronald M Trachtenberg, Esq.

FOR OFFICE USE ONLY	
Amount Paid:	<u>\$200.00</u>
Receipt:	<u>109974-0015</u>
Filing Date:	<u>9-17-20</u>
Received By:	<u>MST</u>
Parcel Number:	
Alder District:	<u>19-FURMAN</u>
Zoning District:	<u>CC-1</u>
Hearing Date:	<u>10-15-20</u>
Published Date:	<u>10-8-20</u>
Appeal Number:	<u>LNDAPP-2020-00001</u>
GO:	

**DECISION**

The Board, in accordance with the findings of fact, hereby determines that the requested appeal for \_\_\_\_\_ is

Approved

Denied

Conditionally Approved

Zoning Board of Appeals Chair:

Date:

## STATEMENT OF POSITION

### City of Madison Zoning Board of Appeals Appeal Application

The following is the statement of position supporting the Bubble Time Express, LLC, appeal application to the Zoning Board of Appeals.

Bubble Time Express, LLC, was/is a conditional use applicant for a car wash to be located at 414 Grand Canyon Drive. The site is surrounded by a CVS pharmacy to the north, a Gordon food service store to the west, a Honda automobile repair facility to the south, and a multi-tenant retail center to the east (across Grand Canyon Drive).

Attached for background are the following:

1. Attachment A: Land Use Application for CUP
2. Attachment B: Letter of Intent for Land Use Application for CUP
3. Attachment C: Selected Sheets from Submitted Plans
4. Attachment D: CUP Conditional Approval Letter
5. Attachment E: Photographs of Exterior Vacuums from Denver Facility

Bubble Time Express, LLC appeals from the Zoning Administrator's interpretation of Section 28.068(5) MGO as applied to the Bubble Time Express, LLC's project at 414 Grand Canyon Drive. More particularly, see condition 26 of the CUP conditional approval letter:

The vacuum stalls shall be fully enclosed. Per the site standards for new and existing development in the CC district per Section 28.068(5), all activities shall be conducted within completely enclosed buildings, except for the enumerated list. Emphasis added.

Per the Zoning Administrator's interpretation of Section 28.068(5) MGO, the vacuum system has to be contained/conducted within the enclosed building. Based upon that interpretation, the CUP application plans were prepared in compliance with that interpretation in order to not delay the CUP application. It is the position of the applicant that as applied to the Bubble Time Express,

LLC project, an exterior vacuum system (note with air pressure hose) is permitted. If the Zoning Board of Appeals grants this appeal, it is the intent of Bubble Time Express to revise its plans and seek an amendment to the CUP based upon revised plans for an exterior vacuum system with air pressure hose. See Exhibit E, photographs of the exterior vacuum system used by Bubble Time Express, LLC at its Denver, Colorado facility.

Section 28.068(5) MGO provides:

(5)Site Standards: New and Existing Development. (a)All activities shall be conducted within completely enclosed buildings, except:

- 1.Off-street parking and off-street loading.
- 2.Outdoor display and outdoor storage stores.
- 3.Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
- 4.Bicycle-sharing facilities.
- 5.Auto service stations.
- 6.Vehicle access sales and service windows.
- 7.Walk-up service windows.
- 8.Solar energy systems and wind energy systems.
- 9.Yard sales.
- 10.Vending machines.
- 11.Agricultural activities.
- 12.Temporary outdoor events.
- 13.Cemeteries.
- 14.Composting.
- 15.Keeping of chickens and honeybees. (Am. by ORD-16-00074, 9-15-16)

Bubble Time Express, LLC submits that its vacuum system with air pressure hose is exempt for an indoor requirement under exceptions 5. Automobile service stations and/or 10.Vending machines.

Under Section 28.211 MGO Auto Service Station is defined as “A place where gasoline, electricity, or any other automobile engine fuel, kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or

where the servicing or minor repair of automobiles may occur. (Am. by ORD-17-00021, 2-20-17).” Emphasis added.

The car wash facility is an Auto Service Station in that it provides for the servicing (washing) of automobiles. It appears from our discussions with the Zoning Administrator that the Zoning Administrator believes that the sale of automobile engine fuel is necessary for a facility to be classified as an Auto Service Station. Given that the ordinance is in the disjunctive (“or”), we do not believe that the sale of automobile engine fuel is necessary; however if it is, then Bubble Time Express, LLC would agree to amend its CUP application to include one or more electrical charging stations.

Under Section 28.211 MGO Vending Machine is defined as” A stand-alone, self-contained or connected appliance machine located inside or outside a principal building or structure and that dispenses a product.”

The vacuum system with air pressure hose is a stand-alone connected appliance machine, partially located within the car wash building and proposed to be partially located outside the car wash building that dispenses a vacuum and air under pressure. It appears from our discussions with the Zoning Administrator that the zoning administrator does not believe that a vacuum or air under pressure is a product. Product is not a defined term under the Madison General Ordinances, however, the Merriam-Webster dictionary defines “product” as a (1): something produced or (2): something (such as a service) that is marketed or sold as a commodity.” <https://www.merriam-webster.com/dictionary/product>. A vacuum and air under pressure are respectively produced by a vacuum machine and an air pressure machine, and in addition are marketed and sold as commodities.

In closing, Bubble Time Express, LLC would note two things. First, exterior vacuums and air pressure machines are the norm at car washes through-out the City of Madison and in interpreting the subject ordinance in conformity with past practice, the exterior vacuum system and air pressure machines should be allowed. Second, under Section 895.463, Wis. Stats, “Zoning ordinances. In any matter relating to a zoning ordinance or shoreland zoning ordinance enacted or enforced by a city, village, town, or county, the court shall resolve an ambiguity in the meaning of a word or phrase in a zoning ordinance or shoreland zoning ordinance in favor of the

free use of private property.” Bubble Time Express, LLC believes it is clear that the exterior vacuum system/air pressure system is permitted under Section 28.068(5) MGO and even if there is any ambiguity, the permitted use is the favored use under state statute.

We thank the Board of Zoning Appeals for its consideration of this matter.

Respectfully submitted this 11<sup>th</sup> day of September, 2020.

