



# City of Madison

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

## Meeting Minutes - Approved PLAN COMMISSION

*This meeting can be viewed LIVE on Madison City Channel, cable channel 98, digital channel 994, or at [www.madisoncitychannel.tv](http://www.madisoncitychannel.tv).*

---

Monday, December 20, 2010

5:30 PM

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

---

### CALL TO ORDER/ROLL CALL

**Present:** 8 -

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

**Excused:** 3 -

Michael Schumacher; Judy Bowser and Anna Andrzejewski

Fey was chair for this meeting. Basford arrived after approval of the minutes. Heifetz arrived prior to the public hearing at 6:00 p.m. Ald. Kerr arrived during the public hearing on Item #4.

Staff present: Mark A. Olinger, Secretary; Brad Murphy & Tim Parks, Planning Division; Kay Rutledge, Parks Division; Tim Cooley, Economic Development Division, and; Mario Mendoza, Mayor's Office.

### PUBLIC COMMENT

There were no registrants for public comment.

### DISCLOSURES AND RECUSALS

Regarding Item #4, Fey disclosed that she is a resident of the Regent neighborhood, and served as President and board member of the Regent Neighborhood Association in the 1990s, resigning when she became a member of the Plan Commission. She has not participated in any of the discussions that have occurred in the neighborhood about the proposed Mullins development, and stated that she does not believe her prior involvement with neighborhood issues would influence her views of the project.

### MINUTES OF THE December 6, 2010 MEETING

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

### SCHEDULE OF MEETINGS

January 10, 24 and February 7, 21, 2011

### NEW BUSINESS

1. [20745](#) Authorizing an Addendum to the Annexation / Attachment Agreement between the City of Madison and Cherokee Park Development, Inc.

**A motion was made by Olson, seconded by Cnare, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. 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.

**Zoning Map Amendments/ Subdivision**

- 2. [20515](#) Creating Section 28.08(2)(a)3509. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R1 Single-Family Residence District and creating Section 28.06(2)(a)3510. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2T Single-Family Residence District. Proposed Use: Hawks Valley Subdivision, creating 82 single-family lots and 3 outlots for public parkland and stormwater management; 1st Aldermanic District; 2052 Woods Road.  
The Plan Commission recommended approval subject to the comments and conditions contained in the Plan Commission materials. The motion passed by voice vote/ other.

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

- 3. [20825](#) Approving the preliminary plat of Hawks Valley located at 2052 Woods Road. 1st Ald. Dist.  
The Plan Commission recommended approval of the preliminary plat subject to the comments and conditions contained in the Plan Commission materials and the following revised conditions:  
  
- That condition #1 of the Report to the Plan Commission be revised as follows: "That the final plat be revised to show a 30-foot rear yard building line and a 20-foot landscaped buffer parallel to Mid Town Road for Lots 1-10.

- That the second paragraph of condition #3 of the Report to the Plan Commission be revised as follows: "The following note shall also be included on the final plat: "The 30-foot building setback line and 20-foot landscaped buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner; the building of buildings hereon is prohibited. Maintenance of the buffer strip is the responsibility of the lot owner."

The motion passed by voice vote/ other.

**A motion was made by Heifetz, seconded by Basford, 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.**

Speaking in support of the proposed development was the applicant, Tony Heinrichs, Watermark JT, LLC, 702 N. High Point Road #200.

Registered in support of the proposed development was Randy Davis, 7910 Bowman Road, Lodi, representing the applicant.

- 4. [20516](#) Creating Section 28.06(2)(a)3511. of the Madison General Ordinances rezoning property from C2 General Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3512. 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 to construct mixed-use building with 130 residential units and approximately 8,600 square feet of retail space; 5th Aldermanic District; 2508-2544 University Avenue and 516-518 Highland Avenue.

