



# City of Madison

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

## Meeting Minutes - Approved PLAN COMMISSION

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Monday, July 27, 2015

5:30 PM

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

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### CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:40 p.m.

**Present:** 9 - Ledell Zellers; Sheri Carter; Ken Opin; Eric W. Sundquist; Melissa M. Berger; Michael G. Heifetz; Michael W. Rewey; Bradley A. Cantrell and James E. Polewski

**Excused:** 2 - Steve King and Maurice C. Sheppard

Opin was chair for this meeting.

Staff present: Katherine Cornwell and Tim Parks, Planning Division; Matt Tucker, Zoning Administrator.

### PUBLIC COMMENT

There were no registrants for public comment.

### COMMUNICATIONS, DISCLOSURES AND RECUSALS

Polewski recused himself from consideration of Item 12.

Rewey disclosed that he was at the Tip-Top Tavern on July 26 for a site visit, but that he avoided interacting with the operator of the establishment and that he felt he could fully participate on that matter.

Berger disclosed that she encountered neighbors on Items 4 and 12 during site visits, but that those interactions would not affect her ability to participate on those items.

### MINUTES OF THE JULY 13, 2015 MEETING

On a motion by Rewey, seconded by Cantrell, the Plan Commission approved the July 13, 2015 minutes by voice vote/ other with the following revision:

- Opin should not be listed as voting on Item 13.

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

### SCHEDULE OF MEETINGS

August 10, 24 and September 21, 2015

### SPECIAL ITEMS OF BUSINESS

- Election of Chair and Vice-Chair

On a motion by Rewey, seconded by Sundquist, the Plan Commission elected Opin as Chair and Cantrell as Vice-Chair by voice vote/ other, with Cantrell abstaining.

- Plan Commission appointments to the Long-Range Transportation Planning Committee and Community Garden Committee

James Polewski was appointed to the Long-Range Transportation Planning Committee by unanimous consent.

The Plan Commission deferred making an appointment to the Community Garden Committee until August 24, 2015.

## NEW BUSINESS

1. [39303](#) Authorizing the City of Madison Planning Division to prepare the Yahara Hills Neighborhood Development Plan.  
On a motion by Rewey, seconded by Cantrell, the Plan Commission recommended approval of this resolution by voice vote/ other.  
**A motion was made by Rewey, seconded by Cantrell, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

## UNFINISHED BUSINESS

2. [39136](#) Authorizing the execution of an Amendment to Easement pertaining to the Public Utility Easement from the City of Madison to Mt. Vernon Telephone Company located within the Engineering Stormwater Utility parcel at 7437 East Pass (Outlot 2, The Crossing).  
On a motion by Sundquist, seconded by Cantrell, the Plan Commission recommended approval of this resolution by voice vote/ other.  
**A motion was made by Sundquist, seconded by Cantrell, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.**

## PUBLIC HEARING-5:45 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.

## Detachment from City

3. [39319](#) Creating Section 15.01(597) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" detaching from the Eleventh Aldermanic District the Hong Kong Metro Realty Company property.  
**A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER. The motion passed by voice vote/other.**  
Registered in support of the detachment and available to answer questions was John Flad of Tree Lane, Madison.

**Zoning Map Amendments & Related Requests**

- 4. [38743](#) Creating Section 28.022 -- 00170 of the Madison General Ordinances rezoning property located at 501 Welch Avenue, 6th Aldermanic District, from TR-C2 (Traditional Residential - Consistent 2) District to TR-C3 (Traditional Residential - Consistent 3) District.

On a motion by Cantrell, seconded by Rewey, the Plan Commission found the standards met and recommended approval of this zoning map amendment subject to the comments and conditions in the Plan Commission materials. The motion to recommend approval passed by voice vote/ other.

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

Speaking in support of the zoning map amendment was Miche Llanas of Ohio Avenue .

Speaking in opposition to the zoning map amendment were Mary Conroy of Center Avenue and Alice OMahn of Center Avenue.

Registered in opposition but not wishing to speak was Andrew Roberts of Center Avenue .

- 5. [38876](#) Creating Section 28.022 - 00172 and Section 28.022 - 00173 of the Madison General Ordinances to change the zoning of property generally addressed as 109 South Fair Oaks Avenue, 6th Aldermanic District, from TE (Traditional Employment) District to PD(GDP)SIP (Planned Development (General Development Plan) Specific Implementation Plan) District.

On a motion by Rewey, seconded by Cantrell, the Plan Commission found the standards met and recommended approval of this zoning map amendment (ID 38876) and Certified Survey Map (ID 39090) subject to the comments and conditions in the Plan Commission materials. The motion to recommend approval passed by voice vote/ other.