Ronald M. Trachtenberg, Esq,  
Attorney for the Applicant

## LAND USE APPLICATION - INSTRUCTIONS &amp; FORM

LND-A

City of Madison  
 Planning Division  
 Madison Municipal Building, Suite 017  
 215 Martin Luther King, Jr. Blvd.  
 P.O. Box 2985  
 Madison, WI 53701-2985  
 (608) 266-4635



## FOR OFFICE USE ONLY:

Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Date received \_\_\_\_\_

Received by \_\_\_\_\_

 Original Submittal       Revised Submittal

Parcel # \_\_\_\_\_

Aldermanic District \_\_\_\_\_

Zoning District \_\_\_\_\_

Special Requirements \_\_\_\_\_

Review required by \_\_\_\_\_

 UDC       PC

 Common Council       Other \_\_\_\_\_

Reviewed By \_\_\_\_\_

All Land Use Applications must be filed with the  
 Zoning Office at the above address.

This completed form is required for all applications  
 for Plan Commission review except subdivisions  
 or land divisions, which should be filed using the  
 Subdivision Application found on the City's web site.  
 (<http://www.cityofmadison.com/development-services-center/documents/SubdivisionApplication.pdf>)

RECEIVED

7/8/2020  
12:04 p.m.

## APPLICATION FORM

## 1. Project Information

Address: 414 Grand Canyon Drive, Madison, WI 53719

Title: Car Wash - Grand Canyon

## 2. This is an application for (check all that apply)

- Zoning Map Amendment (Rezoning) from \_\_\_\_\_ to \_\_\_\_\_
- Major Amendment to an Approved Planned Development-General Development Plan (PD-GDP) Zoning
- Major Amendment to an Approved Planned Development-Specific Implementation Plan (PD-SIP)
- Review of Alteration to Planned Development (PD) (by Plan Commission)
- Conditional Use or Major Alteration to an Approved Conditional Use
- Demolition Permit
- Other requests \_\_\_\_\_

## 3. Applicant, Agent and Property Owner Information

Applicant name Garth Guthrie Company Bubble Time Express LLC

Street address 1311 W. 66th Ave. City/State/Zip Denver, CO 80221

Telephone (608) 333-6737 Email garthguthrie@gmail.com

Project contact person Garth Guthrie Company Bubble Time Express LLC

Street address 1600 E. 104th Ave. City/State/Zip Thornton, CO 80223

Telephone (608) 333-6737 Email garthguthrie@gmail.com

Property owner (if not applicant) 414 Grand Canyon LLC

Street address 1955 Atwood Ave. City/State/Zip Madison, WI 53704

Telephone (608) 852-8777 Email info@sarainvest.com

APPLICATION FORM (CONTINUED)

5. Project Description

Provide a brief description of the project and all proposed uses of the site:

Planning to build an express car wash on the vacant parcel. This will be a very high-end building that will have 7-10 employees.

Proposed Dwelling Units by Type (if proposing more than 8 units):

Efficiency: \_\_\_\_\_ 1-Bedroom: \_\_\_\_\_ 2-Bedroom: \_\_\_\_\_ 3-Bedroom: \_\_\_\_\_ 4+ Bedroom: \_\_\_\_\_

Density (dwelling units per acre): \_\_\_\_\_ Lot Size (in square feet & acres): \_\_\_\_\_

Proposed On-Site Automobile Parking Stalls by Type (if applicable):

Surface Stalls: 20 Under-Building/Structured: \_\_\_\_\_

Proposed On-Site Bicycle Parking Stalls by Type (if applicable):

Indoor: \_\_\_\_\_ Outdoor: \_\_\_\_\_

Scheduled Start Date: Winter 2020 Planned Completion Date: Summer 2021

6. Applicant Declarations

- Pre-application meeting with staff. Prior to preparation of this application, the applicant is strongly encouraged to discuss the proposed development and review process with Zoning and Planning Division staff. Note staff persons and date.

Planning staff Tim Parks Date 07/02/2020

Zoning staff Jenny Kirchgatter Date 07/02/2020

- Demolition Listserv (https://www.cityofmadison.com/developmentCenter/demolitionNotification/notificationForm.cfm).

- Public subsidy is being requested (indicate in letter of intent)

- Pre-application notification: The zoning code requires that the applicant notify the district alder and all applicable neighborhood and business associations in writing no later than 30 days prior to FILING this request. Evidence of the pre-application notification or any correspondence granting a waiver is required. List the alderperson, neighborhood association(s), business association(s), AND the dates notices were sent.

District Alder Keith Furman (30 day waiver provided - see attached email) Date \_\_\_\_\_

Neighborhood Association(s) Park Towne Date 6/11/2020

Business Association(s) \_\_\_\_\_ Date \_\_\_\_\_

The applicant attests that this form is accurately completed and all required materials are submitted:

Name of applicant Garth Guthrie Relationship to property Developer

Authorizing signature of property owner [Signature] Date 7-7-2020

414 Grand Canyon LLC, owner



July 7, 2020

To the Department of Planning & Community & Economic Development:

The following is submitted together with the land use application, filing fees, and plans for staff review regarding the project being proposed at a .95 acre vacant land parcel located at 414 Grand Canyon Drive.

**Project Summary**

We are proposing to build an express exterior car wash at the site on Grand Canyon Drive. Garth Guthrie and his father-in-law, John McKenzie, opened Bubble Time Express Carwash's pilot location in a suburb of Denver, Colorado in February 2019 with a second location to open in north Denver Fall 2020.

Bubble Time is a family-owned and operated business that specializes in express exterior car washes. We maintain a clean, consistent and positive environment as well as a fun atmosphere where customers like to visit and team members like to work.

Customers are able to purchase a one-time carwash, or sign up for our Wash Club Membership and wash their cars as often as they'd like for one low monthly membership fee. Visit [www.bubbletimeexpress.com](http://www.bubbletimeexpress.com) for more information on our current operations and services. Additionally, we offer complimentary vacuum bays and mat cleaner for customers to use.

