



City of Madison

Meeting Minutes - Final

PLAN COMMISSION

City of Madison
Madison, WI 53703
www.cityofmadison.com

Monday, October 23, 2006

5:30 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

ROLL CALL

Present: Brenda K. Konkell, Lauren Cnare, Kenneth Golden, Nan Fey, James C. Boll, Judy Bowser, Michael Forster Rothbart and Kelly A. Thompson-Frater

Excused: Brian W. Ohm, Sarah Davis, Albert Lanier and Ruth Ethington

Fey was chair for this meeting. Bowser left following consideration of item #4. Ald. Golden left during consideration of item #11.

Staff present: Mark Olinger, Secretary; Brad Murphy, Michael Waidelich & Tim Parks, Planning Unit; Barb Constans, CDBG Office, and; Jeanne Hoffmann, Mayor's Office.

MINUTES OF THE MEETING of October 16, 2006

The Plan Commission requested that the "Business by Members" section of the minutes be amended to include a note that a joint meeting of the Plan Commission and Urban Design Commission has been requested to review the results of the Allied Drive planning event last month. The joint meeting has not yet been scheduled. The minutes will be revised accordingly.

A motion was made by Bowser, seconded by Boll, to Approve the Minutes. The motion passed by acclamation.

SCHEDULE OF MEETINGS

Regular Meetings: November 6, 20; December 4, 18, 2006. January 8, 22, 2007.

SPECIAL ITEM OF BUSINESS - 5:30 p.m.

Bob McDonald and Bill Schaefer with the Madison Metropolitan Planning Organization gave a presentation regarding the forthcoming Metropolitan Planning Organization Regional Transportation Plan.

ROUTINE BUSINESS

1. [04711](#) Authorizing the Mayor and the City Clerk to execute a release of a portion of the platted sanitary sewer easement located across the property at 5046 Lake Mendota Drive. 19th Ald. Dist.

A motion was made by Bowser, seconded by Boll, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by acclamation.

UNFINISHED BUSINESS

2. [04753](#) Consideration of revised inclusionary zoning application for the approved Midvale Plaza redevelopment located at 555 South Midvale Boulevard. 11th Ald. Dist.
- The Plan Commission granted approval of the revised Inclusionary Dwelling Unit Plan for Midvale Plaza with the stipulation that the IDUP approval applies to the entire project GDP and SIP (both phases) and is based on the ordinance in effect at the time of the initial approval regardless of the court decision (State Court of Appeals decision currently being appealed to the State Supreme Court).*
- In voting against the revised IDUP as presented, Ald. Konkel felt the approval represented a bad precedent and felt like it represented "picking and choosing" between the old ordinance and the new ordinance.*
- A motion was made by Cnare, seconded by Boll, to Approve. The motion passed by the following vote:**
- Excused:** 3 - Ohm, Davis, Lanier and Ethington
- Aye:** 6 - Cnare, Golden, Boll, Bowser, Forster Rothbart and Thompson-Frater
- No:** 1 - Konkel
- Non Voting:** 1 - Fey
- Speaking in support of the revised Inclusionary Dwelling Unit Plan was Joseph Krupp, 3010 Woodland Trail, representing Midvale Plaza Joint Venture.*

PUBLIC HEARING-6:00 p.m.

Neighborhood Plan

3. [04634](#) Amending the Cottage Grove Neighborhood Development Plan, a supplement to the City of Madison Comprehensive Plan, to include additional lands located east of Interstate Highway 39-90, between Buckeye Road and the Union Pacific Railroad right-of-way. 16th Ald. Dist.)
- The Plan Commission recommended approval of the amended neighborhood development plan with the following revision:*
- That Page 14 of the Buckeye Amendment read as follows: "...It is recommended that site design for the Fobes property include planning for a pedestrian/ bicycle path extending to the south to the proposed bike trail and another pedestrian/ bicycle path extending to the east property line adjacent to the westernmost portion of the Yahara Materials property. The southern path should create a future opportunity to connect with the Capital City Trail (across the southwest corner of the Yahara Materials property) much sooner than the time the quarry property is redeveloped for other uses..."*
- A motion was made by Golden, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.**
- Speaking in support of the proposed plan amendment was Paul Reilly, 1218 Alexandria Lane, representing the Richmond Hills Homeowners Association.*

Registered in support and available to answer questions was Jim Hovde, 1314 Manassas Trail and Ald. Judy Compton, 6030 Fairfax Lane, representing the 16th District.

