



# City of Madison

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

## Meeting Minutes - Approved PLAN COMMISSION

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Monday, January 10, 2011

5:30 PM

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

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### CALL TO ORDER/ROLL CALL

**Present:** 9 -

Lauren Cnare; Julia S. Kerr; Nan Fey; Eric W. Sundquist; Judy K. Olson;  
Michael G. Heifetz; Michael A. Basford; Tim Gruber and Anna  
Andrzejewski

**Excused:** 1 -

Michael Schumacher

Fey was chair for the meeting. Ald. Kerr arrived following approval of the December 20, 2010 Minutes and Routine Business items. Ald. Cnare left at 6:30 p.m. during consideration of items #4 and 5.

Staff present: Kevin Firchow & Tim Parks, Planning Division; Don Marx, Office of Real Estate Services; Anne Zellhoefer & Kitty Noonan, City Attorney's Office; Matt Tucker, Zoning Administrator; Bill Knobloch, Parking Utility, and; Mario Mendoza, Mayor's Office.

### PUBLIC COMMENT

There were no registrants for public comment.

### DISCLOSURES AND RECUSALS

There were no disclosures or recusals by Commission members.

### MINUTES OF THE December 20, 2010 MEETING

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

### SCHEDULE OF MEETINGS

January 24 and February 7, 21, 2011

### ROUTINE BUSINESS

1. [20841](#) Determining a Public Purpose and Necessity and adopting a City of Madison Relocation Order for the acquisition of Plat of Land Interests required for the reconstruction of a portion of Monona Drive (CTH "BB") between Winnequah Road and Cottage Grove Road

And

Determining a Public Purpose and Necessity and adopting a City of Madison Relocation Order for the acquisition of Plat of Land Interests required for the reconstruction of a portion of Atwood Avenue from Cottage Grove Road to approximately 500 feet north.

**A motion was made by Olson, 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.**

2. [20863](#)

Authorizing the execution of an Offer to Sell Real Estate with the State of Wisconsin for the purchase of four State-owned lots located at 302, 312, and 314 East Main Street and 21 South Butler Street for the expansion of the Brayton Parking Lot, a lease with the State of Wisconsin for spaces for its share-ride vans in the Parking Utility's downtown parking facilities and the amendment of the 2011 Parking Utility Capital Budget for the acquisition of the lots.

On a motion by Olson, seconded by Gruber, the Plan Commission recommended approval of the resolution on the following vote: AYE: Ald. Kerr, Ald. Cnare; Basford, Gruber, Olson, Sundquist, Andrejewski; NAY: Heifetz; NON-VOTING: Fey; EXCUSED: Bowser, Ald. Schumacher.

**A motion was made by Olson, seconded by Gruber, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by the following vote:**

**Excused:** 2 -

Michael Schumacher and Judy Bowser

**Ayes:** 7 -

Lauren Cnare; Julia S. Kerr; Eric W. Sundquist; Judy K. Olson; Michael A. Basford; Tim Gruber and Anna Andrejewski

**Noes:** 1 -

Michael G. Heifetz

**Non Voting:** 1 -

Nan Fey

3. [20925](#)

Authorizing the execution of an Underground Utility Easement to Wisconsin Department of Transportation Division of Business Management across a portion of a City-owned Stormwater Utility parcel located at 5709 Femrite Drive.

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

**UNFINISHED BUSINESS**

On a motion by Olson, seconded by Gruber, the Plan Commission placed items #4 and 5 on the table at the request of Ald. Mike Verveer at 5:40 p.m.

On a motion by Olson, seconded by Ald. Cnare, the Commission voted to take items #4 and 5 off the table at approximately 6:15 p.m. following completion of the other items on the agenda.

4. [20664](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to execute a Public Access Management Agreement with Edgewater Hotel Company LLC to govern the use, access, maintenance, operation and management of certain components of the proposed expansion of the Edgewater Hotel

The Plan Commission recommended approval of the resolution with the following revisions and/ or conditions:

- That the hotel developer, neighbors, district alders and City staff are strongly encouraged to meet to discuss the proposed Public Access Management Agreement and easements prior to the January 18, 2011 Common Council hearing on these items.
- That an amendment procedure be added to the Public Access Management Agreement.
- That section 6(g) on page 8 of the Public Access Management Agreement entitled "Demonstrations Prohibited" be deleted.
- That section 9(b) on page 11 be revised to read as follows: "Special Events. The Manager, the Hotel Operator, or their respective assigns shall have the right to close and/or secure all or any portion of the upper terrace as shown on Exhibit B-1, Public Access Components excluding the main stairway [to the lake] and ADA access routes for Special Events which may occur from time to time in the Public Access Components and which require the Manager or the Hotel Operator to monitor the occupancy and/or provide additional services and/or management of the Public Access Components while said event is occurring. During said event, the Manager may restrict the shoreline public access area as shown on Exhibit B-2 to 200 people. The Manager may close, secure, restrict access and prohibit the general public from occupying and accessing the Public Access Components during Special Events (and during the preparation or set-up and removal or tear-down thereof)."

The revised language related to section 9(b) was added to the main motion to recommend approval on a motion by Sundquist, seconded by Olson and passed on the following vote: AYE: Ald. Kerr, Basford, Gruber, Olson, Sundquist, Andrejewski; NAY: Heifetz; NON-VOTING: Fey; EXCUSED: Bowser, Ald. Schumacher.

The main motion to recommend approval passed by voice vote/ other.

**A motion was made by Gruber, seconded by Sundquist, to RECOMMEND TO COUNCIL TO ADOPT WITH THE FOLLOWING CONDITION(S) . The motion passed by voice vote/other.**

## NEW BUSINESS

5. [20945](#) Accepting various grants of easement for public access and use on the Edgewater Hotel property, authorizing the termination of two existing easements, and authorizing the Mayor and City Clerk to execute any necessary documents related thereto.

**A motion was made by Kerr, seconded by Gruber, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

The following individuals were registered on items #4 and 5:

Speaking in support of the Public Access Management Agreement and easements were: Amy Supple, Hammes Company, 22 E. Mifflin Street, Suite 800; James Tye, , 602 E. Johnson Street; Patrick Corcoran, 3718 Country Grove Road; Maureen Mulroy, 218 N. Pinckney Street; Rosemary Lee, 111 W. Wilson Street #108; Judy Karofsky, 317 N. Pinckney Street; Steve Breitlow, 1602 S. Park Street, and; Ald. Bridget Maniaci, 640 E. Johnson Street #5, representing the 2nd District.

Speaking in opposition to the Public Access Management Agreement and easements were: Gene Devitt, 28 E. Gilman Street; Fred Mohs, 512 Wisconsin Avenue, and; Ledell Zellers, 510 N. Carroll Street.

Speaking neither in support nor opposition to the Public Access Management Agreement and easements were: Franny Ingebritson, 516 Wisconsin Avenue #1; Sam Stevenson, 406 E. Washington Avenue #4, and;

Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Registered in support of the Public Access Management Agreement and easements but not wishing to speak were: Michael Green, Michael Best & Friedrich LLP, 1 S. Pinckney Street, representing Landmark X, LLC; Trey Sprinkman, 11 Cambridge Road; Michael Engelberger, 718 Post Road; Maurice Davenport, 2316 Badger Parkway; Jim Carley, 8501 Old Sauk Road; Ron Hanko & Tom Benish, 5202 Monument Lane; Mark P. Hoffman, IBEW Local 159, 1602 S. Park Street, and; Tim DeMinter & Chris Crossen, 1602 S. Park Street.

**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.

**Zoning Map Amendments**

- 6. [20625](#)                    Creating Section 28.06(2)(a)3513. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Revised general development plan for future construction of a 63-unit apartment building; 13th Aldermanic District; 1012 Fish Hatchery Road.

The Plan Commission recommended approval of the proposed amended general development plan subject to the comments and conditions in the Plan Commission materials and the following condition:

  - That no fewer than eight (8) visitor parking stalls be provided.

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

Speaking in support of the amended planned unit development was Randy Bruce, Knothe Bruce Architects, 7601 University Avenue, Middleton, representing the applicant, Tom Sather, Silverstone Partners, 7447 University Avenue #210, Middleton, who was registered in support and available to answer questions.

Also registered in support and available to answer questions was Thomas Klein, Oakbrook Corp., 2 Science Court.

Registered in support but not wishing to speak was Patrick Corcoran, 3718 Country Grove Road.
  