We provide opportunities for internal growth within our team and in-depth training to help our team members thrive. We will employ 8-10 employees at the proposed location. Summer hours of operation are from 7am-8pm Monday-Saturday and 9am-8pm on Sundays. Our winter hours are 8am-6pm Monday-Saturday, and 9am-6pm on Sundays.

We will build what will appear to be a two-story building structured with high-quality materials to fit into zoning recommendation to appear as a mixed-use building. The carwash will be approximately 4,250 S.F.

We anticipate to break ground Winter 2021 for a Summer 2021 completion.



## **Project Team**

Garth Guthrie  
[garthguthrie@gmail.com](mailto:garthguthrie@gmail.com)

Vierbicher Engineering  
[rkol@vierbicher.com](mailto:rkol@vierbicher.com)

John McKenzie  
[johnmc300@gmail.com](mailto:johnmc300@gmail.com)

Hover Architecture  
[pewalz@hoverarchitecture.com](mailto:pewalz@hoverarchitecture.com)

Jack McKenzie  
[jack@mckenzie-apartments.com](mailto:jack@mckenzie-apartments.com)

## **Additional Considerations**

**Green Technologies:** We are an eco-conscious carwash. We recycle up to 90% of our water onsite to reduce our impact on the planet. We use naturally renewable, earth-friendly chemicals that help sustain lakes and streams by processing water, chemicals, dirt and oil properly through the municipal sanitary sewer system.

**Family-Owned:** We are a family-owned business. We work directly with our team every day to develop the best customer experience, overall carwash, and company culture.

We hope to expand the business that we've poured our hearts and souls into to our hometown of Madison. Our owner, Garth Guthrie, graduated from Memorial High School in 2010, and his partner and father-in-law, John McKenzie, graduated in 1971. We hire high school students here in Colorado. It's an exciting prospect to give back to our alma mater by promoting jobs for Memorial students as well as hosting fundraisers for the school and the community.

**Giving Back:** We donate to causes that are close to us. This past October, our onsite team wore pink in honor of Breast Cancer Awareness Month and we donated a portion of all profits to the Breast Cancer Research foundation. During the height of the devastating Australian bushfires, we donated to NSW Rural Fire Service and WIRES Australian Wildlife Rescue. We are also the exclusive sponsor for Thornton Colorado's Northglenn High School football this coming season.

Our sincerest thanks for your time and consideration of this proposed project.

Best Regards,



Garth Guthrie  
Owner, Bubble Time Express Carwash



REVISIONS	
NO.	DATE

REVISIONS	
NO.	DATE

DATE	10/18/2018
DRAWN BY	AK
CHECKED BY	AK
PROJECT NO.	18-001
SHEET	2 OF 5
SCALE	AS SHOWN

**ABBREVIATIONS**

- FF = FIELD
- CC = CURB
- SM = SIDEWALK
- SP = SIDEWALK
- SM = SIDEWALK
- SM = SIDEWALK

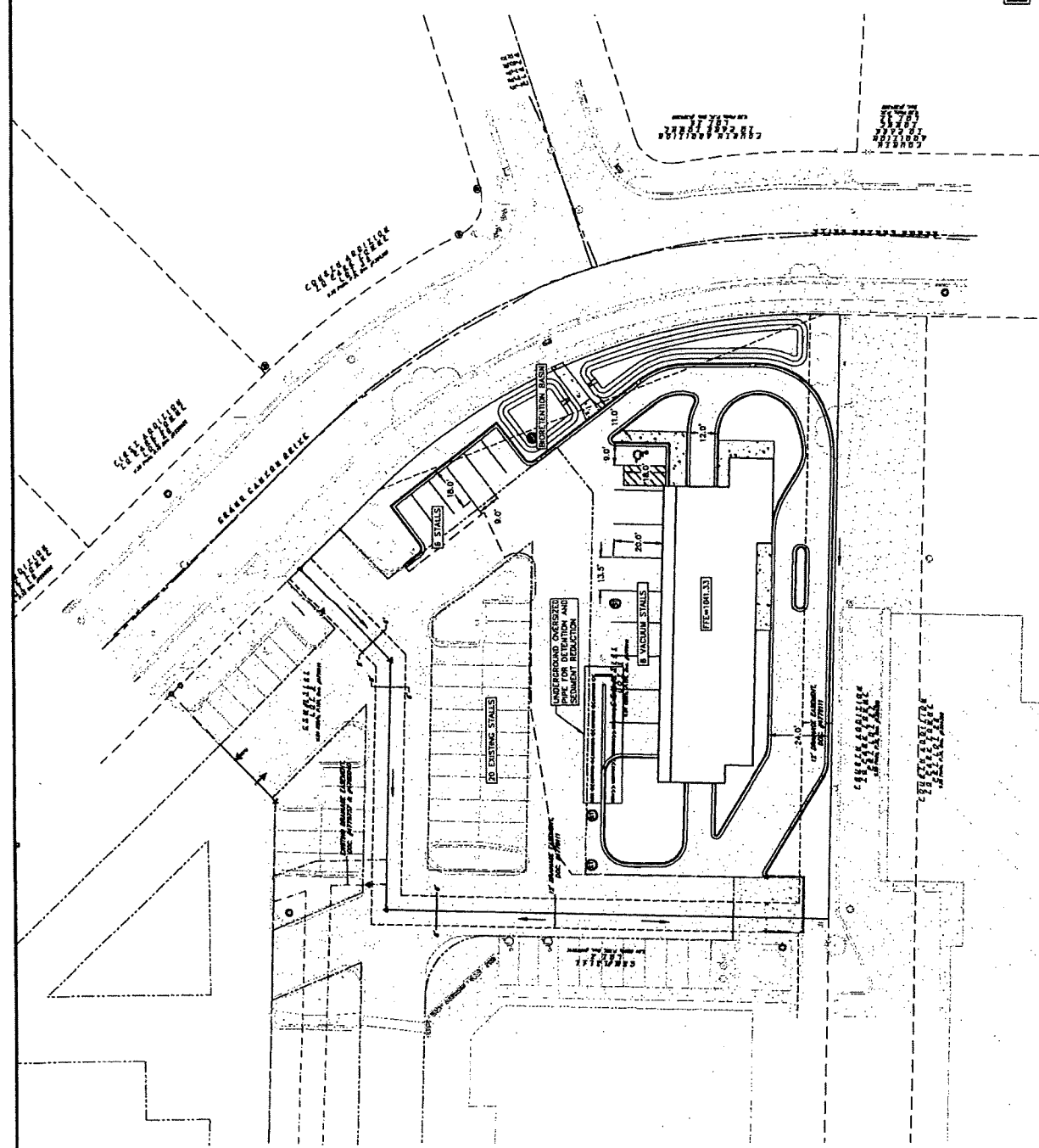
**SITE PLAN LEGEND**

- PROPERTY BOUNDARY
- CURB AND CUTTER (REVERSE CURB HATCHED)
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED SOIL
- PROPOSED ADA DETECTABLE WARNING FIELD
- PROPOSED HANDICAP PARKING

