



City of Madison

Meeting Minutes - Final

PLAN COMMISSION

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

Monday, April 9, 2007

5:30 PM

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

ROLL CALL

Present: Brenda K. Konkell, Lauren Cnare, Kenneth Golden, Nan Fey, Brian W. Ohm, Sarah Davis, James C. Boll, Judy Bowser, Michael A. Basford, Kelly A. Thompson-Frater and Beth A. Whitaker

Fey was chair for the meeting.

Staff present: Brad Murphy & Tim Parks, Planning Division; Dan McCormick, Traffic Engineering Division; Joe Gromacki & Dan Rolfs, Don Marx, Community & Economic Development Division; Jeanne Hoffman, Mayor's Office; Hickory Hurie, CDBG Office.

MINUTES OF THE March 19, 2007 MEETING

Bowser noted that staff has Ald. Golden noted as "excused" in the minutes for certain items she thought he was present for. Staff reviewed the proceedings from the March 19 meeting and found that Ald. Golden was present and made the motion to approve item #1 under Routine Business, but that he was not present when the Commission discussed items #2-8 under Routine Business, which they returned to after the conclusion of the Public Hearing later in the evening. Staff has revised the minutes to better note the timing of these events.

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

SCHEDULE OF MEETINGS

April 23; May 7 & 21; June 4 & 18, 2007

UNFINISHED BUSINESS

1. [05574](#) SUBSTITUTE - Accepting the "Department of Planning and Development Reorganization Report" with its recommendations.
The Commission accepted the resolution accepting the report with the following revisions to the resolution:
 - That the last Whereas clause be removed from the resolution.
 - The second bullet point in the first Whereas clause shall be revised to now read: "Add a full-time Neighborhood Planner 3 to help implement the recommendations of the Neighborhood Staff Team and Study Committee for the Office of Neighborhood Services."
 - That "as recommended in the Comprehensive Plan" be added to the end of the fourth and sixth bullet points in the first Whereas clause.
 - That "as recommended in the Comprehensive Plan" be added to the end of the first sentence of the first bullet point in the new last Whereas clause after "zoning code."
 - That the second bullet point of the second Whereas clause now read: "Pending the outcome of the study group, revamp the way we provide services to neighborhoods,

including, but not limited to: enhance web site, improve..."

A motion by Ald. Konkel to revise the first bullet point of the second Whereas clause to read as follows failed for lack of a second: "Open a physical "One-Stop Shop" in 2007 on a temporary basis, with permanent implementation in 2008. Upon permanent installation, the staff team meetings shall be publicly noticed. Implementation of a virtual ..."

A motion was made by Cnare, seconded by Bowser, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER The Commission moved to accept the reorganization report with revisions to the accepting resolution. The motion passed by acclamation.

ROUTINE BUSINESS

2. [06021](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction improvements related to Milwaukee Street over the West Branch of Starkweather Creek- Engineering Project No. 53B0979 / WDOT Project No. 5992-07-49 (Right-of-Way), 5992-07-50 (Construction), 5992-07-71 (Construction).

A motion was made by Cnare, seconded by Boll, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by the following vote:

Aye: 7 - Cnare, Golden, Ohm, Davis, Boll, Bowser and Basford

No: 1 - Konkel

Non Voting: 3 - Fey, Thompson-Frater and Whitaker

NEW BUSINESS

3. [05935](#) Approving the Redevelopment Plan and District Boundary for the Badger-Ann-Park Redevelopment District.

The Plan Commission referred this matter until the proposed redevelopment plan conformed to the recommendations of the Comprehensive Plan.

A motion was made by Ohm, seconded by Boll, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.

PUBLIC HEARING-6:00 p.m.

Zoning Map Amendments/Subdivisions

4. [05797](#) SUBSTITUTE - Creating Section 28.06(2)(a)3263. of the Madison General Ordinances rezoning property from PCD(GDP) Planned Community Development (General Development Plan) District to PUD(GDP) Planned Unit Development (General Development Plan) and creating Section 28.06(2)(a) 3264. 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: 9-Unit Condominium Development; 19th Aldermanic District: 6506 Old Sauk Road.

Approval recommended subject to the comments and conditions contained in the Plan Commission materials.

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

Speaking in support of the project were J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201, Middleton, and; Ron Trachtenberg, Murphy Desmond, SC, 2 E. Mifflin Street, Suite 800, both representing the applicant, Mike Hershberger, Urban Solutions, Inc., 700 Rayovac Drive. Mr. Hershberger was registered in support and available to answer questions about his project.

Registered in support of the project and wishing to speak was Ron Phelps, 6 Court of Brixham, representing the Saukborough Property Homeowners Association.

5. [05798](#)

Creating Section 28.06(2)(a)3250. 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 and creating Section 28.06(2)(a)3251. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Daycare & Retail Building; 1st Aldermanic District: 8133 Mansion Hill Avenue.

The applicants withdrew their application.

A motion was made by Boll, seconded by Cnare, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -PUBLIC HEARING. The motion passed by acclamation.

