



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved PLAN COMMISSION

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Monday, June 8, 2015

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

CALL TO ORDER/ROLL CALL

Present: 10 - Steve King; Ledell Zellers; Sheri Carter; Ken Opin; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey; Bradley A. Cantrell; Tonya L. Hamilton-Nisbet and Maurice C. Sheppard
Excused: 1 - Michael G. Heifetz

PUBLIC COMMENT

There was no public comment under this item.

COMMUNICATIONS, DISCLOSURES AND RECUSALS

There were no communications, disclosures, or recusals.

MINUTES OF THE MAY 18, 2015 MEETING

A motion was made by Cantrell, seconded by Carter, to Approve the Minutes. The motion passed by the following vote:

Ayes: 6 - Steve King; Ledell Zellers; Sheri Carter; Michael W. Rewey; Bradley A. Cantrell and Tonya L. Hamilton-Nisbet

Abstentions: 2 - Eric W. Sundquist and Melissa M. Berger

Excused: 1 - Michael G. Heifetz

Non Voting: 2 - Ken Opin and Maurice C. Sheppard

SCHEDULE OF MEETINGS

Regular Meetings: June 22 and July 13, 27, 2015 Plan Commission/ Urban Design Commission retreat:
Wednesday, July 1, 2015; time and location to be announced.

ROUTINE BUSINESS

1. [38532](#) Authorizing the Mayor and City Clerk to execute Subterranean and Air Space Leases with 25 West Main Parking LLC, the owner of properties located at 25 West Main Street, 115 South Carroll Street and 126 South Carroll Street, to accommodate existing and proposed encroachments of certain subterranean and building features into the West Main Street, South Carroll Street and Doty Street public rights-of-way; and authorizing the Mayor and City Clerk to

execute Notices of Termination pertaining to the existing Tunnel License and Encroachment Agreement pertaining to said properties.

The motion passed by voice vote / other.

A motion was made by Rewey, seconded by Berger, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

There were no registrations on this item.

2. [38673](#)

Authorizing the execution of a Purchase and Sale Agreement between the City of Madison and 25 West Main Parking LLC for the purchase of a subterranean parcel of land located within the Carroll Street right-of-way for an underground parking ramp.

The motion passed by voice vote / other.

A motion was made by Rewey, seconded by Berger, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

There were no registrations on this item.

3. [38624](#)

Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlots 10 and 13, Village at Autumn Lake for the replatting of the development, being located in the Southwest 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

The motion passed by voice vote / other.

A motion was made by Rewey, seconded by Berger, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

There were no registrations on this item.

4. [38641](#)

Authorizing the Planning Division to submit an application to the Capital Area Regional Planning Commission to amend the Central Urban Service Area to include lands within the Pioneer and Mid-Town neighborhoods.

The motion passed by voice vote / other.

A motion was made by Rewey, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by voice vote/other.

There were no registrations on this item.

NEW BUSINESS

5. [38741](#)

Consideration of a complaint against an approved conditional use at 601 North Street; 12th Ald. Dist.

The Plan Commission found that there is reasonable probability that the Conditional Use is operating in violation of conditions of approval and will schedule this item for a public hearing at a future Plan Commission meeting.

A motion was made by Cantrell, seconded by Sundquist, to Refer to the PLAN COMMISSION. The motion passed by the following vote:

Ayes: 8 - Ledell Zellers; Sheri Carter; Ken Opin; Eric W. Sundquist; Melissa M. Berger; Bradley A. Cantrell; Tonya L. Hamilton-Nisbet and Steve King

Noes: 1 - Michael W. Rewey

Excused: 1 - Michael G. Heifetz

Non Voting: 1 - Maurice C. Sheppard

Speaking in support of a finding that the Conditional Use is operating in violation of conditions of approval was Kim Kluck of Moland Street. Speaking on behalf the Tip Top Tavern, the subject of this item was Benjamin Altschul of Dickinson Street. Registered in support and available to answer questions was Jane Capito of Jenifer Street.

PUBLIC HEARING-5:45 p.m.

Note: Public Hearing items may be called at any time after the beginning of the public hearing. Those wishing to speak on an item must fill out a registration slip and give it to the Secretary. The Plan Commission uses a consent agenda, which means that the Commission can consider any item at 5:45 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.