**GRAPHIC SCALE FEET**

0 10 20 40

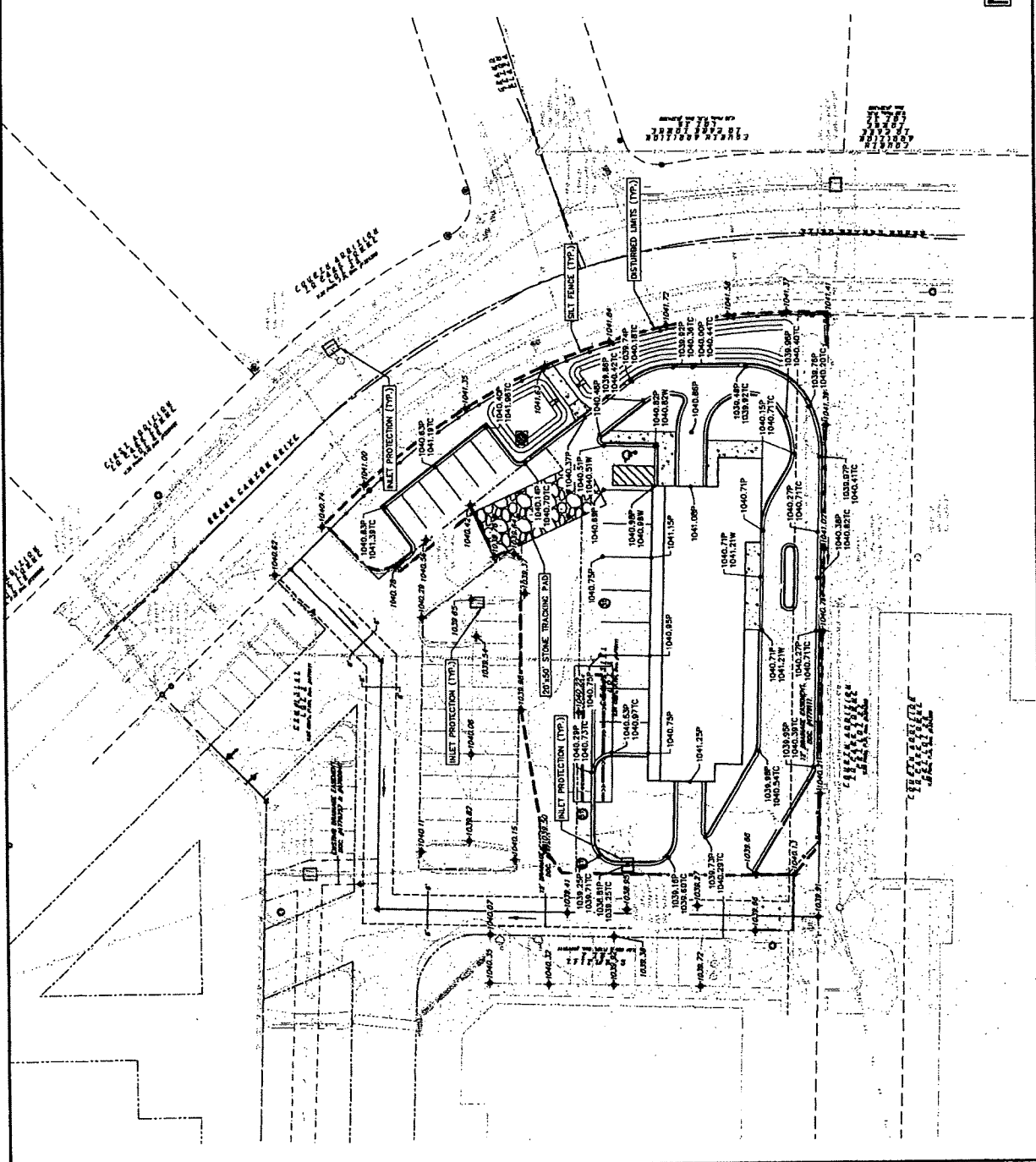
**NOT FOR CONSTRUCTION**





**Verichier**  
 Planners | Engineers | Architects  
 Phone: (800) 441-3899

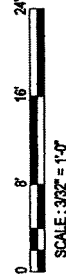
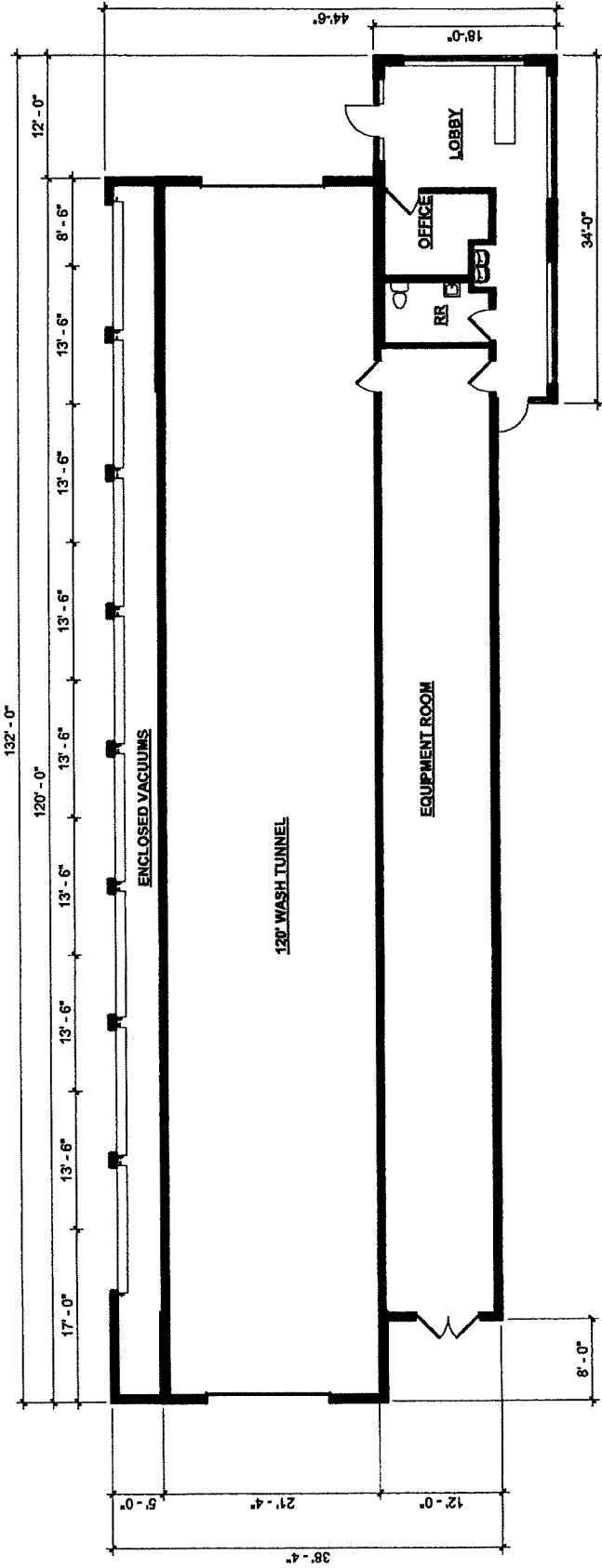
- GRADEING LEGEND**
- EXISTING MAJOR CONTOURS
  - EXISTING MINOR CONTOURS
  - PROPOSED MAJOR CONTOURS
  - PROPOSED MINOR CONTOURS
  - 2.0% SLOPE
  - PROPOSED SLOPE ARROWS
  - 1048.61 EXISTING SPOT ELEVATIONS
  - 1048.81 PROPOSED SPOT ELEVATIONS
  - INLET PROTECTION
  - EROSION MAT CLASS
  - TRACKING PAD
  - RIP RAP
  - DRAINAGE DIRECTION



- GRADEING AND EROSION CONTROL NOTES:**
- CONTRACTOR SHALL KEEP ALL CITY STREETS FREE AND CLEAR OF CONSTRUCTION RELATED DIRT/DUST/DEBRIS.
  - THE LOCATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THE PLANS HAS BEEN DETERMINED FROM THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS.
  - ANY DAMAGE TO THE CITY PAVEMENT, INCLUDING DAMAGE RESULTING FROM CURB REPLACEMENT, WILL REQUIRE RESTORATION IN ACCORDANCE WITH THE CITY ENGINEERING PAVING CRITERIA.