Zoning Map Amendments/Subdivisions

- 4. [04531](#) Creating Section 28.06(2)(a)3221. of the Madison General Ordinances rezoning property from C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3222. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Mixed Use Development with 39 Apartment Units & 6,600 square Feet of Retail Space; 6th Aldermanic District: 301 South Livingston Street.

In recommending referral of this matter, the Plan Commission requested that the following conditions be brought back at the meeting of November 6, 2006 with the intent of acting on the project that night with Common Council consideration scheduled for November 7:

- That the developer post a letter of credit or performance bond for the installation of landscaping along the Capital City Trail/ East Rail Corridor adjacent to the subject site following approval of a master landscaping plan for that corridor as prepared by the City;*
- That Plan Commission consideration of this matter at an upcoming meeting is dependent upon successful discussions with the Marquette Neighborhood Association.*
- That in considering final approval of this project, the Urban Design Commission pay particular attention to the architectural treatment of the residential entrance.*
- That approval of this project could still serve as a reaffirmation of the East Rail Corridor Plan land use recommendations for commercial uses on the western end of the corridor and residential uses on the eastern end.*

The motion to refer superceded a motion by Ald. Golden, seconded by Forster Rothbart to approve this project with the conditions as noted above.

A motion was made by Konkel, seconded by Bowser, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION, due back on November 6, 2006. The motion passed by the following vote:

- Excused:** 3 - Ohm, Davis, Lanier and Ethington
- Recused:** 1 - Boll
- Aye:** 6 - Konkel, Cnare, Golden, Bowser, Forster Rothbart and Thompson-Frater
- No:** 0 -
- Non Voting:** 1 - Fey

Speaking in support of the project were: Douglas Kozel, 621 Williamson Street, Bill White, 2708 Lakeland Avenue, and John W. Sutton, 104 King Street, all representing the applicant, Scott Lewis, 106 E. Doty Street, and; Ald. Judy Olson, 518 Clemons Avenue, representing the 6th District.

Speaking in opposition to the project was Bob Holloway, 360 W. Washington Avenue # 212.

Speaking neither in support nor opposition to the project was Marsha Rummel, 1339 Rutledge Street #2, representing the Marquette Neighborhood Association.

5. [04532](#) Creating Section 28.06(2)(a)3223. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: 85 Condominium Units; 1st Aldermanic District: 9401 Mid Town Road.
- A motion was made by Boll, seconded by Forster Rothbart, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION. The motion passed by acclamation.**
6. [04679](#) Approving a final plat known as "Hawk's Ridge" located at 9401 Mid-Town Road. 1st Ald. Dist.
- A motion was made by Bowser, seconded by Forster Rothbart, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.**

Conditional Uses/ Demolition Permits

7. [04766](#) Consideration of a demolition permit located at 9401 Mid-Town Road. 1st Ald. Dist.
- The Commission found that the standards were met and granted approval subject to the comments and conditions related to the demolition contained in the Plan Commission materials.*
- A motion was made by Golden, seconded by Boll, to Approve. The motion passed by acclamation.**
- Speaking in support of the demolition request was Casey Loucher, 7931 Old Sauk Pass Road, representing the applicant, Willy Keuler.*
- Mr. Keuler, 8308 State Route 19, Cross Plains, was registered in support and available to answer questions.*
8. [04503](#) Consideration of a conditional use for a Planned Residential Development for a 166-unit development located at 2 Greenside Circle. 1st Ald. Dist.
- The Commission found that the standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials and the following condition:*
- That the developer will hold off on constructing the phase of the development requiring the driveway to Greenside Circle until required by the Madison Fire Department, and at that point, the developer will make a good faith effort to find alternatives to providing the second point of access. If there are no alternatives available and the proposed driveway to Greenside Circle is required by the Fire Department, then the driveway will be constructed.*
- A substitute motion by Forster Rothbart, seconded by Ald. Cnare, to approve the project as a two-phase approval whereby the scope of the entire project would be approved but the secondary driveway access issue would be resolved on a later application was rejected on a vote of 1-5 (AYE: Forster Rothbart; NAY: Ald. Konkel, Ald . Cnare, Boll, Thompson-Frater, Ald. Golden; NON-VOTING: Fey; EXCUSED: Bowser, Lanier, Ohm, Davis)*