6. [05800](#)

Creating Section 28.06(2)(a)3253. 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: Mixed-Use Development; 1st Aldermanic District: 8102 Mid Town Road.

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

- That the developer, W.C. Development Corporation, sign an Inclusionary Zoning Land Use Restriction Agreement for each separate lot as described in the PUD-GDP, including those currently being defined as being only commercial space. Require each subsequent buyer/ developer to submit an Inclusionary Dwelling Unit Plan as part of their specific implementation plan for their lot(s). If any one developer acquires more than one of the seven parcels, require that the IZ offset review for their parcels be done as a whole rather than considered individually. Use as a base density for each lot the base density for the lot that exists pre-approval of this general development plan. Conditions #4 & 5 of the Planning Division report are superseded.

- That condition #2e be added to the Planning Division recommendations that individual buildings shall be designed to orient the primary entry to the adjacent streets rather than to the parking lot.

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

7. [06068](#) Approving the preliminary/final plat known as "Midtown Center" located at 8102 Mid Town Road. 1st Ald. Dist.

Approval recommended subject to the comments and conditions contained in the Plan Commission materials and the conditions for Ordinance ID 05800.

A motion was made by Cnare, seconded by Golden, 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 acclamation.

Speaking in support of the project were J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201, Middleton, representing the applicants, W.C. Development.

Registered in support and available to answer questions was Peter Frautschi, 2819 Dewey Court, Middleton.

8. [05815](#) Creating Section 28.06(2)(a)3254. of the Madison General Ordinances rezoning property from R5 General Residence District and C2 General Commercial and to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3255. 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: Demolish 6 Buildings & Build a 45-Unit Condominium Building and a 4,000 Square Foot Commercial Building; 10th Aldermanic District: 2620 & 2612 Arbor Drive, 713 & 717 Knickerbocker Street, 2609 & 2605 Monroe Street.

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

- That condition #2 of the Traffic Engineering Division report be removed.
- That Monroe Street access for the site be maintained as a one-way inbound.

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

Speaking in support of the project were J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201, Middleton; Sonya Newenhouse, Madison Environmental Group, 25 N. Pinckney Street, and; Ron Trachtenberg, Murphy Desmond, SC, 2 E. Mifflin Street, Suite 800. All three were representing the applicant, James Corocoran, who was registered in support and available to answer questions about his project.

Registered in support but not wishing to speak were: Kenneth Ludtke, 2702 Monroe Street; Shanda Kennedy, 2612 Arbor Drive #1, and; Amber Wells, 339 Island Drive #4.

9. [05799](#) Creating Section 28.06(2)(a)3252. of the Madison General Ordinances rezoning property from R4 General Residence District to R5 General Residence District. Proposed Use: 18-Unit Apartment Building; 9th Aldermanic District: 602 Bear Claw Way.

This matter was referred so that a meeting about the proposal could be held with neighbors.

A motion was made by Boll, seconded by Cnare, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION. The motion passed by acclamation.

Conditional Uses/ Demolition Permits

10. [06069](#) Consideration of a conditional use to allow construction of an 18-unit townhouse building at 602 Bear Claw Way. 9th Ald. Dist.
- This matter was referred so that a meeting about the proposal could be held with neighbors.*
- A motion was made by Boll, seconded by Cnare, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.**
- The following registrants were present wishing to speak in opposition to Items #9 & 10: John Bernard & Janette Baley, 575 Fargo Trail and David Pilmer, 584 Fargo Trail. The public hearing was not opened because of the referral of these two matters pending a neighborhood meeting.*
11. [06070](#) Consideration of a conditional use to allow a restaurant in a residential building in R6 zoning at 633 North Frances Street. 8th 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.*
- A motion was made by Boll, seconded by Bowser, to Approve. The motion passed by acclamation.**
- There were no registrants on this item.*
12. [06071](#) Consideration of a conditional use to allow an employee for a home occupation located at 7514 Whitacre Road. 19th 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.*
- A motion was made by Boll, seconded by Konkell, to Approve. The motion passed by acclamation.**
- Speaking in support of the request was the applicant, Dr. Paul S. Bloom, 7514 Whitacre Road.*
- Speaking in opposition to the request was Robert Kramer, 7430 Farmington Way, representing the Sauk Creek Neighborhood Association.*
13. [06072](#) Consideration of a demolition permit to demolish an automobile dealership building to allow construction of a new dealership facility located at 3501 Lancaster Drive. 17th 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.*
- A motion was made by Golden, seconded by Bowser, to Approve. The motion passed by acclamation.**
- Speaking in support of the project was Tom McCoy, McCoy Engineering, 5440 Willow Road, Waunakee, representing the applicant, Jon Lancaster Toyota.*

14. [06073](#) Consideration of a demolition permit/conditional use to demolish a former restaurant to allow construction of a multi-tenant commercial building with outdoor seating areas located at 4622 East Washington Avenue. 17th 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.