  - CONTOURS ARE SHOWN FOR PURPOSES OF INDICATING ROUGH GRADEING. FINAL GRADEING SHALL BE ESTABLISHED ON FINISHED SURFACES BY USING SPOT GRADES DAILY.
  - INSTALL A 50% X 20% X 1.5" TRACKING PAD AT THE SITE ENTRANCE. THE TRACKING PAD SHALL BE MAINTAINED/REPAIRED AS NECESSARY TO ACCOMMODATE CONSTRUCTION.
  - THE CONTRACTOR IS REQUIRED TO MAKE EROSION CONTROL INSPECTIONS AT THE END OF EACH WEEK AND WHEN ALL SPOTS AND HILLS ARE FULFILLED AS REQUIRED BY THE DMR. ALL MAINTENANCE/REPAIR WILL FOLLOW AN INSPECTION WITHIN 24 HOURS.
  - SEE DETAIL SHEETS FOR EROSION CONTROL NOTES AND CONSTRUCTION SEQUENCE.
  - THE CONTRACTOR SHALL REMOVE ANY SEDIMENT TRACKED ONTO ADJACENT STREETS AND SHALL BE RESPONSIBLE FOR MAINTAINING AT A MINIMUM OF THE END OF EACH WORK DAY OF WORK AS NEEDED.
  - ALL TRACKING PADS, EROSION CONTROL MATS, AND PROTECTIVE CURBS SHALL BE REPLACED FOR PROTECTING EXISTING PROPERTY CORNER AND ADJACENT PROPERTIES. ANY DAMAGED EXISTING PROPERTY CORNER OR ADJACENT PROPERTIES SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.

**NOT FOR CONSTRUCTION**

FIRST FLOOR PLAN



SCALE: 3/32" = 1'-0"