A motion was made by Golden, seconded by Boll, to Approve. The motion passed by acclamation.

Speaking in support of the project were: Michael Lawton, 740 Regent Street, and Peter Rott, Isthmus Architecture, 613 Williamson Street, both representing Terrence Temple, West End Properties, who also spoke; Lynn Hughey, 9105 Eaglewood Drive, and; Ald. Jed Sanborn, 12 Cherbourg Court, representing the 1st District.

Speaking in opposition of the project were: Sarath Krishna & Dr. B. Jayalakshmi, 17 Greengate Circle and Fred Taransky, 13 Greengate Circle.

Registered in support and available to answer questions were: Jason Franzen, 7923 Airport Road, Middleton; Justin Temple, 429 Gammon Place; Jeff Haen, 322 Junction Road, and; Jason De Noble, 1838 Shady Point Drive.

Registered in support but not wishing to speak was Stewart Widen, 21 Greengate Circle

9. [04680](#)

Consideration of a conditional use for an outdoor eating area for an existing restaurant located at 4001 Lien Road. 17th Ald. Dist.

The motion to rerefer followed a motion by Ald. Golden, seconded by Forster Rothbart to reconsider the earlier approval of this matter due to a late and incorrectly completed registration by a concerned neighbor.

The Plan Commission rereferred this matter with a direction to staff to contact the applicant's representative about the late referral and some draft conditions based on the late testimony, which included:

- That there be no amplified music in the outdoor eating area;*
- That signs be posted inside the restaurant and in the subject restaurant's parking lot alerting patrons that there is no restaurant parking on the adjacent industrial property and that violators would be ticketed and towed at the car owner's expense.*
- That the restaurant and adjacent industrial property explore sharing the cost of a fence to separate the two properties.*

The reconsideration voided an earlier motion by Bowser, seconded by Boll, to find the standards met and approve the conditional use subject to the comments and conditions contained in the Commission's materials. This earlier motion approved unanimously.

A motion was made by Boll, seconded by Konkol, to Rerefer to the PLAN COMMISSION, due back on November 6, 2006. The motion passed by acclamation.

Speaking neither in support nor opposition to the conditional use was Tom McComb, 4101 Lien Road, representing Amcor Flexibles.

Registered in support and available to answer questions (but absent when the project was reconsidered) was Ed Bushman, 1155 Quail Court, Pewaukee, representing the applicant, Laredo's Restaurant.

Zoning Text Amendments

10. [04557](#)

Amending the definition of "family" in Section 28.03(2) to recognize up to four (4) unrelated persons, who are disabled or handicapped pursuant to federal law and who require live-in assistants, as a family in the zoning code.

following revision:

-That the term "live-in" to be removed from the title and from the proposed text.

Ald. Golden requested reconsideration of a previous motion made by Ald. Cnare and seconded by himself recommending approval of the amendment without the above changes. The earlier motion was approved unanimously.

A motion was made by Golden, seconded by Bowser, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by acclamation.

11. [04443](#)

Creating Section 28.108 of the Madison General Ordinances to establish a "Neighborhood Conservation District".

The public hearing was recessed.

A motion was made by Konkel, seconded by Boll, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION, due back on December 4, 2006. The motion passed by acclamation.