Conditional Use & Demolition Permits

- 6. [33466](#) REVISED - Consideration of a conditional use for a residential building complex to allow construction of 145 apartment units in 4 buildings at 9603 Paragon Street (originally submitted as 9601 Elderberry Road); 9th Ald. Dist.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission found that the standards were met and approved the conditional use subject to the comments and conditions contained within the Plan Commission materials.

A motion was made by Cantrell, seconded by Zellers, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions were Bob Zoelle, Ryan McMurtrie, and Jon McMurtrie, all representing the applicant, United Financial Group of Ridgeview Drive, Appleton. Also registered in support and available to answer questions was Ald. Paul Skidmore representing District 9.

- 7. [37589](#) Consideration of a demolition permit and conditional use to demolish an existing mixed-use building and construct a new mixed-use building with 8,750 square feet of commercial space, 3,000 square feet of flex space, and 350 apartments at 510 University Avenue and 435 W. Gilman Street; 4th Ald. Dist.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found that the standards were met and approved the demolition permit and conditional use subject to the comments and conditions contained within the Plan Commission materials and the following additional/ revised conditions.

- That all vent opening locations, window, door trim, colors and materials be specifically provided to and approved by the Urban Design Commission;
- That the details of the projecting overhangs over the retail on Gorham Street and University Avenue facades and their relationship to signage are provided to and approved by the Urban Design Commission;
- That prior to final sign-off and issuance of permits, that proof of financing shall be provided for review and approval by the Director of Planning and Community and Economic Development; and
- That the details of the Gilman Street facade (near the service garage) be provided to and approved by the Urban Design Commission.

The motion passed by the following 6:2 vote: AYE: Ald. Carter, Ald. King, Sundquist, Berger, Rewey, Cantrell; NAY: Ald. Zellers and Hamilton-Nisbet; NON-VOTING: Opin and Sheppard.

A motion was made by Cantrell, seconded by Rewey, to Approve. The motion passed by the following vote:

Ayes: 6 - Sheri Carter; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey; Bradley A. Cantrell and Steve King

Noes: 2 - Ledell Zellers and Tonya L. Hamilton-Nisbet

Excused: 1 - Michael G. Heifetz

Non Voting: 2 - Ken Opin and Maurice C. Sheppard

Speaking in support of this item were Jeff Zelisko, Eric Grimm, and Tom Harrington representing the applicant, Core Campus of North Avenue, Chicago, Illinois. Registered in support and available to answer questions was Brad Mullins of North Carroll Street. Speaking in opposition to this item was Ron Trachtenberg of South Pinckney Street representing 445 Gilman LLC.

8. [38143](#)

Consideration of a demolition permit to allow a street-facing façade of the Water Utility operations center to be demolished as part of the renovation of the building and construction of an addition at 855 E. Main Street; 6th Ald. Dist.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission found that the standards were met and approved the demolition permit subject to the comments and conditions contained within the Plan Commission materials.

A motion was made by Cantrell, seconded by Zellers, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions were Stacey Z. Keller, Mead and Hunt of Demming Way, Middleton and Al Larson of Olin Avenue, both representing the Madison Water Utility.

9. [38146](#)

Consideration of a conditional use for an accessory dwelling unit at 1113 Graedel Court; 18th Ald. Dist.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission found that the standards were met and approved the conditional use subject to the comments and conditions contained within the Plan Commission materials.

A motion was made by Cantrell, seconded by Zellers, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions was Jennifer Pulley of Graedel Court.

10. [38149](#)

Consideration of a conditional use for a daycare and education center at 2012 Fisher Street; 14th Ald. Dist.

On a motion by Cantrell, seconded by Ald. Carter, the Plan Commission found that the standards were met and approved the conditional use subject to the comments and conditions contained within the Plan Commission materials.

A motion was made by Cantrell, seconded by Carter, to Approve. The motion passed by voice vote/other.

Registered in support and available to answer questions were Melissa Huggins of North Carroll Street; Mavlo Mielke of Fisher Street; Kaleem Caire of Fisher Street; Ndazona Ndafooka of Hackberry Lane; and Gal Wiseman of Wanetah Trail. Registered in support and not wishing to speak was Carrie Smith of Sawmill Road. Registered in neither support nor opposition but available to answer questions was Elizabeth Avenius of West Washington Avenue.