GARTH GUTHRIE GRAND CANYON

414 GRAND CANYON MADISON, WI

DATE: 07/07/2020  
SCALE: 3/32" = 1'-0"  
DRAWN BY: ANV  
CHECKED BY: PRV

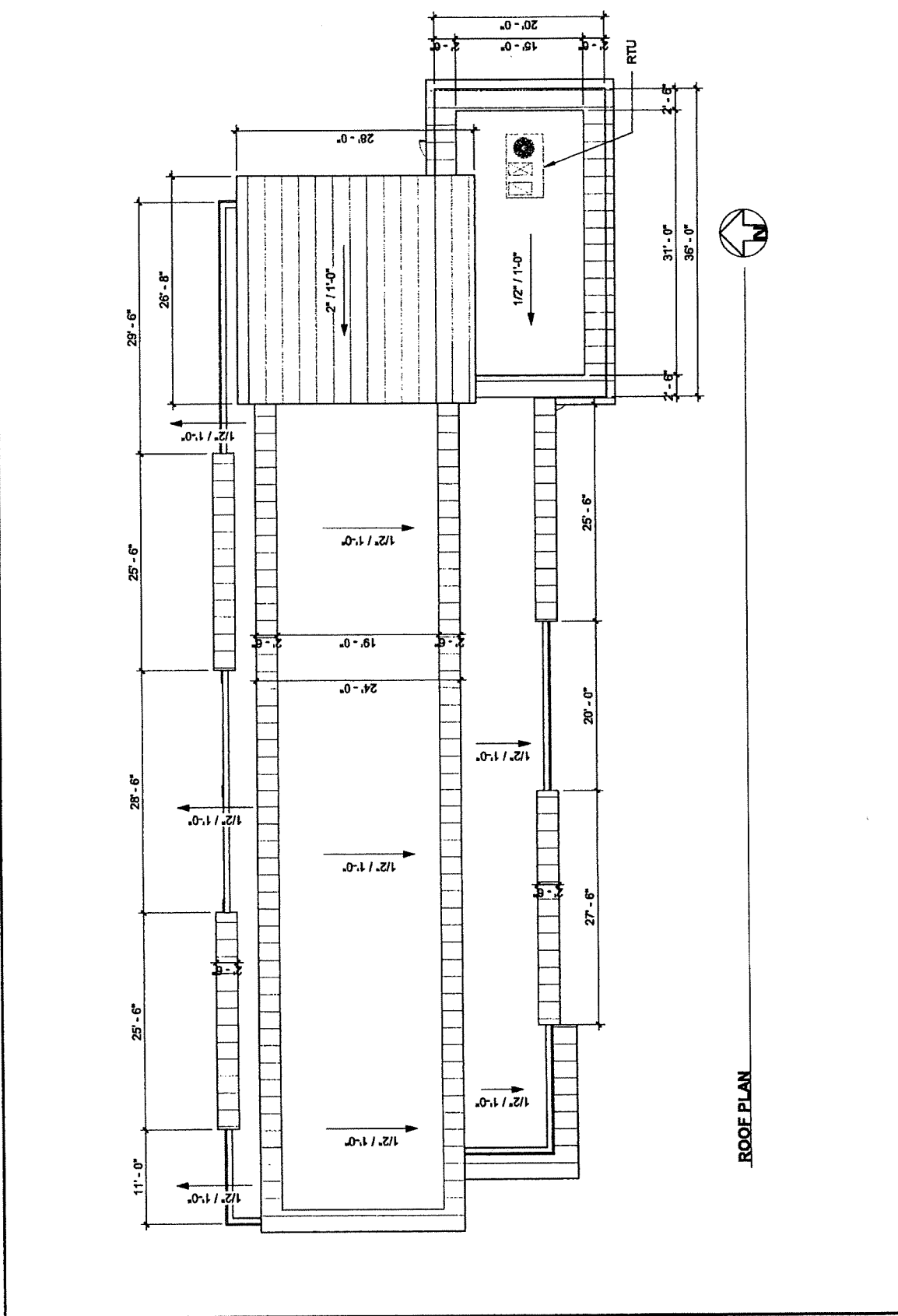


COPYRIGHT NOTICE  
THIS DOCUMENT IS THE PROPERTY OF HOVER ARCHITECTURAL. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM HOVER ARCHITECTURAL.

1 of 6

FLOOR PLAN

PROJECT NUMBER: 00000000



**ROOF PLAN**

7/7/2020 8:28:47 PM H:\Hover Architecture\Freshman\Hovr\2020\CSP20\HFR\008 Garth Canyon Dr Deckover\Garth Canyon Dr Buildings