Speaking in support of the proposed text amendment were: Marsha Rummel, 1339 Rutledge Street #2, representing the Marquette Neighborhood Association; Nick Schrieder, 213 S. Baldwin Street; Julia Kerr, 1626 Madison Street, representing the Vilas Neighborhood Association; Peter Ostlind, 533 W. Main Street; Ledell Zellers, 510 N. Carroll Street; Ald. Judy Olson, 518 Clemons Avenue, representing the 6th District, and; Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Registered in support and wishing to speak but absent when the matter was called were Patrick McDonnell, 441 N. Paterson Street, representing the Tenney-Lapham Neighborhood Association, and David Waugh, 1213 E. Mifflin Street.

Speaking neither in support nor opposition was Carole Schaeffer, Smart Growth Madison, 2810 Crossroads Drive.

Speaking in opposition were: Gary Peterson, 210 Marinette Trail; Susan Schmitz, Downtown Madison, Inc., 210 Marinette Trail, and; Phil Salkin, Realtors Association of South Central Wisconsin, 4801 Forest Run Road, Verona.

Registered in support but not wishing to speak were: Katharine Odell, 1415 Vilas Avenue; Erica Gehrig, 1811 Vilas Avenue; Melissa Scholz, 2115 Adams Street; Leslie Schroeder, 214 N. Marquette Street; Jonathon Cooper, 208 S. Henry Street, and; Chuck Erickson, 1541 Jefferson Street, District 13 County Board Supervisor.

Registered in opposition but not wishing to speak were Darren Kittleson, 1285 Celebration Boulevard, Sun Prairie and Rosemary Lee, 111 W. Wilson Street #108.

Registered neither in support nor opposition was Don Cornelius, 661 Mendota Court # 704.

Also registered was James Westring, 1132 Drake Street, registered on behalf of both the Greenbush Neighborhood Association and the Madison Trust for Historic Preservation.

12. [04601](#)

Amending Section 28.03(2) of the Madison General Ordinances to add yard sales as an accessory use and add a definition of yard sale, and amending Sections 28.08(2)(b)8., 28.08(9)(b)7. and 28.08(11)(b)7. of the Madison General Ordinances to add yard sales, with limits on duration and frequency,

as a specific accessory use in residential districts.

The Plan Commission recommended approval of this zoning text amendment with the following revision:

-That the four-month sale interval provision be changed to three months.

A motion was made by Konkel, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by acclamation.

BUSINESS BY MEMBERS

Ald. Golden requested during the consideration of item #4 that Planning Unit staff begin adding information about school populations for attendance areas affected by proposed residential developments. He also asked staff to begin evaluating bedroom-unit mixes in proposed developments as part of the reports presented to the Plan Commission.

Ald. Konkel moved and Boll seconded a motion to reconsider the Plan Commission's October 16, 2006 rejection of a demolition permit request for 8815 Silkwood Trail. The motion passed on a 3-2 vote (AYE: Ald. Konkel, Ald. Cnare, Boll; NAY: Thompson-Frater, Forster Rothbart; NON-VOTING: Fey; EXCUSED: Ald. Golden, Bowser, Lanier, Ohm, Davis). The matter will be placed on the Plan Commission agenda of November 6, 2006.

COMMUNICATIONS

None

SECRETARY'S REPORT

Brad Murphy noted the upcoming matters listed at the end of the agenda.

UPCOMING MATTERS - November 6, 2006 Meeting

- 9701 Brader Way (9600 Block Mineral Point Road) - PUD, office building*
- 1601 Gilson Street - PUD, demolition, mixed-use building*
- 5320 Lake Mendota Drive - garage on lake lot*

UPCOMING MATTERS - November 20, 2006 Meeting

- 2300-2500 Blocks Winnebago Street - PUD, "Union Corners", mixed-use development*
- 301 South Ingersoll Street - PUD, apartment building*
- 1501 Parkside Drive - M1 to C3L, convert building into church*

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by Boll, seconded by Forster Rothbart, to Adjourn at 11:35 p.m. The motion passed by acclamation.