



City of Madison

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

Meeting Minutes - Approved PLAN COMMISSION

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Monday, May 18, 2009

5:30 PM

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

CALL TO ORDER/ROLL CALL

Present: 10 -

Michael Schumacher; Lauren Cnare; Nan Fey; Eric W. Sundquist; Judy K. Olson; James C. Boll; Michael A. Basford; Michael G. Heifetz; Tim Gruber and Douglas J. Pearson

Excused: 2 -

Julia S. Kerr and Judy Bowser

Fey was chair for the meeting. Mr. Heifetz arrived during the discussion of agenda item 3.

Staff Present: Mark A. Olinger, Secretary; Brad Murphy, Michael Waidelich, Kevin Firchow, Brian Grady, and Rick Roll, Planning Division; Matt Tucker, Zoning Administrator, and; Mario Mendoza, Mayors Office.

MINUTES OF THE May 4, 2009 MEETING

A motion was made by Basford, seconded by Boll, to Approve the Minutes. The motion passed by voice vote/other.

SCHEDULE OF MEETINGS

Regular Meetings: June 1, 15 and July 6, 20, 2009.

Staff will poll the Plan Commission via email on potential dates for a special meeting to discuss the Downtown Plan. Potential dates are June 1, June 8, and June 15. Brad Murphy noted that Donovan Rypkema with Place Economics, will be available to meet with the Plan Commission members and City Staff on Thursday, May 21 in Room 260 of the Madison Municipal Building.

SPECIAL ITEMS OF BUSINESS

Plan Commission appointments to the Long Range Transportation Planning Commission; two appointments are needed. Commission member Sundquist's appointment is up for renewal and another seat is currently vacant.

Update on Zoning Code Re-write: Schedule update and review of the proposed Commercial/Mixed-Use District.

On a motion by Olson, seconded by Boll, the Commission re-appointed Eric Sundquist and Michael Basford to the Long Range Transportation Planning Commission.

ROUTINE BUSINESS

1. [14554](#) Accepting a 15-foot wide Public Sanitary Sewer Easement from George W. and Sandra J. Kohn across property located at 2002 Waunona Way, Madison, Wisconsin.
This motion passed unanimously.
A motion was made by Boll, seconded by Cnare, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

NEW BUSINESS

2. [14047](#) Accepting the annual report for Dane County Drainage District #27 for the year ending August 31, 2008.
This motion passed unanimously.
A motion was made by Cnare, seconded by Olson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

PUBLIC HEARING-6:00 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 6:00 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.

Neighborhood Plan

3. [13482](#) Adopting Phase 1 of the Shady Wood Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the City's application to amend the Central Urban Service Area to include the Phase 1 development staging area identified in the plan.
The original motion, made by Olson and seconded by Ald. Cnare, to recommend approval of a substitute ordinance adopting the entire plan was replaced on a motion by Boll and seconded by Ald. Schumacher to separate the consideration of each development phase. The motion to separate passed by the following vote 6:2 (AYE: Boll, Ald. Schumacher, Sundquist, Basford, Gruber, and Heifetz; NO: Ald. Cnare, Olson; NON-VOTING: Pearson and Fey.) Upon separating the items, the Commission made two recommendations. The first was to recommend approval of the adopting resolution, approving only the first phase of development. (This is listed as "Phase 1" in the adopting resolution and labeled as "Phase A" in the planning document.) This motion, made by Basford and seconded by Boll, passed by the following vote: 7:1 (AYE: Boll, Ald. Schumacher, Sundquist, Basford, Gruber, Olson, and Heifetz; NO: Ald. Cnare; NON-VOTING: Pearson and Fey.) The second motion was made regarding future development phases. Boll moved and Ald. Schumacher seconded a motion to refer consideration of "Phases B and C" of the plan until such time staff believes it is appropriate to bring forward. This motion specified that this item is to return to the Plan Commission within six months. That motion passed by the following vote: 7:1 (AYE: Boll, Ald. Schumacher, Sundquist, Basford, Gruber, Olson, and Heifetz; NO: Ald. Cnare; NON-VOTING: Pearson and Fey.)

