



City of Madison

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

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Wednesday, September 29, 2010

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 108 (City County Building)

ZONING CODE REWRITE SPECIAL MEETING

Note: Please disregard the note above about this meeting being televised. This session will NOT be televised!

CALL TO ORDER/ROLL CALL

Present: 8 -

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

Excused: 3 -

Michael Schumacher; Lauren Cnare and Michael G. Heifetz

Fey was chair for the meeting. Ald. Kerr arrived during the Zoning Code Rewrite discussion on design related waivers and conditional uses.

Staff Present: Brad Murphy, Kevin Flrchow, and Heather Stouder, Planning Division; Matt Tucker, Zoning Administrator; and Katherine Noonan, City Attorney's Office.

MINUTES OF THE August 30, 2010 MEETING

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

PUBLIC COMMENT

There were no registrations for individuals wishing to provide public comment.

ZONING CODE REWRITE

[15932](#)

Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit F pursuant to Sec. 66.0103, Wis. Stats. to revise the City's Zoning Ordinance.

This Ordinance was Rerefered to the PLAN COMMISSION.

Motion by Gruber, second by Bowser, to approve the staff recommendation summarized in the September 20, 2010 Summary Table: *Modification of Design-Related Standards* for eliminating the design waiver process for the Mixed-Use and Commercial Districts found on pages 39-42 of the "Redlined Ordinance." The motion directed staff to remove the sentence on p. 39 stating "Any design standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible." The motion passed by voice vote/other.

As part of the discussion on the above motion, the Plan Commission requested that staff provide

further clarification on the design standards regarding window and door openings and that these standards be reviewed so they are not in conflict with the Sign Code. A request by Ald. Kerr for staff to provide a flow chart or list of possible variances was withdrawn after discussion and recommendation from Assistant City Attorney Noonan.

Motion by Sundquist, second by Ald. Kerr, to approve the staff recommendation summarized in the September 20, 2010 Summary Table: Modification of Design-Related Standards, to eliminate the proposed design waiver process for rear yard height transitions in the NMX, TSS, MXC, CC-T, and CC Districts as found on pages 50, 54, 59, 61, and 63 of the "Redlined Ordinance." These sections should be revised to state that proposals not consistent with these standards could be approved as a conditional use. The motion passed by voice vote/other.

Motion by Gruber, second by Sundquist, to approve the staff recommendation summarized in the September 20, 2010 Summary Table: Modification of Design-Related Standards for eliminating the design waiver process for the "Building Standards: New Development for the TE, SE, EC, IL, and IG districts found on pages 72, 75, 79, 81, and 83 of the "Redlined Ordinance." The motion directed staff to remove the sentences in the aforementioned employment district sections stating that "Any Design standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible." The motion passed by voice vote/other.

Motion by Sundquist, second by Bowser, to approve the staff recommendations summarized in the September 20, 2010 Summary Table: Modification of Design-Related Standards confirming that the following "design-related" conditional uses identified in the proposed zoning code shall remain conditional uses:

- a) Exceeding the maximum building height in the TRU1, TRU2, TRP, NMX, TSS, MXC, CC-T, CC, and SE Districts;
- b) Exceeding the maximum building size in the NMX, TSS, MXC, CC-T and CC Districts;
- c) Having a lot area less than 15,000 sf in the Urban Agricultural District;
- d) Exceeding the maximum size and area of accessory buildings (in all districts);
- e) Parking reductions in excess of 20 spaces or 25% of the required total and parking reductions in transit corridors; and
- f) Driveways serving commercial or industrial uses that cross residential-zoned properties.

This motion passed by voice vote/other. The Commission confirmed that this motion included adding the option to exceed the maximum height with conditional use approval in the TRU-1 and TRU-2 Districts.

Motion by Basford, second by Andrzejewski, to approve the staff recommendation for item 22, Memorandum 1, maintaining the current height limit of 5 stories in the MXC District, allowing additional height to be approved as a conditional use. The motion passed by the following vote: 5-1 [AYE: Andrzejewski, Basford, Ald. Kerr, Sundquist and Bowser; NO: Gruber; NON-VOTING: Fey]. A previous motion by Sundquist, seconded by Ald. Kerr, to approve the staff recommendation for item 22 as for both the MXC and CC-T districts was withdrawn so the recommendations for each district could be considered separately. A motion by Gruber, seconded by Sundquist, to increase the maximum height in the MXC district to 10 stories, 136 feet, failed by the following vote 2:4 [AYE: Gruber, Sundquist; NO: Andrzejewski, Basford, Ald. Kerr, and Bowser; NON-VOTING: Fey].

Motion by Bowser, second by Gruber, to approve the staff recommendation for item 22, Memorandum 1, maintaining the current height limit of 5 stories for the CC-T district, allowing additional height to be approved as a conditional use. The motion passed by voice vote/other.

Motion by Ald. Kerr, second by Gruber, to accept the staff explanation provided in item 23, Memorandum 1, regarding height maximum standards. The motion passed by voice vote/other.

Motion by Ald. Kerr, second by Bowser, to approve the staff recommendation for item 37, Memorandum 2, to reduce the maximum building height in the NMX district from four (4) stories or 55 feet to three (3) stories or 40 feet. This motion passed by the following vote: 4-2 [AYE: Ald. Kerr, Bowser, Basford, and Andrzejewski; NO: Sundquist and Gruber; and NON-VOTING: Fey]. A previous motion by Ald. Kerr, seconded by Bowser to approve the staff recommendations for both items 37 and 39 was withdrawn so the recommendations could be

considered separately. As part of the discussion on this item, the Plan Commission requested that staff provide further information and clarification on Conditional Use standard 8, p. 222 and the role and status different adopted plans have in relationship to this standard.

Motion by Ald. Kerr, second by Bowser, to approve the staff recommendation for item 39, Memorandum 2, to reduce the maximum building height in the TSS district from four (4) stories or 55 feet to three (3) stories or 40 feet. This motion passed by the following vote: 4-2 [AYE: Ald. Kerr, Bowser, Basford, and Andrzejewski; NO: Sundquist and Gruber; and NON-VOTING: Fey]

Motion by Sundquist, second by Gruber, to approve the staff recommendation for item 43, Memorandum 2, recommending consistent language language be used in the CC-T and CC districts regarding additional building heights being allowed through conditional use approval. This motion passed by voice vote/ other.

Motion by Sundquist, second by Andrzejewski, to dispense with items 5 and 6, Memorandum 1, requesting clarification from the UDC on these issues. This motion passed by voice vote/other.

Motion by Sundquist, second by Gruber, to confirm that no change is recommended to the standard in the draft ordinance requiring that design standards in Section 28.060 (2) apply to all new buildings and major expansions (fifty percent (50%) or more of building floor area. The motion passed by voice vote/other.

Motion by Andrzejewski, second by Sundquist, to approve the staff recommendation for item 54, Memorandum 2, regarding the design review process in the SEC district. The motion passed by voice vote/other.

UPCOMING MEETINGS

Monday, October 4: 5:30 p.m. Room 201 CCB
Wednesday, October 6, 5:30 p.m. Room 300 MMB
Monday, October 25, 5:30 p.m. Room 260 MMB
Tuesday, October 26, 5:30 p.m. Room 300 MMB

ADJOURNMENT

A motion was made by Kerr, seconded by Sundquist, to Adjourn at 7:54 p.m. The motion passed by voice vote/other.