11. [38150](#) Consideration of a conditional use for an outdoor eating area for a restaurant at 4426 E. Buckeye Road; 16th Ald. Dist.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission found that the standards were met and approved the conditional use subject to the comments and conditions contained within the Plan Commission materials.

A motion was made by Cantrell, seconded by Zellers, to Approve. The motion passed by voice vote/other.

12. [38151](#) Consideration of an alteration to an approved conditional use to consider design modifications for a mixed-use building at 425 W. Washington Avenue; 4th Ald. Dist.

The Plan Commission did not find that the applicable standards were met and Placed this Item on File without Prejudice. Cantrell specified that the intent of this motion was to allow the applicant to work with staff on compliance issues and that the minor items could be brought back to the Plan Commission for approval after working with staff. The minor issues included all requested alterations in the application with the exception of the relocated HVAC wall vents, the wooden privacy fence, and roof-top fence details. Those were to be placed on file. In further discussion of the motion, it was stated that the requested alterations for those non-minor items would not have been found to have met the conditional use standards should they had been proposed when the project was originally approved. It was referenced that the 2013 approval included a finding that the project was of an "exceptional design" and some of the major alterations would not be considered "exceptional design." Concern was raised that is not appropriate that construction did not occur in accordance to approved plans and that staff was not consulted prior to making the changes. It was stated that it is the expectation that developers build what they represented to the Plan Commission and if they don't, items should be corrected.

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Sundquist, to Place On File Without Prejudice. The motion passed by voice vote/other.

Speaking in support of this request was John Sutton of King Street and Eric Minton of North Butler Street. Speaking in opposition to this request were Mike May of West Main Street and Ald. Mike Verveer representing District 4.

Zoning Map Amendments

13. [38033](#) Creating Section 28.022 -- 00167 of the Madison General Ordinances to change the zoning at properties located at 1004-1032 South Park Street, 13th Aldermanic District, from Planned Development (General Development Plan) District to Planned Development (Specific Implementation Plan) District.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission forwarded this zoning map amendment to the Common Council with a recommendation of approval, subject to the comments and conditions contained within the Plan Commission materials and the following additional conditions:

- That the applicant provides a ride-share vehicle;
- That the applicant installs a green roof on the townhouse portion of the development;
- That any restaurant, nightclub, brewpub, restaurant tavern, or restaurant nightclub in commercial areas be reviewed by the Plan Commission as a conditional use in order to operate after 6:00 pm;
- That construction laborers are encouraged to not park on streets when working on the site and that the developer attempts to work out a solution with UW Health for shared parking and explore the possibility of providing a shuttle service for construction workers during the construction of this project;
- That the applicant works with City Engineering to maximize stormwater infiltration in the terrace to the extent practicable and permitted by the City;
- That prior to final sign and issuance of permits, that proof of financing shall be provided for review and approval by the Director of Planning and Community and Economic Development;

- That the applicant shall work with Traffic Engineering to increase visibility between exiting vehicles and pedestrians;
- That the applicant shall work with Traffic Engineering on increasing the effective width of the sidewalk and the relationship on plantings and walls; and
- That there shall be no exterior facade illumination on street-facing facades above the first floor (This does not prohibit balcony illumination or patio illumination.)

The motion passed by voice vote / other.

A motion was made by Cantrell, seconded by Zellers, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING. The motion passed by voice vote/other.

Speaking in support of this item were Janine Glaeser and Randy Bruce, Knothe Bruce Architects of University Avenue, Middleton, and Jeff Felland, Vierbicher Associates of Fourier Drive, representing the applicant. Also speaking in support were Carole Schaeffer of Alpine Meadow Circle, Oregon; Allen Anutsen of South Shore Drive; and David H. Vogel of Wingra Drive. Speaking in support and representing Clark Street Development LLC were Fritz Duda of Michigan Avenue, Chicago and Michael Green of South Pinckney Street. Also speaking in support was the applicant, Terrance Wall of Cambridge Road, Maple Bluff and Ald. Sara Eskrich of Edgewood Avenue, representing District 13. Registered in support and not wishing to speak were Jon Hefner of University Avenue ;

Speaking in opposition to this item were Stephen Vanko of West Shore Drive ; Sarah Carroll of Spruce Street; Jenny Hays of Spruce Street; Ron Shutvet of Lake Court; Daniel Thurs of West Lakeside Street; and Carrie Rothburt of West Lakeside Street. Registered in opposition and not wishing to speak were Christina Wagner of High Street; Cynthia Snyder of Lakeside Street; Daina Zemhauskas-Juozevicius of South Shore Drive; and Jane Elmer of West Shore Drive.

