



City of Madison

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

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Monday, October 6, 2008

5:30 PM

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

CALL TO ORDER/ROLL CALL

Present: 10 -

Judy Bowser; Eric W. Sundquist; Tim Gruber; Lauren Cnare; Julia S. Kerr; Nan Fey; James C. Boll; Michael A. Basford; Beth A. Whitaker and Michael G. Heifetz

Excused: 1 -

Judy K. Olson

Fey was chair for this meeting. Judy Olson arrived at 6:00 p.m. following approval of minutes, consideration of routine business and the secretary's report. James Boll recused himself from consideration of Item #11 (last item of business) and left the meeting.

Staff present: Brad Murphy & Tim Parks, Planning Division; Dan McCormick, Traffic Engineering Division; George Hank, Building Inspection Division; Katherine Noonan, City Attorney's Office; Jeanne Hoffman, City Engineering Division, Facilities & Sustainability Manager, and; Mario Mendoza, Mayor's Office.

MINUTES OF THE September 15, 2008 MEETING

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

SCHEDULE OF MEETINGS

October 20 and November 3, 17, 2008

(Note: The October 20 meeting will start at 5:00 p.m. and will be held in Room 260 of the Madison Municipal Building.)

ROUTINE BUSINESS

- 05388** SUBSTITUTE - Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for improvements for Troy Drive Sidewalk from School Drive to ~~Forster Drive~~ Main Drive (private Mendota State Hospital Entrance), being located in part of the Southwest 1/4 of Section 25, Town 8 North, Range 9 East, City of Madison, Dane County, Wisconsin and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the acquisition of land interests. (18th AD)

A motion was made by Bowser, seconded by Boll, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

- 2. [11883](#) Creating Section 20.08(8) of the Madison General Ordinances to establish the Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and District.

A motion was made by Basford, seconded by Kerr, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

- 3. [11944](#) Authorizing the Common Council to accept ownership from Worthington Park Neighborhood Association of a neighborhood entrance sign to be located within a public right-of-way at 3051 East Washington Avenue.

A motion was made by Cnare, seconded by Kerr, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

- 4. [11982](#) Authorizing the execution of a Permanent Limited Easement to the Board of Regents of the University of Wisconsin System for access and maintenance purposes of the UW-Arboretum Pond No. 4 across City-owned land, located at 2160 Fish Hatchery Road.

A motion was made by Cnare, seconded by Kerr, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

ROLL CALL

Present: 11 -

Judy Bowser; Eric W. Sundquist; Tim Gruber; Lauren Cnare; Julia S. Kerr; Nan Fey; Judy K. Olson; James C. Boll; Michael A. Basford; Beth A. Whitaker and Michael G. Heifetz

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

- 5. [11787](#) Creating Section 28.06(2)(a)3385. of the Madison General Ordinances rezoning property from R5 General Residence District and 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)3386. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish 3 Houses to Allow Construction of 2 Office Buildings in 2 phases; 4th Aldermanic District: 159-171 Proudfit St, 701-737 Lorillard Ct.

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

- That ingress to the site from Proudfit Street shall be permitted by a left-in only median break (allowing left turns from southbound Proudfit Street onto Lorillard Court) subject to approval by the Board of Public Works. In the event U-turns at W. Main and Proudfit streets are limited or prohibited by the City, the median break at Lorillard Court would be permitted to be modified at the expense of Urban Land Interests to allow left turns from Lorillard Court onto Proudfit Street subject only to approval by the Board of Public Works and Common Council as required.
- That Urban Land Interests shall contribute to the cost of pedestrian crossing improvements at the intersections of Proudfit Street with W. Main Street and Brittingham Place.
- That reference in the proposed zoning text referring to the previously approved residential use is deleted.
- That the applicant use only low-decibel rooftop mechanical equipment on both office buildings.
- That the maximum height of the monument sign along Proudfit Street be limited in height to 5 feet, 6 inches.
- That the left-turn lane from Lorillard Court shown on the development plans be removed (as no left turns will be permitted).
- That replacement of trees lost to accommodate the approved left-turn bay from Proudfit Street.

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

Speaking in support of the project were: Chris Schramm, Urban Land Interests (ULI), 10 E. Doty Street, Suite 300, the applicants; Mark Schellpfeffer & Paul Cuta, Engberg Anderson Architects, 1 N. Pinckney Street and Rob Beuthling, 102 N. Brearly Street, all representing ULI; Peter Ostlind, 533 W. Main Street #302, Jonathon Cooper, 208 S. Henry Street & Sheridan Glen, 614 W. Doty Street, all representing the Bassett District of Capitol Neighborhoods, Inc; Peter Taglia, 718 W. Brittingham Place, representing the Monona Bay Neighborhood Association; Brendan O'Donnell, 137 S. Brittingham Place, and; Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Speaking in opposition to the project was Brian Gould, 149 S. Brittingham Place.

Speaking neither in support nor opposition to the project was Aaron Crandall, 108 Proudfit Street.

Registered in support and available to answer questions were Paul Muench, Tom Neujahr & Brad Binkowski, ULI, 10 E. Doty Street, Suite 300.

Registered in support but not wishing to speak were Mark W. Blank, 129 S. Brittingham Place and Steve Agard & Mary Berryman Agard, 133 S. Brittingham Place.

Registered in opposition and available to answer questions were: Margaret Fagerholm, 133 S. Brittingham Place; Sue Alioto, 708 W. Brittingham Place, and; Kate Odakowski, 710 W. Brittingham Place.

Registered in opposition but not wishing to speak were: Louis J. Loole, 166 Proudfit Street; Daina Juozevicius, 701 South Shore Drive. Tom Keyes, 109 S. Brittingham Place, registered in opposition and not wishing to speak. A written statement by Mr. Keyes was read into the record by Nan Fey.

- 6. [11788](#) Creating Section 28.06(2)(a)3387 of the Madison General Ordinances rezoning property from R1 Single-Family Residence District to R2 Single-Family Residence District. Proposed Use: Rezone to Allow Future Creation of 2 Lots from Existing Single-Family Parcel; 17th Aldermanic District: 1421 MacArthur Road.

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

- That the rezoning from R1 to R2 will not take effect until a Certified Survey Map showing a subdivision into two conforming lots has been prepared, approved by the Plan Commission, and recorded.
- That, prior to obtaining a building permit, the property owner will submit the plans for a new residential structure on the lot for review by Planning Division staff with input from the district alder. Any new residential structure must uphold the general character of the neighborhood.

The motion to approve followed the failure of a substitute motion by Basford, seconded by Ald. Gruber, to refer the rezoning request for 60 days. The motion failed on the following vote: (AYE: Basford; NAY: Ald. Cnare, Ald. Gruber, Ald. Kerr, Boll, Bowser, Olson, Sundquist; NON-VOTING: Fey, Heifetz, Whitaker).

A motion was made by Olson, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by the following vote:

Ayes: 7 -

Judy Bowser; Eric W. Sundquist; Tim Gruber; Lauren Cnare; Julia S. Kerr; Judy K. Olson and James C. Boll

Noes: 1 -

Michael A. Basford

Non Voting: 3 -

Beth A. Whitaker; Michael G. Heifetz and Nan Fey

Speaking in support of the request was the co-applicant, Reed Peterson, 4174 Cherokee Drive and Richard Palmer, Royal Oak Engineering, 5610 Medical Circle, representing the applicant.

Registered in support and available to answer question was the other co-applicant, Mark Wood, 1421 MacArthur Road.

Conditional Uses/ Demolition Permits

- 7. [11602](#) Consideration of a conditional use to allow construction of a four-unit townhouse at 5166 Great Gray Drive. 16th Ald. Dist.

Placed on file based on the applicants' withdrawal of their application.

A motion was made by Olson, seconded by Gruber, to Place On File. The motion passed by voice vote/other.

Registered in opposition to the conditional use application was Ald. Judy Compton, 6030 Fairfax Lane, representing the 16th District.

- 8. [12152](#) Consideration of a conditional use to allow construction of a detached garage in excess of 576 Square feet in the R2 Residential District at 637 South Shore Drive. 13th Ald. Dist.

The project was referred to allow Ald. Kerr to hold a neighborhood meeting to discuss the request.

The motion to refer replaced an earlier motion by Basford, seconded by Boll, to approve the conditional use request.

A motion was made by Kerr, seconded by Bowser, to Rerefer to the PLAN

COMMISSION, due back on 11/3/2008. The motion passed by voice vote/other.

Speaking in support of the project was the applicant, Douglas Alexander, 637 South Shore Drive and his architect, Jason Ekstrom, 326 Alumeron Street, Evansville.

Speaking in opposition to the project were: Jean Anne Hlavacek, 702 W. Lakeside Street; Mary Willaner, 910 Whittier Street; Cheri Seeger, 638 W. Lakeside Street, and; Daina Juozevicius, 701 South Shore Drive.

Registered in opposition but not wishing to speak were John Juozevicius, 701 South Shore Drive and Warren Willaner, 910 Whittier Street.

9. [12153](#)

Consideration of a conditional use to allow construction of a Planned Commercial Site - Hotel over 40,000 square feet adjacent to a City park with an outdoor eating area at 610 John Nolen Drive. 14th 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 Olson, seconded by Bowser, to Approve. The motion passed by voice vote/other.

Registered in support of the project and available to answer questions were: Tom Arnit, 720 Lake Jesse Drive, Winter Haven, Florida and Mike Kuntz (no address), Grand Forks, North Dakota, both representing Beechwood Development, LLC, and; Bert Slinde, 4705 Monona Drive.

Registered in support but not wishing to speak was Kevin Gould, 3601 Cascade Road.

Land Division

10. [12154](#)

Consideration of a certified survey map within the City's Extraterritorial Jurisdiction creating two lots at 4952 Thorson Road, Town of Sun Prairie.

Referred at the request of the applicant

A motion was made by Cnare, seconded by Olson, to Rerefer to the PLAN COMMISSION. The motion passed by voice vote/other.

ROLL CALL

Present: 9 -

Judy Bowser; Eric W. Sundquist; Tim Gruber; Lauren Cnare; Nan Fey; Judy K. Olson; Michael A. Basford; Beth A. Whitaker and Michael G. Heifetz

Excused: 1 -

Julia S. Kerr

Recused: 1 -

James C. Boll

Zoning Text Amendment

11. [11077](#)

SUBSTITUTE - Amending Sec. 28.03(2), creating Sec. 28.04(18)(e); repealing Secs 28.08(2)(c)16., 28.08(9)(c)5., 28.08(11)(c)9., 28.12(13)(a)10.d.; renumbering current Secs. 28.12(13)(a)10.e. through g. to Secs. 28.12(13)(a)10.d. through f., respectively; amending Secs. 30.01(3)(b)5., 30.01(5)(b); repealing Secs. 30.01(9)(c)9. and 11.; renumbering current Sec. 30.01(9)(c)10. to Sec. 30.01(9)(c)9, respectively.; amending Sec. 30.05(1)(d);

repealing 30.05(2); repealing Sec. 30.05(5); renumbering current Secs. 30.05(6) through (17) to Secs. 30.05(5) through (16), respectively; amending Secs. 30.05(7) and (9); creating new Sec. 30.05(13)(d); renumbering current Secs. 30.05(13)(d) through (f) to Secs. 30.05(13)(e) through (g), respectively; creating new Secs. 30.05(13)(h), 30.05(15)(b), 30.05(15)(c); renumbering current Secs. 30.05(15)(b) and (c) to Secs. 30.05(15)(d) and (e), respectively; and repealing Sec. 33.19(12)(d)3.; renumbering Sec. 33.19(12)(d)4. through 11. to 3. to 10., respectively; repealing Sec. 33.19(12)(f)1.f.; renumbering Sec. 33.19(12)(f)1.g. to f.; repealing 33.19(13)(d)8. and renumbering Sec. 33.19(13)(d)9. through 13. to 8. through 12., respectively, of the Madison General Ordinances to update provisions relating to solar/wind systems.

The Plan Commission recommended adoption of the Substitute ordinance (7 AYES, 1 NO).

A motion by Ald. Cnare, seconded by Heifetz, to recommend approval of the zoning text amendment with a condition that a courtesy notice be sent to property as part of the approval and installation of solar and wind apparatus failed on the following vote: AYE: Ald. Cnare, Heifetz; NAY: Ald. Gruber, Ald. Kerr, Basford, Bowser, Olson, Sundquist, Whitaker; NON-VOTING: Fey.

A motion was made by Bowser, seconded by Gruber, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by the following vote:

- Excused:** 1 -
Julia S. Kerr
- Recused:** 1 -
James C. Boll
- Ayes:** 7 -
Eric W. Sundquist; Tim Gruber; Lauren Cnare; Judy K. Olson; Michael A. Basford; Beth A. Whitaker and Judy Bowser
- Noes:** 1 -
Michael G. Heifetz
- Non Voting:** 1 -
Nan Fey

Speaking in support of the zoning text amendment was Ald. Satya Rhodes-Conway, 2642 Hoard Street, representing the 12th District.

Speaking neither in support nor opposition to the zoning text amendment was Ald. Judy Compton, 6030 Fairfax Lane, representing the 16th District.

Registered in support of the amendment but not wishing to speak was Peter Taglia, 718 W. Brittingham Place. A written statement by Mr. Taglia was read into the record by Nan Fey.

BUSINESS BY MEMBERS

Nan Fey noted that staff indicated that a draft of the 2009 Plan Commission calendar would be available with the October 20 meeting materials.

COMMUNICATIONS

Nan Fey noted that she had been contacted by T Wall properties for her e-mail address and that she had demurred. Fey asked that members bring any e-mails from T Wall or any other development interests be brought to staff's attention.

SECRETARY'S REPORT

Brad Murphy noted the upcoming matters and introduced an exhibit prepared by staff depicting different percentages of demolished buildings to inform the Commission's upcoming discussions on a definition of "demolition." Mr. Murphy asked that members provide comments to staff in anticipation of a discussion on the definition at an upcoming meeting.

Upcoming Matters - October 20, 2008

- 718 South Orchard Street - PUD-SIP to Amended PUD-GDP-SIP to enlarge and convert two-family home into single-family home
- 617 Williamson Street - A major alteration to an existing conditional use to modify hours for an outdoor eating area
- 1422 Northport Drive - Demolish former grocery store with no proposed use

Upcoming Matters - November 3, 2008

- 5555 High Crossing Boulevard - C2 to C3 to construct a Honda dealership facility
- 902 Dempsey Road - Partially demolish vacant factory with no proposed use
- 1244 South Park Street - Conditional use for parking reduction to allow office to be converted to a restaurant
- 233 West Gilman Street - Conditional use to convert a lodging house into a synagogue with accessory apartment
- 100 North Hamilton Street - Conditional use for a major alteration in C4 to convert an office building into Madison Children's Museum

ANNOUNCEMENTS

None.

ADJOURNMENT

A motion was made by Gruber, seconded by Bowser, to Adjourn at 10:30 p.m. The motion passed by voice vote/other.