- 7. [20768](#)                    Creating Section 28.06(2)(a)3516 of the Madison General Ordinances rezoning property from R1 Single-Family Residence District to R2 Single-Family Residence District. Proposed Use: Demolish single-family residence to provide open space for adjacent residences and re-divide three (3) parcels into two lots with conforming zoning; 19th Aldermanic District; 5428 Lake Mendota Drive.

The Plan Commission recommended approval of the proposed zoning map amendment and related demolition subject to the comments and conditions in the Plan Commission materials.

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

**Land Divisions**

- 8.        [20950](#)            Approving a Certified Survey Map of property owned by the Albert and Jane Toon Revocable Trust and John S. Wienczek located at 5428 Lake Mendota Drive. 19th Ald. Dist.

The Plan Commission recommended approval of the Certified Survey Map subject to the comments and conditions in the Plan Commission materials.

**A motion was made by Basford, 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 individuals were registered on items #7 and 8:

Speaking in support of the proposed rezoning, demolition permit and land division was Ald. Mark Clear, 110 Shiloh Drive, representing the 19th District.

Registered in support of the requests was Ronald Klaas, D'Onofrio Kottke & Associates, Inc., 7530 Westward Way, representing the applicant, the Al & Jane Toon Revocable Trust.
  
- 9.        [20951](#)            Consideration of a Certified Survey Map within the City's Extraterritorial Jurisdiction creating four lots at 3897 Vilas Hope Road, Town of Cottage Grove.

The Plan Commission found the criteria for agricultural land divisions met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

**A motion was made by Cnare, seconded by Olson, to Approve. The motion passed by voice vote/other.**

Registered in support of the proposed land division and available to answer questions was Eric Sandsnes, Royal Oak Engineering, Inc.; 5610 Medical Circle, Suite 6, representing the applicant, the Schlueter Living Trust.

**Conditional Use/ Demolition Permits**

- 10.       [20952](#)            Consideration of a demolition permit to allow a fire-damaged commercial building to be razed with no proposed alternative use at 1609 North Stoughton Road. 17th Ald. Dist.

The Plan Commission found that the standards were 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 of the demolition permit and available to answer questions was the applicant, Robert Letzing, 9 Mountain Ash Trail.

**Zoning Text Amendment**

- 11.       [20752](#)            Creating Sec. 28.09(5)(c)3. of the Madison General Ordinances to allow the keeping of up to six (6) chickens in the C4 district.

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

There were no registrants on this item.

## **BUSINESS BY MEMBERS**

There was no business by members.

## **COMMUNICATIONS**

There were no communications other than those related to items #4 and 5. Those communications will be filed with those items.

## **SECRETARY'S REPORT**

Tim Parks summarized the upcoming Plan Commission matters.

### **Upcoming Matters - January 24, 2011**

- 8240 Mineral Point Road & 101 Junction Road - PUD-SIP to Amended PUD-GDP-SIP to allow construction of a 4,600 square-foot retail building and off-premises sign
- 2155-2205 Rimrock Road - Temp A & C3L to C3L, Demolition permit & Conditional use to demolish 5 commercial buildings and construct a 247-room hotel and conference center
- 901 Woodrow Street - Demolition permit & Conditional use to demolish single-family residence and construct Edgewood College Visual and Theatre Arts Center and an amendment/ update to the Edgewood Campus Master Plan

### **Upcoming Matters - February 7, 2011**

- 416-424 West Mifflin Street - R6 to PUD-GDP-SIP and Demolition permit to demolish residence and vacant commercial building to allow construction of 45-unit apartment building
- 115-117 South Bassett Street - PUD-SIP to Amended PUD-GDP-SIP to construct 4-unit apartment building in the rear yard
- 674 South Whitney Way (Tentative) - Conditional use to create an outdoor eating area for a restaurant/brewpub
- 1026 North Sherman Avenue - Conditional use to create an outdoor eating area for a restaurant
- 6701 Mineral Point Road - Demolition permit and Conditional use to allow existing gas station to be demolished and a pharmacy with drive-up service window to be constructed
- 3450 Milwaukee Street - Extraterritorial Certified Survey Map creating 1 lot in the Town of Blooming Grove with a 56-acre remnant parcel

## **ANNOUNCEMENTS**

Fey reminded members that Statement of Interest forms were due. Fey also noted the upcoming February 3, 2011 board/ committee/ commission training.

## **ADJOURNMENT**

**A motion was made by Olson, seconded by Gruber, to Adjourn at 8:15 p.m. The motion passed by voice vote/other.**