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

- 6. [39090](#) Approving a Certified Survey Map of property owned by the City of Madison and located at 109 S. Fair Oaks Avenue; 6th Ald. Dist.

On a motion by Rewey, seconded by Cantrell, the Plan Commission found the standards met and recommended approval of this zoning map amendment (ID 38876) and Certified Survey Map (ID 39090) subject to the comments and conditions in the Plan Commission materials. The motion to recommend approval passed by voice vote/ other.

**A motion was made by Rewey, seconded by Cantrell, 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 were registered on Items 5 and 6, which were considered together:

Speaking in support of the planned development were; Bryant Moroder, Baum Development, of Farwell Street, the applicant; Lou Host-Jablonski, Design Coalition Architects of Atwood Avenue, representing the applicant, and; Tom Rogers of Creamery Court, McFarland, representing SmithGroup JJR and the applicant.

7. [39049](#) Creating Section 28.022-00174 of the Madison General Ordinances to change the zoning of property located at 101 South Mills Street, 13th Aldermanic District, from TR-V1 (Traditional Residential - Varied 1) District to TR-U1 (Traditional Residential - Urban 1) District.

On a motion by Cantrell, seconded by Heifetz, the Plan Commission found the standards met and recommended approval of the zoning map amendment (ID 39049) to the Common Council and approved the demolition permit (ID 33913) subject to the comments and conditions in the Plan Commission materials. The motion to recommend approval passed by voice vote/ other. In approving the project, the Plan Commission encouraged the applicant to relocate the existing home prior to demolition.

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

8. [33913](#) REVISED - Consideration of a demolition permit to allow demolition of a single-family residence and construction of a four-unit apartment building at 101 S. Mills Street; 13th Ald. Dist.

On a motion by Cantrell, seconded by Heifetz, the Plan Commission found the standards met and recommended approval of the zoning map amendment (ID 39049) to the Common Council and approved the demolition permit (ID 33913) subject to the comments and conditions in the Plan Commission materials. The motion to recommend approval passed by voice vote/ other. In approving the project, the Plan Commission encouraged the applicant to relocate the existing home prior to demolition.

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

The following were registered on Items 7 and 8, which were considered together:

Speaking in support of the proposed development was Brad Koning, Shulfer Architects of Parmenter Street, Middleton, representing the applicant, Chris Etmanczyk of Windswept Way, Verona, who was registered in support and available to answer questions.

Speaking neither in support nor opposition to the project was Don MacCrimmon of Mound Street.

Registered in opposition but not wishing to speak were Barbara MacCrimmon of Mound Street and Sarah Coyle of S. Mills Street.

### Conditional Use & Demolition Permits

9. [38158](#) Consideration of a conditional use for a private parking facility at 665 E. Washington Avenue in Urban Design District 8; 6th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission referred this item to August 24, 2015 pending a recommendation by the Urban Design Commission. The referral passed by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to Refer to the PLAN COMMISSION and should be returned by August 24, 2015. The motion passed by voice vote/other.**

There were no registrants on this item.

10. [38731](#) Consideration of a demolition permit to allow demolition of an existing single-family residence and construction of a new single-family residence at 4022 Manitou Way; 10th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission referred this item to August 10, 2015 at the request of the applicant. The referral passed by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to Refer to the PLAN COMMISSION and should be returned by August 10, 2015. The motion passed**

by voice vote/other.

There were no registrants on this item.

- 11. [38734](#) Consideration of a demolition permit and conditional use to allow demolition of a restaurant and construction of an auto service station, convenience store and car wash at 3520-3546 E. Washington Avenue; Urban Design District 5; 15th Ald. Dist.

On a motion by Cantrell, seconded by Berger, the Plan Commission referred this item to August 24, 2015 pending a recommendation by the Urban Design Commission. The referral passed by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to Refer to the PLAN COMMISSION and should be returned by August 24, 2015. The motion passed by voice vote/other.**

There were no registrants on this item.

- 12. [39084](#) Continuing jurisdiction review by the Plan Commission of an approved conditional use for an outdoor eating area for the Tip Top Tavern located at 601 North Street; 12th Ald. Dist.

