

TO: Plan Commission  
DATE: March 25th, 2026  
SUBJECT: 1727 S Church Street, Conditional Use Permit - CUP

A request by LSRE Watertown LLC, agent for Nure Enterprises LLC, for a Conditional Use Permit (CUP) for 'In-Vehicle Sales or Service'. Parcel PIN(s): 291-0815-0932-009

SITE DETAILS:

Acres: 1.0  
Current Zoning: General Business (GB)  
Existing Land Use: Restaurant  
Future Land Use Designation: Planned Mixed Use

BACKGROUND AND APPLICATION DESCRIPTION:

The applicant is seeking approval of a conditional use permit for 'In-Vehicle Sales or Service' to construct a Tommy's Express Car Wash. The project site includes a car wash building, double payment lanes, self-serve vacuums, and parking for employees. The building is unique with Tommy's signature black, gray, and red colors and two towers at two opposite corners of the building. Building materials include brick, stone veneer, metal composite panels, acrylic roof system, aluminum louvers, clear glass windows, and glass infill panels. A typical Tommy's Car Wash can process up to 180 cars per hour. Employees work on 2 shifts with 4 employees on each shift. The car wash will operate 7 days a week between 7am and 8pm. The existing building on the property will be razed to accommodate this development.

STAFF EVALUATION:

Land Use and Zoning:

1. Within the General Business (GB) Zoning District, 'In-Vehicle Sales or Service' is a principal land use permitted as a conditional use [per § 550-33B(2)(f)]. 'In-Vehicle Sales or Service' includes car washes among the allowed uses [per § 550-52G].

Applicable regulations for 'In-Vehicle Sales or Service' land uses include the following:

- o Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s) [per § 550-52G(1)(a)].
- o The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts [per § 550-52G(1)(b)].
- o In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section [per § 550-52G(1)(c)].
- o The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure [per § 550-52G(1)(d)].
- o All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load [per § 550-52G(1)(e)].
- o Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (§ 550-99) [per § 550-52G(1)(f)].
- o Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines [per § 550-52G(1)(g)].

2. Parking Requirements.
  - One space per 50 square feet of gross floor area – parking space requirements are not applicable for this proposal. Patrons do not leave vehicles except to briefly use vacuum stalls. Proposed parking is adequate for employees.
  - Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window - stacking lengths are adequate for this proposal.
3. Vehicle Access and Circulation Standards.
  - The proposed development meets the aisle width and parking stall dimension requirements specified in the Off-Street Parking and Traffic Circulation Standards [per § 550-107F].
4. Landscaping requirements.
  - Within the General Business (GB) zoning district the minimum landscape surface ratio (LSR) is 15%. The applicant has provided a landscaping plan with a landscape surface ratio (LSR) of 33.7% exceeding the LRS requirements for the General Business (GB) zoning district.
  - The landscaping plan for this proposal also meets or exceeds the required landscaping points.
5. Exterior Lighting Standards.
  - The exterior lighting plan for this proposal meets the Exterior Lighting Standards.
6. Community Entry Corridor Overlay Zoning District.

The location of this development proposal falls within the Community Entry Corridor Overlay Zoning District. The general design theme for non-residential development within the Community Entry Corridor Overlay Zoning District shall be characterized by high-quality building materials, architectural design, site design and on-site landscaping. Prominent urban design elements and architectural details, which are decorative and functional, shall be considered as a required component of each site within the district. Above and beyond such concerns, particular attention shall be devoted to ensuring that selected non-residential design components complement nearby non-residential styles and reflect positively on the character of the community, as becoming an entry corridor, and as determined by the Plan Commission. Where a detailed neighborhood plan has been adopted, it should be used to provide additional guidance in the design review process.

§550-150C Community Entry Corridor Overlay Zoning District Design Standards.

- (1) Building exterior materials shall be of high quality on all sides of the structure, including glass, brick, decorative concrete block or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the City.  
**Meets Standard.**
- (2) Building exterior design shall be unified in design and materials throughout the structure and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20% of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20% of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective.  
**Meets Standard.**

- (3) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground-level views with materials identical to those used on the building exterior.  
**Meets Standard.**
- (4) Public entryways shall be prominently indicated from the building's exterior design and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.  
**Waiver Requested - The layout of the building on the site does not allow a public entrance to face a public street.**
- (5) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking islands, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.  
**Waiver Requested – proposal has only 23 proposed parking spaces with a maximum of 14 spaces in one row. 17 of these spaces are the vacuum spaces that are extra wide and have vacuum holsters at each stall.**
- (6) On-site landscaping shall be provided per the landscaping requirements of this chapter, except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the zoning district.  
**Meets Standard.**
- (7) The entire development shall provide for full and safe pedestrian and bicycle access within the development and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location. A central pedestrian gathering area shall be provided.  
**Waiver Requested - the proposed car wash is not pedestrian or bicycle oriented, only vehicle oriented.**
- (8) The Plan Commission may waive any of the above standards by a three-fourths' vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project that compensate for the waiver of the particular standard.  
**Waiver Requested – Three (3) Design Standards.**

#### WISCONSIN STATUTES:

All Conditional Use Permits are subject to the requirements of Wisconsin Act 67.

*Under 2017 Wisconsin Act 67: Section 16. 62.23 (7) (de) Conditional Use Permits.*

1. 62.23 (7) (de)(1) In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. 62.23 (7) (de)(2)

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. 62.23 (7) (de)(3)

Upon receipt of a conditional use permit application and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. 62.23 (7) (de)(4)

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. 62.23 (7) (de)(5)

*If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.*

**PLAN COMMISSION DECISION:**

In-Vehicle Sales or Service Land Use Criteria	Applicant Provided Substantial Evidence		Opponent Provided Substantial Evidence		PC Finds Standards Met	
	Yes	No	Yes	No	Yes	No
Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No
Parking requirements. One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window.	<u>Yes</u>	No	Yes	<u>No</u>	<u>Yes</u>	No

*If Plan Commission answers "no" to any of the questions, above, the CUP must be denied. Otherwise, proceed to the conditions of approval.*

**PLAN COMMISSION OPTIONS:**

The following are possible options for the Plan Commission:

1. Deny the Conditional Use Permit, based on failure to provide substantial evidence to meet one or more of the regulatory standards.
2. Approve the Conditional Use Permit without conditions, based on successfully providing substantial evidence of regulatory compliance.



**BUILDING SAFETY & ZONING DIVISION  
PLAN COMMISSION STAFF REPORT**

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3. Approve the Conditional Use Permit with conditions as identified by the Plan Commission:
  - a. Waive Design Standard Sections § 550-150C(4), 550-150C(5), & 550-150C(7) of the Community Entry Corridor Overlay Zoning District.

**STAFF RECOMENDATION:**

- Staff recommends approval of this Conditional Use Permit with conditions.

**ATTACHMENTS:**

- Application materials.