A motion was made by Basford, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Excused: 2 -

Julia S. Kerr and Judy Bowser

Ayes: 7 -

Michael Schumacher; Eric W. Sundquist; Judy K. Olson; James C. Boll; Michael A. Basford; Michael G. Heifetz and Tim Gruber

Noes: 1 -

Lauren Cnare

Non Voting: 2 -

Douglas J. Pearson and Nan Fey

Registered in support of this item and speaking was Ron Trachtenberg, Murphy Desmond, 33 E. Main Street, Suite 500, representing Hawks Creek LLC; Grant Langdon, Hawk's Creek LLC; and Gary Werner, 2302 Lakeland Avenue.

Speaking in support of Phase 1 and in opposition to Phases 2-3 were Henry A. Gempeler, Foley and Lardner, representing Ken Keryluk and Melissa Wie, Ken Keryluk 3010 Shady Oak Lane; and Charles Dykman, 4611 Tonyawatha Trail.

Speaking in opposition to this item was Loveday Herrling, 4033 Barlow Road, Cross Plains; and James Weber, 7273 Midtown Road.

Speaking in neither support nor opposition was Andrew Bent, 6214 N. Highlands Avenue; Laura Dreger, 7351 Midtown Road, Verona; and Joe Campana, 1609 Glacier Hill Drive Madison, representing Diane Kammer 3102 Woods Road, Verona; and Ald. Paul Skidmore, 13 Red Maple Trail, Madison, WI, representing District 9.

Zoning Map Amendments/Subdivisions

4. [13256](#) SUBSTITUTE - Creating Section 28.06(2)(a)3411. of the Madison General Ordinances rezoning property from R4 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3412. 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: Relocate existing 2-Unit Building, Construct Underground Parking and New 2-Unit; 6th Aldermanic District: 430-434 South Thornton Avenue, 1526 Jenifer Street and 433 Cantwell Court.
- Referred at the request of the applicant. This motion passed unanimously.
- A motion was made by Boll, seconded by Olson, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the PLAN COMMISSION and should be returned by 6/1/2009. The motion passed by voice vote/other.**
- There were no registrations on this item.
5. [13259](#) SUBSTITUTE - Creating Section 28.06(2)(a)3413. of the Madison General Ordinances rezoning property from R4L Limited General Residence District and R4A Limited General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3414. 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: Relocated 2-Unit from South Thornton Avenue onto Vacant Property; 6th Aldermanic District: 1148 Jenifer Street.

Referred at the request of the applicant.

A motion was made by Boll, seconded by Olson, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the PLAN COMMISSION and should be returned by 6/1/2009. The motion passed by voice vote/other.

There were no registrations on this item.

6. [14301](#)

Creating Section 28.06(2)(a)3429. of the Madison General Ordinances rezoning property from Temp A Agriculture District to C2 General Commercial District. Proposed Use: Rezoning to Permanent Zoning District to Allow for a Change in Signage;16th Aldermanic District: 6410 - 6422 Millpond Road.

The Plan Commission recommended approval of a substitute ordinance to rezone only 6410 Millpond Road from A (Agriculture District) to C2 (General Commercial District). This recommendation was subject to the comments and conditions contained in the Plan Commission materials. This recommendation did not include the rezoning of the adjoining property at 6422 Millpond Road as requested by the applicant and described in the original ordinance. This motion passed by the following vote: 7:1 (AYE: Ald. Schumacher, Ald. Cnare, Sundquist, Olson, Basford, Heifetz, and Gruber; NO: Boll; NON-VOTING: Pearson and Fey.)

A previous motion, made by Heifetz and seconded by Basford, to recommend adoption of the original ordinance that approved rezoning for both 6410 and 6422 Millpond Road failed by the following vote: 3:5 (AYE: Heifetz, Basford, and Boll; NO: Ald. Schumacher, Ald. Cnare, Sundquist, Olson, and Gruber; NON-VOTING: Pearson and Fey.)

