



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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TO: Mayor Satya Rhodes-Conway
Madison Common Council

FROM: Heather Stouder, AICP, Secretary of the Plan Commission

DATE: April 5, 2022

SUBJECT: Appeal of Plan Commission Decision on Conditional Use (Legistar ID #[69786](#))

At its March 21, 2022 meeting, the City of Madison Plan Commission unanimously approved conditional uses requested by John Fontain Realty to allow for construction of a four-story mixed-use building with 31 housing units at 3734 Speedway Road in the Neighborhood Mixed-Use (NMX) Zoning District.

Section 28.183(5)(b) of the Zoning Code provides the following regarding the filing of appeals for conditional use approvals (excerpt):

- “1. The Plan Commission’s decision [on a conditional use] is appealable to the Common Council.*
- 2. The appeal may be filed by:*
 - a. The applicant, or*
 - b. The Alderperson of the district in which the use is located, or*
 - c. Twenty percent (20%) or more of the property owners entitled to notice who object to the establishment of the conditional use.*
- 3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.*
- 4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.*
- 5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.*
- 6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.”*

On March 31, 2022, a petition was submitted electronically to appeal the Plan Commission’s approval of the conditional uses to the Common Council. Upon examination by Planning Division staff and in consultation with the City Attorney’s Office, the appeal was signed by 20% or more of the property owners entitled to notice, pursuant to the requirements in Section 28.183(5)(b) of the Zoning Code.

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Because the threshold for appealing the Plan Commission's decision to the Common Council has been met, staff recommends that the appeal be introduced at the April 19 Common Council meeting for referral to May 10, 2022. As noted in Section 28.183(5)(b)8, the action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of 2/3 of the members of the Common Council.

Thank you, and please feel free to contact me with any questions.

Sincerely,

Heather Stouder

Cc (via e-mail):

Maribeth Witzel-Behl, City Clerk
Michael Haas, City Attorney
Matthew Wachter, Director, Department of Planning, Community, & Economic Development
Kate Smith, Assistant City Attorney
Chris Wells, Planner, Planning Division
Kevin Firchow, AICP, Principal Planner, Planning Division
Kevin Burow, Knothe Bruce Architects
Brandon Cook, John Fontain Realty
Alex Saloutos, 3818 Hammersley Ave.