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

Registered in support of the project and available to answer questions were Alex Weis, Livesey Company, 2275 Deming Way, Suite 300, Middleton and Robert G. Feller, PLANNING Design Build, Inc., 901 Deming Way, Suite 102, Madison.

15. [05922](#) Consideration of a conditional use to allow the addition of a rooftop terrace/ outdoor eating area at and existing bar/restaurant located at 620 University Avenue. 8th 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 conditions:

- *That outdoor amplified sound be ambient in nature using up to eight-inch [diameter] speakers, and that all outdoor amplified sound end at 10 P.M. daily.*
- *The conditional use granted for an outdoor eating area at 620 University Avenue shall be contingent upon compliance with the memorandum of agreement between the applicant, Jon Okonek, and the Varsity of Madison, LLC, dated April 7, 2007, and that any failure of such compliance at any time subsequent to the granting of the conditional use permit may serve as the foundation for the Plan Commission to assert its continuing jurisdiction to review the conditional use.*
- *That the applicant work with staff from the Planning Division to move the railing adjacent to University Avenue back a sufficient distance in the interest of public safety to reduce the potential for objects being thrown over the railing onto University Avenue.*

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

Aye: 7 - Konkel, Cnare, Golden, Davis, Boll, Bowser and Basford

No: 1 - Ohm

Non Voting: 3 - Fey, Thompson-Frater and Whitaker

Speaking in support of the request was Lynette Childs, 620 University Avenue, representing the applicant, Jon Okonek.

Speaking neither in support nor opposition to the request were Lance Baldus, Fluno Center for Executive Education, 601 University Avenue and Scott Herrick, 16 N. Carroll Street, representing Harold Langhammer, The Varsity, LLC.

16. [06074](#) Consideration of a minor alteration to an existing PUD to allow an outdoor eating area for a retail market located at 804 Williamson Street. 6th Ald. Dist.

This matter was referred pending resolution of an ownership issue.

A motion was made by Boll, seconded by Cnare, to Rerefer to the PLAN COMMISSION. The motion passed by acclamation.

Subdivision

17. [05033](#) Approving the final plat of "Second Addition to Hawk's Creek" located on Jeffy Trail. 1st Ald. Dist.
Superseded by Resolution ID #05480
- A motion was made by Boll, seconded by Davis, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by acclamation.**

Zoning Text Amendments

18. [03429](#) SUBSTITUTE - Amending Sections 28.04(6)(e)1.i. and 28.11(3)(g)3. of the Madison General Ordinances to add skirting and landscaping requirements for wheelchair ramp and off street parking spaces as permitted obstructions.
- The Commission recommended approval of the substitute ordinance with the following additional revisions:*
- That proposed 28.04 (6)(e) 1. ii now be revised to read: "Off-street parking and loading spaces only if any vehicle parked in the space displays a current parking identification card or license plate for people with disabilities, issued to a resident at the address; the space has access from a public street, and all other applicable requirements in Sec. 28.11 (3) are met. If a person requiring a parking space for people with disabilities no longer resides in the dwelling, the space shall be removed to conform to the Code no later than 12 months from the date they no longer reside in the dwelling."
- A motion was made by Golden, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by acclamation.**
- Speaking in support of the text amendment was Ald. Judy Olson, 518 Clemons Avenue, representing the 6th District.*

BUSINESS BY MEMBERS

Ald. Konkel asked that an opinion be provided by the City Attorney's Office on the applicability of the Open Meetings Law as it relates to the Development Assistance Team meetings between staff from various City agencies. Davis questioned how a "body" is defined under the Open Meetings Law.

COMMUNICATIONS

None

SECRETARY'S REPORT

Brad Murphy noted the upcoming matters for the Plan Commission and asked for sponsors for the seven draft zoning text amendments included in the Commission materials.

- Ald. Cnare indicated she would sponsor the amendments regarding temporary parking lots and outdoor eating areas.
- Ald. Golden indicated he would sponsor the amendments regarding contractors shops, M1 automobile and motorcycle sales, and accessory buildings.
- Ald. Konkel indicated she would sponsor the amendments regarding daycares and auto title loan restrictions.

Upcoming Matters - April 23, 2007

- 610 Hercules Trail - PUD, 36-units
- 5029 Raymond Road - PUD, convert existing dwelling to office
- 1815 University Avenue - PUD, demolition, 64-units
- 22 East Dayton Street - Amend PUD, 48-units
- 308-334 Dow Court - demolish four houses for future development
- 5756 Portage Road - Extraterritorial CSM, Town of Burke

Upcoming Matters - May 7, 2007

- 1518 North Stoughton Road - demolish former gas station for expanded car sales lot
- 149 Waubesa Street - demolish industrial buildings, parking reduction of Goodman Community Center
- 5320 Lake Mendota Drive - demolish lakehouse to build a new lakehouse
- 2809 Royal Avenue - M1 to C3, for future development

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by **Boll**, seconded by **Davis**, to Adjourn at 8:30 P.M. The motion passed by acclamation.