A motion was made by Gruber, seconded by Olson, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by the following vote:

Excused: 2 -

Julia S. Kerr and Judy Bowser

Ayes: 7 -

Michael Schumacher; Lauren Cnare; Eric W. Sundquist; Judy K. Olson; Michael A. Basford; Michael G. Heifetz and Tim Gruber

Noes: 1 -

James C. Boll

Non Voting: 2 -

Douglas J. Pearson and Nan Fey

Speaking in support of this item was Udavir Singh Sirohi, 6410 Millpond Road.

7. [14302](#)

Creating Section 28.06(2)(a)3430. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R1 Single-Family Residence District. Proposed Use: 12 Single-Family Residential Lots, 2 Public School Lots and 3 Outlots; 9th Aldermanic District: 12002 Old Sauk Road.

Approval recommended subject to the comments and conditions contained within the Plan Commission materials and the following amendment:

-That Condition 40 listed in the Planning Division Report of May 15, 2009 be amended to indicate the applicant should contact Parks Division Staff to arrive at satisfactory language concerning the

required park development fees and fees in lieu of land dedication, to be approved by the Parks Division. It was noted at the public hearing that the applicant's agent could not commit to the park fee waiver options without approval of the school board. The Parks Division is requested to report back to the Planning Division upon completion of this condition.

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

The following registrations were for both items 7 and 8.

Speaking in support of this item was Travis Schreiber, Vierbicher, 999 Fourier Drive, representing the Middleton Cross Plains School District.

Registered in support and available to answer questions was Tom Wohllebber, 7106 South Avnue, Middleton, representing the Middleton Cross Plains School District.

Speaking in neither support nor opposition to these items was Vern Leibbrandt, 1014 Blue Aster Trail.

8. [14700](#)

Approving the preliminary plat of Pope Farms Estates located at 12002 Old Sauk Road. 9th Ald. Dist.

Approval recommended subject to the comments and conditions contained within the Plan Commission materials and the following amendments:

-That Condition 40 listed in the Planning Division Report of May 15, 2009 be amended to indicate the applicant should contact Parks Division Staff to arrive at satisfactory language concerning the required park development fees and fees in lieu of land dedication, to be approved by the Parks Division. It was noted at the public hearing that the applicant's agent could not commit to the park fee waiver options without approval of the school board. The Parks Division is requested to report back to the Planning Division upon completion of this condition.

This motion passed unanimously.

A motion was made by Cnare, seconded by Heifetz, 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.

The following registrations were for both items 7 and 8.

Speaking in support of this item was Travis Schreiber, Vierbicher, 999 Fourier Drive, representing the Middleton Cross Plains School District.

Registered in support and available to answer questions was Tom Wohllebber, 7106 South Avnue, Middleton, representing the Middleton Cross Plains School District.

Speaking in neither support nor opposition to these items was Vern Leibbrandt, 1014 Blue Aster Trail.

9. [14303](#)

Creating Section 28.06(2)(a)3431. 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: Final Plans for New Union South Complex; 8th Aldermanic District: 1308 West Dayton Street.

Approval recommended subject to the comments and conditions contained within the Plan Commission materials. This motion passed unanimously.

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

Registered in support and available to answer questions on this item were Gary Brown, 610 Walnut Street and Mark Guthier, 800 Langdon Street, both representing UW Madison.