On a motion by Gruber, seconded by Sundquist, the Plan Commission recommended approval subject to the comments and conditions contained in the Plan Commission materials and the following conditions of approval:

- That the hours of operation for outdoor eating areas for restaurants, brewpubs, taverns, etc. listed in condition #1d of the Report to the Plan Commission be revised as follows: Sunday: 11:00 a.m. to 10:00 p.m.; Monday-Thursday: 6:00 a.m. to 10:00 p.m.; Friday-Saturday: 6:00 a.m. to 11:00 p.m., and that the sale of alcohol not be permitted before 11:00 a.m.
- That condition #3 of the Report to the Plan Commission be revised as follows: "That prior to final approval and recording of the planned unit development, the applicant obtain a cross-access easement from the Wisconsin Department of Transportation to provide access to the western driveway shown on the project plans. In the event the applicant is unable to obtain said easement, the development plans shall be revised to accommodate the western access on the subject property. The applicant shall consult with the district alder, Regent Neighborhood Association and Planning staff prior to modifying this driveway access."
- That condition #5 of the Report to the Plan Commission be revised as follows: "That the applicant submit a final streetscaping plan for the University Avenue and Highland Avenue frontages for approval review by the Planning Division Director and inclusion in the Developer's Agreement prior to final approval of the project for recording and issuance of permits. The district alder and Regent Neighborhood Association board shall receive a copy of the streetscaping plan and given the opportunity to provide feedback."
- That condition #7 of the Report to the Plan Commission be revised as follows: "That the design studies requested by the Urban Design Commission be made and that any modifications be approved by Planning Division staff in consultation with the district alder prior to final approval of the project for recording and the issuance of permits."
- That condition #28 of the Report to the Plan Commission be revised as follows: "All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree-planting plan (in PDF format) to Dean Kahl, of the City Parks Division - dkahl@cityofmadison.com or 266-4816. The district alder and Regent Neighborhood Association board shall receive a copy of the tree-planting plan for comment prior to implementation."
- That condition #40 of the Report to the Plan Commission be revised as follows: "City of Madison Environmental Projects staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, bbemis@cityofmadison.com) for further review. The district alder and Regent Neighborhood Association board shall receive a digital copy of the ASTM Phase I ESA at the same time it is submitted to the City staff. The City shall share with the district alder and Regent Neighborhood Association board its written recommendations on whether a Phase II ESA is necessary."
- That condition #58 of the Report to the Plan Commission be revised to require that at least 100 bike parking stalls be provided to serve the proposed development. The applicant shall provide a bike parking plan for patrons of the proposed commercial spaces to the district alder for review and comment prior to final staff approval of the project for recording and issuance of permits.
- That the following condition be added: "Significant concerns already exist among residents with respect to noise emanating from UW west campus buildings, Campus Drive, the VA Hospital and the UW Hospital Medflight. The project itself, when completed, should not add noise to the neighborhood from mechanical systems associated with the property and should additionally result in the decrease in noise from Campus Drive. Noise measurements in 3 key spots in the neighborhood south of the project should be taken prior to and after construction to demonstrate that noise levels have not increased due to mechanical systems of the project. Written documentation of achieving this condition should be provided to the district alder and Regent Neighborhood Association board no later than 6 months after building is completed and open for occupancy."
- That the applicant provide the proposed comprehensive sign package for the development to the district alder for review and comment prior to comprehensive design review approval by the Urban Design

Commission.

The conditions to provide the district alder and Regent Neighborhood Association board with the comprehensive sign package and commercial bike parking plan prior to their respective final approvals (as stated above) were made part of the main motion by Ald. Kerr, seconded by Basford, and approved by voice vote/ other.

A substitute motion by Ald. Kerr, seconded by Ald. Cnare to restrict the hours of operation for all outdoor spaces (residential open spaces and areas adjacent to commercial spaces) to 7:00 a.m. to 9:00 p.m. Monday-Sunday failed 2-5 on the following vote: AYE: Ald. Kerr, Ald. Cnare; NAY: Basford, Gruber, Heifetz, Olson, Sundquist; NON-VOTING: Fey; EXCUSED: Andrejewski, Bowser, Ald. Schumacher.

