



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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**TO:** Mayor Satya Rhodes-Conway  
Madison Common Council

**FROM:** Heather Stouder, AICP, Secretary of the Plan Commission

**DATE:** September 12, 2023

**SUBJECT:** Appeal of Plan Commission Decision on Conditional Use (Legistar ID #79777)

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At its August 28, 2023 meeting, the City of Madison Plan Commission unanimously voted to place on file the conditional use requested by Club Car Wash to allow for construction of a car wash facility at 3913 Lien Road in the Commercial Corridor-Transitional zoning district.

Section 28.183(5)(b) of the Zoning Code provides the following regarding the filing of appeals for conditional use approvals (excerpt):

- “1. The Plan Commission’s decision [on a conditional use] is appealable to the Common Council.*
- 2. The appeal may be filed by:*
  - a. The applicant, or*
  - b. The Alderperson of the district in which the use is located, or*
  - c. Twenty percent (20%) or more of the property owners entitled to notice who object to the establishment of the conditional use.*
- 3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.*
- 4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.*
- 5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.*
- 6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.”*

On September 7, 2023, a petition was submitted by the applicant to appeal the Plan Commission’s action to place on file the conditional use request to the Common Council. The appeal was properly filed pursuant to requirements in Section 28.183(5)(b) of the Zoning Code.

Staff recommended that the appeal be introduced at the September 19 Common Council meeting for referral to October 3, 2023. As noted in Section 28.183(5)(b)8, the action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of 2/3 of the members of the Common Council.

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Thank you, and please feel free to contact me with any questions.

Sincerely,

Heather Stouder

Cc (via e-mail):

Maribeth Witzel-Behl, City Clerk  
Michael Haas, City Attorney  
Matthew Wachter, Director, Department of Planning, Community, & Economic Development  
Kate Smith, Assistant City Attorney  
Chris Wells, Planner, Planning Division  
Kevin Firchow, AICP, Principal Planner, Planning Division  
Gregory Everts, Quarles & Brady LLP, representing Club Car Wash  
Kate Duncan, Quarles & Brady LLP, representing Club Car Wash