Speaking in neither support nor opposition were Steven Davis of West Lakeside Street ; Helen Kitchel of Potter Street; Mike Maek of South Brooks Street; and Chick Lillis of Lowell Street. Registered in neither support nor opposition and not wishing to speak was Robert W. Lockhart of Cedar Street.

14. [38243](#)

Creating Section 28.022 -- 00168 of the Madison General Ordinances rezoning property located at 1325 Greenway Cross, 14th Aldermanic District, from IL (Industrial - Limited) District to CC-T (Commercial Corridor - Transitional) District.

On a motion by Cantrell, seconded by Ald. Zellers, the Plan Commission forwarded this requested Zoning Map Amendment to the Common Council with a recommendation of approval, subject to the comments and conditions contained within the Plan Commission materials. This passed by voice vote / other.

A motion was made by Cantrell, seconded by Zellers, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

Registered in support and available to answer questions was Ryan Palmer of Hackberry Lane.

BUSINESS BY MEMBERS

Mr. Cantrell discussed the adequacy of the findings made regarding the motion for Item 12, 425 West Washington Avenue. Mr. Cantrell clarified that in his motion to place this item on file without prejudice, he did not believe conditional use standards 4, 9, and 14 were met with the request. The Plan Commission discussed the proper procedure to clarify the motion and findings. On a motion by Cantrell, seconded by Sunquist, the Plan Commission confirmed the clarified motion and additional findings stated by Mr. Cantrell and requested that Planning Division staff contact the City Attorney's Office regarding the adequacy and clarity of this action and to advise if formal reconsideration of this item would be necessary to clarify the Plan Commission's decision on this item. This motion replaced a previous motion made by Cantrell, seconded by Rewey, and approved by voice vote / other to reconsider this item in order to clarify the findings related to item 12.

Ald. Zellers noted that the article "Seattle to Buildings: Give Tenants Transit Passes, Not Parking Spots" was provided for the Plan Commissioners.

SECRETARY'S REPORT

Jay Wendt noted that upcoming PC items are listed on the agenda and noted that a flyer announcing an open house for bicycle planning related to the development of the sustainable Madison Transportation Master Plan was included in the packets.

- Upcoming Matters - June 22, 2015

- 665 E. Washington Avenue - Conditional Use - Create private parking lot (in Urban Design Dist. 8)
- 5817 Halley Way - PD(SIP) to Amended PD(SIP) - Revised plans for apartment complex
- 1806-1808 Wright Street - Conditional Use - Construct brewery with outdoor eating area and tasting room
- 1111 Merrill Springs Road - Demolition Permit - Demolish single-family residence and construct new single-family residence
- 1444 E. Washington Avenue - Conditional Use - Allow animal husbandry (aquaponics/ fish farming) in existing building in TE zoning
- 4130 Lien Road - Conditional Use - Convert existing office building into mixed-use building with 16,700 sq. ft of limited food production and processing, a contractor shop, offices, and 6 dwelling units, and construct a separate 16-unit multi-family building

- Upcoming Matters - July 13, 2015

- 501 Welch Avenue - TR-C2 to TR-C3 - Rezone 2 platted lots developed with a single-family residence to allow lots to be sold separately
- 109 S. Fair Oaks Avenue - TE to PD(GDP-SIP) - Rezone Garver Feed Mill for mixed-use development and micro lodge complex
- 706 Williamson Street and 301 S. Blount Street - Certified Survey Map Referral - Create 1 lot for existing commercial building and 1 lot for mixed-use development in Third Lake Ridge Historic District
- 4210-4214 E. Washington Avenue - Demolition Permit and Conditional Use - Demolish restaurant and office building to construct restaurant with vehicle access sales and service window in Urban Design Dist. 5
- 11 N. Allen Street - Conditional Use - Construct outdoor eating area for coffeehouse
- 4022 Manitou Way - Demolition Permit - Demolish single-family residence and construct new single-family residence

ANNOUNCEMENTS

There were no announcements under this item.

ADJOURNMENT

**A motion was made by King, seconded by Sundquist, to Adjourn at 12:01 am.
The motion passed by voice vote/other.**