Conditional Use/ Demolition Permits

10. [14701](#) Consideration of a conditional use for an outdoor eating area to serve a restaurant located at 322 West Johnson Street. 4th Ald. Dist.
- A motion was made by Olson, seconded by Boll, to Approve. The motion passed by voice vote/other.**
- Registered in support and wishing to speak on this item was Arlan Kay, 116 East Dayton Street.
11. [14702](#) Consideration of a conditional use for an outdoor eating area to serve a restaurant located at 408 West Gorham Street. 4th Ald. Dist.
- The Commission found that the standards could be met and granted approval subject to the comments and conditions contained in the Plan Commission materials.
- A motion was made by Olson, seconded by Cnare, to Approve. The motion passed by voice vote/other.**
- Registered in support and wishing to speak on this item was Melissa Destree, 222 West Washington Avenue, #310, representing the applicant.
- Registered in support and available to answer questions was the applicant, Jongyeon Lee, 408 West Gorham Street and Joseph Tachovsky, 1223 Sherman Avenue.
12. [14703](#) Consideration of a conditional use to allow construction of a regional sanitary sewer lift station at 10004-10202 Mid Town Road and removal of a temporary lift station at 1842 Shady Point Drive. 1st Ald. Dist.
- The Commission found that the standards could be met and granted approval subject to the comments and conditions contained in the Plan Commission materials.
- A motion was made by Cnare, seconded by Boll, to Approve. The motion passed by voice vote/other.**
- There were no registrations on this item.
13. [14705](#) Consideration of a major alteration to an existing conditional use for a car wash/auto laundry located at 907 South Park Street. 13th Ald. Dist.
- The Commission found that the standards could be met and granted approval subject to the comments and conditions contained in the Plan Commission materials.
- A motion was made by Basford, seconded by Boll, to Approve. The motion passed by voice vote/other.**
- Speaking in support of this item was Troy Gile, 1197 St. Albert Ct, representing Octopus Car Wash.
- Speaking in opposition of this item was Lee Gorud, 906 West Shore Drive.

Land Division

14. [14706](#) Approving Certified Survey Map of the Peter Melone property located at 1022-24 Sherman Avenue. 2nd Ald. Dist.
- Referred at the request of the applicant.
- A motion was made by Olson, seconded by Cnare, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the PLAN COMMISSION. The motion passed by voice vote/other.**

There were no registrations on this item.

BUSINESS BY MEMBERS

Ald. Cnare indicated she would be meeting with representatives from Lexington, Kentucky on a tour of Grand View Commons.

COMMUNICATIONS

None.

SECRETARY'S REPORT

Brad Murphy summarized the upcoming matters.

Upcoming Matters - June 1, 2009

- 1900-16 East Washington Avenue - R5/C2 to PUD-GDP-SIP, demolish 4 buildings and construct mixed-use building with 26 multi-family units and 11,700 square feet of retail
- 214 North Hamilton Street - R6 to C2 to provide the property with conforming zoning
- 5922 Lien Road - PUD-GDP to PUD-GDP - Re-approving the GDP for multi-family housing in the Village at Autumn Lake subdivision
- 6234 South Highlands Avenue - CSM to create two single-family lots, including one deep residential lot (referred from April 6, 2009 meeting)

Upcoming Matters - June 15, 2009

- 3502 Sargent Street - R2 to R2S & Demolition Permit, demolish single-family house and rezone to create 2 lots to accommodate 2 relocated houses (revised application & new applicant)
- 2 South Bedford Street - M1 to PUD-GDP-SIP, demolish bus terminal to construct mixed-use building with 11,500 SF of retail and 82 apartments
- 4802 Femrite Drive - CSM referral to create 2 lots from existing Certco property
- 3802 Packers Avenue - CSM referral to create 4 industrial lots
- 6202 North Highlands Avenue - Demolish single-family residence with no proposed use
- 3833 Busse Street - Conditional use to construct warehouse in C2 zoning and alteration to planned commercial site
- 2609 East Washington Avenue - Conditional use for an outdoor eating area for a tavern
- 418 South Gammon Road - Demolish former restaurant and construct new restaurant at West Towne Mall
- 4226 Milwaukee Street - Conditional use to construct a dental office in C1 zoning across from Hiestand Park

ANNOUNCEMENTS

Ald. Cnare indicated she would be meeting with representatives from Lexington, Kentucky on a tour of Grand View Commons.

ADJOURNMENT

A motion was made by Boll, seconded by Gruber, to Adjourn at 10:07 pm. The motion passed by voice vote/other.