A substitute motion by Ald. Cnare, seconded by Basford to encourage that the park development fees generated by the proposed development be allocated for Olive Jones Park and Stevens Park failed 1-6 on the following vote: AYE: Ald. Cnare; NAY: Ald. Kerr, Basford, Gruber, Heifetz, Olson, Sundquist; NON-VOTING: Fey; EXCUSED: Andrejewski, Bowser, Ald. Schumacher.

The main motion to recommend approval of the proposed Planned Unit Development zoning with the conditions enumerated above passed by voice vote/ other.

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

Speaking in support of the proposed development were: Brian Mullins, Carol Mullins & Maureen Mullins with the Mullins Group, LLC, 401 N. Carroll Street, the applicants; Brian Munson, Vandewalle & Associates, 120 E. Lakeside Street and Steve Holzhauer, Epstein Uhen Architects, 222 W. Washington Avenue, Suite 650, both representing the Mullins Group, LLC; Julia Sherman, 6729 Frank Lloyd Wright Avenue, Middleton, and; Saul Glazer, 232 Rowley Avenue.

Speaking in opposition to the proposed development was John Jacobs, 2630 Kendall Avenue.

Speaking neither in support nor opposition to the proposed development were: Darsi Foss, 2533 Kendall Avenue, representing the Regent Neighborhood Association; John Becker, PO Box 3292, Madison, representing the Capital Region Advocacy Network for Environmental Sustainability (CRANES), and; Ald. Shiva Bidar-Sielaff, 2704 Kendall Avenue, representing the 5th District.

Registered in support and available to answer questions were Sue Springman and Brad Mullins, Mullins Group, LLC, 401 N. Carroll Street and Pam Mullins, 1903 Rowley Avenue.

**Zoning Text Amendments**

- 5. [20632](#) Amending Sec. 28.10(2)(c)9. of the Madison General Ordinances to change the conditions for locating a health club in the RPSM District.

The Plan Commission recommended approval of the proposed zoning text amendment. The motion passed by voice vote/ other.

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

Registered in support of the proposed text amendment and available to answer questions was Bret Newcomb, 999 Fourier Drive.

- 6. [20633](#) Amending Sec. 28.10(3)(c)14. of the Madison General Ordinances to add games to the list of products that can be serviced, wholesaled and distributed in the SM District.

The Plan Commission recommended approval of the proposed zoning text amendment. The motion passed by voice vote/ other.

**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

Judy Olson asked if the 2011 Plan Commission schedule was posted online. Staff indicated that it was.

## COMMUNICATIONS

Nan Fey noted that she received correspondence from Fred Mohs regarding the Edgewater Hotel Public Access Management Agreement. She indicated that she forwarded the correspondence to staff and asked that it be shared with the entire Commission.

## SECRETARY'S REPORT

Brad Murphy summarized the upcoming Plan Commission matters.

### Upcoming Matters - January 10, 2011

- 1012 Fish Hatchery Road - PUD-GDP to Amended PUD-GDP to allow future construction of a 63-unit apartment building
- 5428 Lake Mendota Drive - R1 to R2, Demolition permit & Certified Survey Map, all to demolish a single-family residence to provide open space for adjacent residences and re-divide 3 parcels into 2 lots with conforming zoning
- 1609 North Stoughton Road - Demolition permit to demolish fire-damaged commercial building with no proposed alternative use

### 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

## ANNOUNCEMENTS

Nan Fey reminded members that the Statement of Interest forms were due to the City Clerk's Office the first week of January.

Fey also noted that Commission member Judy Bowser resigned from the Plan Commission effective at the end of 2010, and thanked her for her years of service to the City.

## ADJOURNMENT

**A motion was made by Olson, seconded by Basford, to Adjourn at 8:55 p.m.  
The motion passed by voice vote/other.**