On a motion by Cantrell, seconded by Sundquist, the Plan Commission approved the following modifications to the approved conditional use for an outdoor eating area at 601 North Street, which were determined necessary to bring the use into compliance with the standards set forth in Section 28.183(6) of the Zoning Code:

- That the patio door [not be propped open] at all times.
- That no patrons may utilize the outdoor patio area after hours for smoking or otherwise.
- That, on a motion by Rewey, seconded by Berger, a noise attenuation plan prepared by the applicant be submitted to the Building Inspection Division by September 1, 2015 for approval, which includes an implementation plan. The amended motion passed on the following 6-1 vote: AYE: Ald. Carter, Ald. Zellers, Berger, Cantrell, Rewey, Sundquist; NAY: Heifetz; NON-VOTING: Opin; RECUSED: Polewski; EXCUSED: Ald. King, Sheppard.
- That, on a motion by Rewey, seconded by Berger, the hours of operation for the outdoor eating area remains until 10:00 p.m. seven days a week. The amended motion passed on the following 4-3 vote: AYE: Ald. Carter, Berger, Heifetz, Rewey; NAY: Ald. Zellers, Cantrell, Sundquist; NON-VOTING: Opin; RECUSED: Polewski; EXCUSED: Ald. King, Sheppard. The amended motion replaced an earlier condition in the main motion by Cantrell and Sundquist to modify the hours of operation to 8:00 p.m. Sunday-Thursday and 9:00 p.m. Friday and Saturday.
- That, on a motion by Sundquist, seconded by Berger, the conditional use approval for the outdoor eating area expires on December 31, 2015. [Thereby requiring the applicant to submit a new conditional use application to the Plan Commission to consider at a public hearing and approve prior to opening the patio on or after January 1, 2016.] The amended motion passed on the following 4-3 vote: AYE: Ald. Zellers, Berger, Cantrell, Sundquist; NAY: Ald. Carter, Heifetz, Rewey; NON-VOTING: Opin; RECUSED: Polewski; EXCUSED: Ald. King, Sheppard.

The main motion to modify the conditional use passed on the following 6-1 vote: AYE: Ald. Carter, Ald. Zellers, Berger, Cantrell, Rewey, Sundquist; NAY: Heifetz; NON-VOTING: Opin; RECUSED: Polewski; EXCUSED: Ald. King, Sheppard.

**A motion was made by Cantrell, seconded by Sundquist, to Approve. The motion passed by the following vote:**

**Ayes:** 6 - Ledell Zellers; Sheri Carter; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey and Bradley A. Cantrell

**Noes:** 1 - Michael G. Heifetz

**Recused:** 1 - James E. Polewski

**Excused:** 2 - Steve King and Maurice C. Sheppard

**Non Voting:** 1 - Ken Opin

Speaking in support to the conditional use were: Benjamin Altschul of N. Dickinson Street, the proprietor of the Tip-Top Tavern; David Mandell of E. Wilson Street, representing Mr. Altschul; Jim Wold of Hoard Street; Dan Altschul of Rusk Street; Jane Capito of Jenifer Street, and; Alfred Rasho of N. Dickinson Street, representing the Tip-Top.

Speaking in opposition to the conditional use was Kim Kluck of Moland Street.

Registered in support of the conditional use and available to answer questions were: Michael Draves of School Road; Evan Bradbury of E. Johnson Street, and; Patti Cross of N. Franklin Street.

**Zoning Text Amendments**

- 13. [39124](#) Amending Section 28.151 of the Madison General Ordinances to allow the adaptive reuse of buildings originally constructed as places of worship.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.**
- 14. [39125](#) Amending Sections 28.151 and 28.082 of the Madison General Ordinances to allow the keeping of honeybees in employment districts.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.**
- 15. [39126](#) Amending Sections 28.151 and 28.032 of the Madison General Ordinances to update use status for adult family homes and community living arrangements.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

**A motion was made by Cantrell, seconded by Berger, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.**
- 16. [39127](#) Creating Section 28.132(2)(f) and renumbering current Section 28.132(2)(f) to (g) of the Madison General Ordinances to require window wells to be built up at least six inches above the adjoining ground to prevent flooding in residences.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

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

- 17. [39131](#) Amending Section 28.098(6) of the Madison General Ordinances to allow the Director of Planning and Economic Development to refer any request for alteration to the Urban Design Commission.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

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

- 18. [39158](#) Creating Section 28.098(2)(i) of the Madison General Ordinances to allow the reduction or elimination of setback requirements in Planned Development Districts.

On a motion by Cantrell, seconded by Berger, the Plan Commission recommended approval of the zoning text amendment by voice vote/ other.

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

There were no registrants on the zoning text amendments.

**Alteration to Planned Development Districts**

- 19. [38933](#) Consideration of an alteration to an approved Planned Development (Specific Implementation Plan) to allow a front yard parking space for an existing residence at 403 W. Doty Street; 4th Ald. Dist.

On a motion by Heifetz, seconded by Ald. Carter, the Plan Commission approved an alteration to the approved Specific Implementation Plan to allow a front yard parking space for 403 W. Doty Street subject to the comments and conditions in the Plan Commission materials, including the condition recommended by the Zoning Administrator that a code-complaint apron and curb cut be installed to serve this parking area.