PROJECT NUMBER  
02024X

# GARTH GUTHRIE GRAND CANYON

414 GRAND CANYON  
MADISON, WI

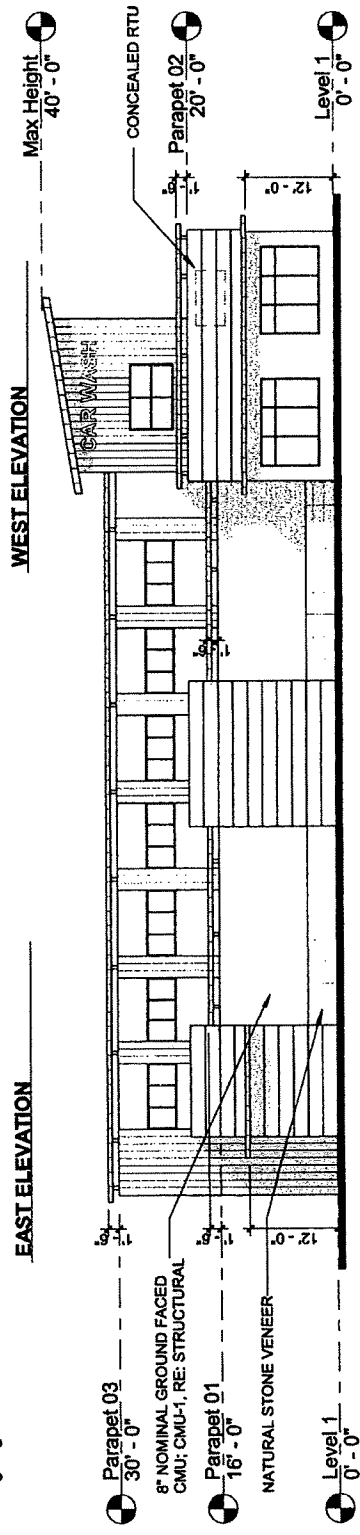
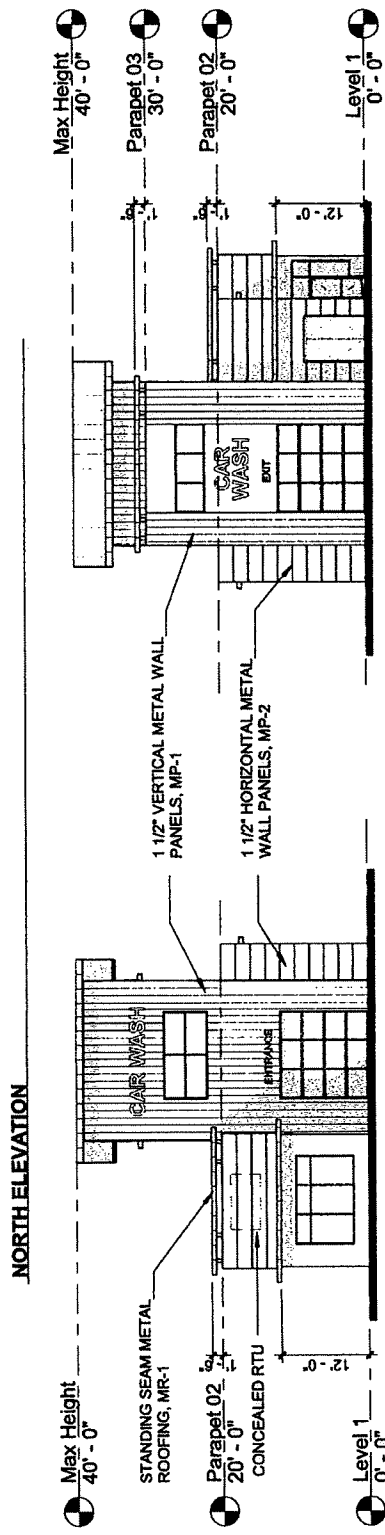
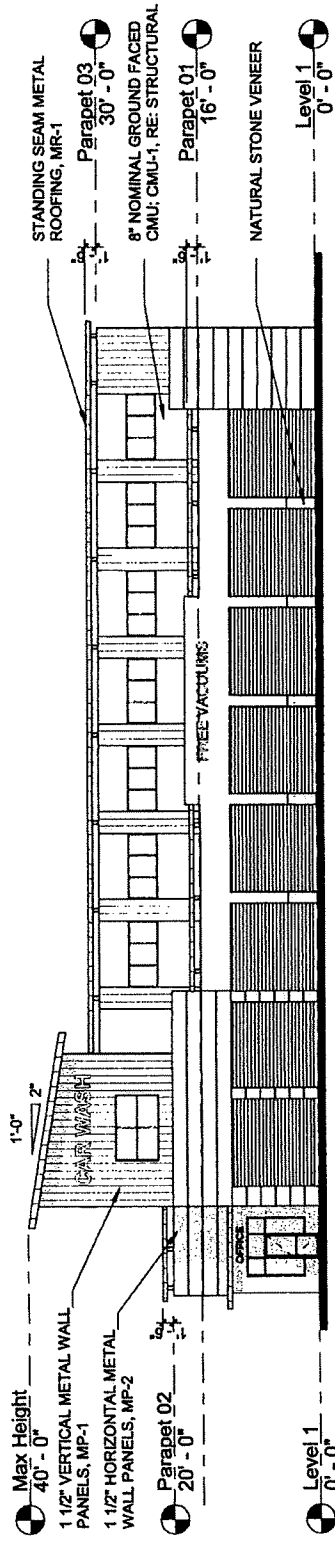
DATE: 07/27/2020  
SCALE: 1/16" = 1'-0"  
DRAWN BY: AJV  
CHECKED BY: PSV



SOFTWARE NOTES  
ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
ALL MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.  
THIS DRAWING IS THE PROPERTY OF HOVER ARCHITECTURE AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF HOVER ARCHITECTURE.

## 3 of 6

EXTERIOR ELEVATIONS



**SOUTH ELEVATION**

PROJECT NUMBER  
0202.XX

GARTH GUTHRIE GRAND CANYON  
414 GRAND CANYON  
MADISON, WI

DATE: 07.07.2020  
SCALE: 1/16" = 1'-0"  
DRAWN BY: ALW  
CHECKED BY: PRV



**HOVER**  
ARCHITECTURE  
1000 UNIVERSITY BLVD  
MADISON, WI 53706  
TEL: 608.263.1100  
WWW.HOVERARCHITECTURE.COM

COPYRIGHT NOTICE  
THIS DRAWING IS THE PROPERTY OF HOVER ARCHITECTURE AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HOVER ARCHITECTURE.

4 of 6  
SHEET

EXTERIOR ELEVATIONS  
- COLOR

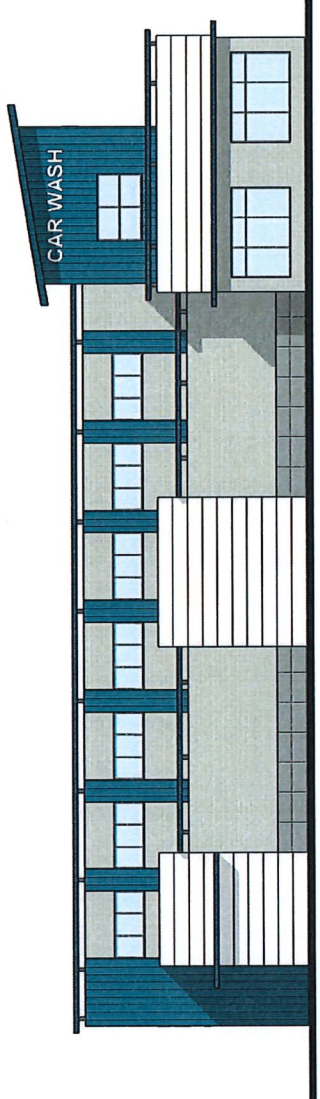


NORTH ELEVATION



WEST ELEVATION

EAST ELEVATION



SOUTH ELEVATION



PROJECT NUMBER  
DE02XX

GARTH GUTHRIE GRAND CANYON  
414 GRAND CANYON  
MADISON, WI

DATE: 07.07.2020  
SCALE:  
DRAWN BY: ALW  
CHECKED BY: PEW



COPYRIGHT NOTICE  
THIS DRAWING IS THE PROPERTY OF H O V E R ARCHITECTURE AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF H O V E R ARCHITECTURE IS STRICTLY PROHIBITED.