The motion to approve passed by the following 7-1 vote: AYE: Ald. Carter, Ald. Zellers, Berger, Cantrell, Heifetz, Polewski, Sundquist; NAY: Rewey; NON-VOTING: Opin; EXCUSED: Ald. King, Sheppard.

**A motion was made by Heifetz, seconded by Carter, to Approve. The motion passed by the following vote:**

**Ayes:** 7 - Ledell Zellers; Sheri Carter; Eric W. Sundquist; Melissa M. Berger; Michael G. Heifetz; Bradley A. Cantrell and James E. Polewski

**Noes:** 1 - Michael W. Rewey

**Excused:** 2 - Steve King and Maurice C. Sheppard

**Non Voting:** 1 - Ken Opin

Speaking in support of the proposed alteration were: Levi and Amanda Funk of W. Doty Street, the applicants; John Schauf of W. Doty Street, and; Scott McDonell of W. Doty Street.

Registered in support but not wishing to speak were: Susan Schauf of W. Doty Street; Jeff Vercauteren of S. Carroll Street, and; Goran Radicevic of W. Doty Street.

20. [38934](#) Consideration of an alteration to an approved Planned Development (Specific Implementation Plan) to consider exterior building material changes for an approved senior housing and community-based residential facility development at 503, 511, and 519 Commerce Drive; 9th Ald. Dist.

On a motion by Rewey, seconded by Sundquist, the Plan Commission placed an alteration to the approved Specific Implementation Plan to allow vinyl siding instead of fiber cement siding for 501-519 Commerce Drive on file without prejudice.

The motion to place on file passed by the following 7-1 vote: AYE: Ald. Carter, Ald. Zellers, Berger, Cantrell, Polewski, Rewey, Sundquist; NAY: Heifetz ; NON-VOTING: Opin; EXCUSED: Ald. King, Sheppard.

**A motion was made by Rewey, seconded by Sundquist, to Place On File Without Prejudice. The motion passed by the following vote:**

**Ayes:** 7 - Ledell Zellers; Sheri Carter; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey; Bradley A. Cantrell and James E. Polewski

**Noes:** 1 - Michael G. Heifetz

**Excused:** 2 - Maurice C. Sheppard and Steve King

**Non Voting:** 1 - Ken Opin

Speaking in support of the proposed alteration were: Steve Esser of Harrison Avenue, Waukesha, and John Thode of E. Terrace Drive, both representing Horizon Development Group and All Saints , a Catholic Charities company, and; Ald. Paul Skidmore, 13 Red Maple Trail, representing the 9th Ald. Dist.

## BUSINESS BY MEMBERS

Opin and the members of the Plan Commission welcomed James Polewski to the Commission and thanked Eric Sundquist for his service on the occasion of his last meeting.

Opin encouraged staff to include with future demolition permits conditions of approval requiring relocation of buildings prior to demolition.

## SECRETARY'S REPORT

Katherine Cornwell summarized the upcoming matters for the Commission.

### - Upcoming Matters - August 10, 2015

- Adjacent to 5000 N. Sherman Avenue - Annexation from Town of Westport - Annex land adjacent to Cherokee Country Club clubhouse for future residential project
- 109 E. Lakeside Street - TR-V1 to LMX and Conditional Use - Allow for the establishment of a furniture and household goods store with upper floor dwelling unit.
- 729 Pulley Drive - Conditional Use - Construct accessory building exceeding 800 square feet in SR-C1 zoning

### - Upcoming Matters - August 24, 2015

- 115-117 S. Bassett Street - PD(SIP) to Amended PD(SIP) - Construct four-unit apartment building
- 4525 Secret Garden Drive - SR-V2 to TR-P and Conditional Use - Construct residential building complex containing 113 multi-family dwellings in 16 buildings (revised request)
- 6851 McKee Road - PD(GDP) to PD(SIP) - Construct 80 apartments in 2 buildings
- 1702 Autumn Lake Pkwy. - TR-P to CC-T - Rezone Lot 564 of the approved Village at Autumn Lake Replat for future mixed-use
- 5922 Lien Road - TR-P to CC-T - Rezone Lot 1059 of the approved Village at Autumn Lake Replat for future mixed-use
- 5902 Tranquility Trail - TR-C3 to CN - Rezone Outlot 60 of the approved Village at Autumn Lake Replat



for private open space

- 5235 High Crossing Blvd. - Conditional Use - Construct 10,030 sq. ft. multi-tenant retail building

## **ANNOUNCEMENTS**

Opin, Cantrell and Polewski announced that they would not be present for the August 10, 2015 meeting.

Berger will be serving as interim chair for that meeting in the absence of Opin and Cantrell.

## **ADJOURNMENT**

**A motion was made by Sundquist, seconded by Heifetz, to Adjourn at 9:55 p.m.  
The motion passed by voice vote/other.**