SHEET  
**6 of 6**  
PERSPECTIVE



**NORTHEAST CORNER**

Attachment D



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

---

Madison Municipal Building, Suite 017  
215 Martin Luther King Jr. Boulevard  
Madison, Wisconsin 53703  
Phone: (608) 266-4635  
[www.cityofmadison.com](http://www.cityofmadison.com)

**\*\*BY E-MAIL ONLY\*\***

August 27, 2020

Garth Guthrie  
Bubble Time, LLC  
1311 W 66<sup>th</sup> Street  
Denver, Colorado 80221

RE: Consideration of a conditional use in the Commercial Corridor (CC) district for a car wash at 414 Grand Canyon Drive. (LNDUSE-2020-00077; ID 61383)

Dear Mr. Guthrie;

On August 24, 2020, the Plan Commission found the standards met and **approved** your conditional use request for 414 Grand Canyon Drive. Prior to issuance of building permits for the project, the conditions of approval in the following sections shall be satisfied:

**Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following fourteen (14) items:**

1. The City has limited residual sewer capacity in the sewer that drains to the north. City prefers developer to connect to sewer manhole located at Grand Teton Plaza and Grand Canyon which drains to the south. If developer prefers to connect to sewer draining to the north, applicant shall provide projected wastewater flow calculations for the proposed car wash as a condition of plan approval.
2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public right of way.
3. A Storm Water Management Report and Storm Water Management Permit is required for this project.
4. A Storm Water Maintenance Agreement (SWMA) is required for this project.
5. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC) or the Wisconsin Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Division is an approved agent for DSPS.
6. Show construction fence limits along back of sidewalk to protect sidewalk from damage.

7. 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.
8. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) 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.
9. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
10. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison/Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
11. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
12. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
13. Prior to approval, this project shall comply with Chapter 37 of 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. The Storm Water Management Plan and 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.
  - Rate Control: This site shall reduce the peak discharge from the 10-year event by 15% compared to existing conditions and shall reduce peak volume discharged during the 10-year event by 5% compared to existing conditions.
  - 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 half-inch of runoff over the proposed parking facility and/or drive up window.

As redevelopment, this site must meet the newly adopted stormwater standards. In this case, the site must reduce the peak discharge in the 10-year event by 15% compared to existing and reduce volumetric discharge by 5% in the 10 -year event compared to existing conditions.

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

14. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.

**Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following item:**

15. Provide a recorded agreement for the shared trash enclosure area at the southwest corner of this site. The existing REA adequately addresses all other reciprocal drainage, access, and parking between the three parcels (per Document Nos. 4779757 and 4780040).

**Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following nine (9) items:**

16. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
17. 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.
18. 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.
19. All parking facility design shall conform to the standards in MGO Section 10.08(6).
20. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

21. All pedestrian walkways adjacent parking stalls shall be seven (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.
22. The applicant shall provide a clearly defined five-foot 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.
23. "Stop" signs shall be installed at a height of seven (7) feet 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.
24. 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.
25. The applicant shall provide a recorded copy of any joint driveway ingress/egress and crossing easements, which shall be noted on face of final site plan.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following thirteen (13) items:**

26. The vacuum stalls shall be fully enclosed. Per the site standards for new and existing development in the CC district per Section 28.068(5), all activities shall be conducted within completely enclosed buildings, except for the enumerated list.
27. The proposed car wash shall comply with Supplemental Regulations Section 28.151 *Car Wash*: The car wash shall be completely enclosed when not in operation.
28. The proposed car wash is part of a planned multi-use site. Submit an overall site plan of the entire planned multi-use site including 6701 Mineral Point Road and 406 Grand Canyon Drive.
29. Submit a parking summary including the overall number of parking stalls and accessible stalls for the entire planned multi-use site including 6701 Mineral Point Road and 406 Grand Canyon Drive.
30. Show the building setback distances as measured to the front (east) and side (south) property lines. The front setback may be extended to a maximum of 100 feet if traffic circulation, drainage and or other site design issues are shown to require additional space.
31. Provide a calculation and plan detail for lot coverage for the entire planned multi-use site. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five feet, pervious pavement, green roofs and decks.

32. Bicycle parking for the project 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 impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 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. The access aisle must not be obstructed by vehicles, columns or other structures. Provide a detail of the proposed bike racks.
33. 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 10,000 square feet in size must be prepared by a registered landscape architect.
34. Install screening along the south side property line. The screening shall be a minimum of six-foot tall masonry or decorative wood fence.
35. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For non-residential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
36. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
37. 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.
38. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following two (2) items:**

39. The hose length from the fire lane to the exterior portions of the building shall follow a walkable path. Adjust the documentation such that the path is not through a parking stall. Between stalls or through the accessible unloading zone is acceptable.
40. Distance from fire hydrants to the ends of the fire lanes shall be measured along the fire lane (drive route).

**Please contact Adam Wiederhoeft of the Madison Water Utility at (608) 266-9121 if you have any questions regarding the following two (2) items:**

41. This property is in a Wellhead Protection District–Zone (WP-16). The owner/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 Adam Wiederhoeft at [awiederhoeft@madisonwater.org](mailto:awiederhoeft@madisonwater.org) for additional information, including a summary of the submittal requirements. The Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development
42. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. 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 Avenue. 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. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

**Please contact Wayne Buckley of the Streets Division–Forestry Section at (608) 266-4892 if you have any questions regarding the following six (6) items:**

43. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or belowground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
44. As defined by the Section 107.13 of the *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 City Forestry (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 plan set.
45. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.



46. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: "At least one week prior to street tree planting, the contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper."
47. 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 plan set.
48. Section 107.13(g) of the *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**Please now follow the procedures listed below for obtaining permits for your project:**

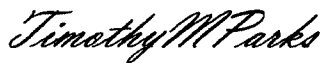
1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to [Zoning@cityofmadison.com](mailto:Zoning@cityofmadison.com). (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the



conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six (6) months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com).

Sincerely,



Timothy M. Parks  
 Planner

cc: Tim Troester, City Engineering Division  
 Jeff Quamme, City Engineering Division  
 Sean Malloy, Traffic Engineering Division  
 Jenny Kirchgatter, Asst. Zoning Administrator  
 Adam Wiederhoeft, Madison Water Utility  
 Wayne Buckley, Forestry Section  
 Bill Sullivan, Madison Fire Department

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

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner  
 (If Not Applicant)*

<b>LNDUSE-2020-00077</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Forestry Section
<input checked="" type="checkbox"/>	Water Utility	<input type="checkbox"/>	Other:

