



# City of Madison

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

## Meeting Minutes - Amended PLAN COMMISSION

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Monday, July 13, 2015

5:30 PM

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

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### CALL TO ORDER/ROLL CALL

- Present:** 8 - Ledell Zellers; Sheri Carter; Ken Opin; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey; Bradley A. Cantrell and Tonya L. Hamilton-Nisbet
- Excused:** 3 - Steve King; Michael G. Heifetz and Maurice C. Sheppard

Opin was chair for the meeting.

Staff Present: Jay Wendt, Heather Stouder, Rick Roll, and Kevin Firchow, Planning Division and Matt Tucker, Building Inspection.

### PUBLIC COMMENT

There was no public comment under this item.

### COMMUNICATIONS, DISCLOSURES AND RECUSALS

There were no communications, disclosures, or recusals.

### MINUTES OF THE JUNE 22, 2015 MEETING

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

### SCHEDULE OF MEETINGS

July 27 and August 10, 24, 2015

### ROUTINE BUSINESS

1. [39081](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction of a bike and pedestrian path between the West Beltline Highway and Tree Lane. (9th AD)

The motion passed by voice vote / other.

**A motion was made by Rewey, 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.**

There were no registrations for public comment on this item.

2. [39092](#) Executing a Consent to Occupy Easement and authorizing the Mayor and the City Clerk to grant a Partial Release of Public Storm and Sanitary Sewer Easement for the benefit of James N. Kapinus to permit certain private improvements within the existing Public Storm and Sanitary Sewer Easement on the property located at 913 Lorena Parkway.

**A motion was made by Rewey, 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.**

There were no registrations for public comment on this item.

3. [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).

This item was re-referred to the Plan Commission for the purpose of reviewing information related to existing and proposed screening of facilities within the easement area.

**A motion was made by Sundquist, seconded by Zellers, to Re-refer to the PLAN COMMISSION and should be returned by 7/27/2015. The motion passed by voice vote/other.**

There were no registrations for public comment on this item.

4. [39139](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a pedestrian/bike path and bridge over State Trunk Highway 30 as part of a new multi-purpose path connecting Marsh View Path with neighborhoods east of US Highway 51 and north of State Trunk Highway 30. (15th AD)

**A motion was made by Rewey, 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.**

There were no registrations for public comment on this item.

5. [39228](#) SUBSTITUTE Amending RES-15-00531, authorizing the execution of a Purchase and Sale Agreement with 25 West Main Parking LLC for the purchase of a subterranean parcel of land located within the South Carroll Street right-of-way, to conform with the requirements of Wis. Stat. Sec. 66.0915(4).

**A motion was made by Rewey, seconded by Cantrell, to Return to Lead with No Recommendation to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

There were no registrations for public comment on this item.

## NEW BUSINESS

6. [39154](#) Authorizing the Planning Division Director to sign on behalf of the City of Madison the Memorandum of Understanding for a Future Urban Development

Area Environmental Conditions Report planning process for the southeastern portion of the Madison Central Urban Service Area.

**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.**

There were no registrations for public comment on this item.

**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.

**Zoning Map Amendments & Related Requests**

- 7. [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 Ald. Zellers, seconded by Rewey, the Plan Commission recommended this item be re-referred to the July 27, 2015 Plan Commission meeting to allow a scheduled neighborhood meeting on July 16 to occur prior to making a recommendation. That motion passed by the following 6:1 vote: AYE: Ald. Zellers, Ald. Carter, Sundquist, Berger, Rewey, and Hamilton-Nisbet; NO: Cantrell; NON-VOTING: Opin. That motion was a substitute motion, replacing the original motion to approve, made by Cantrell and seconded by Sundquist.

**A motion was made by Zellers, seconded by Rewey, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION, due back on 7/27/2015. The motion passed by the following vote:**

**Ayes:** 6 - Ledell Zellers; Sheri Carter; Eric W. Sundquist; Melissa M. Berger; Michael W. Rewey and Tonya L. Hamilton-Nisbet

**Noes:** 1 - Bradley A. Cantrell

**Excused:** 3 - Steve King; Michael G. Heifetz and Maurice C. Sheppard

**Non Voting:** 1 - Ken Opin

Speaking in support of this item were the applicants Agnes Berenyi and Miche Llanas Ohio Avenue .

Speaking in opposition to this item were Greg Miller of Center Avenue , Andy Roberts of Center Avenue, Alice O Mahar of Center Avenue, Peter Anderson of Center Avenue, and Mary Conroy of Center Avenue. Registered in opposition and not wishing to speak was Lynn Anderson of Center Avenue .

- 8. [38744](#) Creating Section 28.022-00171 of the Madison General Ordinances to change the zoning of property located at 409 East Main Street, 6th Aldermanic District from DR1 (Downtown Residential 1) District to UMX (Urban Mixed Use) District to correct a mapping error.

On a motion by Cantrell, seconded by Zellers, the Plan Commission voted to recommend the Common Council adopt the proposed zoning map amendment. The motion passed by voice vote / other.

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

Registered in support and available to answer questions was Bert Stitt of South Franklin Street.

- 9. [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 Cantrell, seconded by Ald. Zellers, the Plan Commission recommended this zoning map amendment be re-referred to the Plan Commission meeting of July 27, 2015 for the purposes of re-noticing the public hearing for the zoning map amendment.

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

There were no registrations for public comment on this item.

- 10. [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 Cantrell, seconded by Zellers, the Plan Commission referred the proposed land division to July 27, 2015 pending review and approval of the related PD zoning district. The motion passed by voice vote/ other.

**A motion was made by Cantrell, seconded by Zellers, to Refer to the PLAN COMMISSION and should be returned by 7/27/2015. The motion passed by voice vote/other.**

There were no registrations for public comment on this item.

**Conditional Use & Demolition Permits**

- 11. [38514](#) Consideration of a demolition permit and conditional use to allow demolition of an existing restaurant and office building and construction of a new restaurant with vehicle access sales and service window and outdoor eating area at 4210 and 4214 E. Washington Avenue and 2114 Continental Lane; Urban Design District 5; 17th Ald. Dist.

The Plan Commission found that the standards were met and approved the requested demolition permits and conditional uses subject to the comments and conditions contained within the Plan Commission materials and the following amended condition:

- That condition 6, recommended by the Engineering Division, be revised to state that both driveways shall be designed as a Type III Commercial Drive.

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

**Ayes:** 6 - Ledell Zellers; Sheri Carter; Melissa M. Berger; Michael W. Rewey; Bradley A. Cantrell and Tonya L. Hamilton-Nisbet

**Noes:** 1 - Eric W. Sundquist

**Excused:** 3 - Michael G. Heifetz; Steve King and Maurice C. Sheppard

**Non Voting:** 1 - Ken Opin

Speaking in support of this item was Blair Carmosino of Interactive Way (Indianapolis, Indiana) representing the applicant, Chick-Fil-A. Also speaking in support were Tim Healy of Clarendon Court and Susan Tiedt of Green Ridge Drive. Registered in support and representing the property owner, Henry Chen was Tom Sanford of D'onofrio Drive.

12. [38730](#)

Consideration of a conditional use for an outdoor eating area for a coffeehouse at 11 N. Allen Street; University Heights Historic District; 5th Ald. Dist.

The Plan Commission found that the standards were met and approved the conditional use request subject to the comments and conditions contained within the Plan Commission materials.

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

There were no registrations for public comment on this item.

13. [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.

The Plan Commission referred this item to their July 27 meeting. In making their motion to refer, the Plan Commission also requested that the City's Preservation Planner prepare a report on this request prior to that meeting. The original motion, made by Cantrell and seconded by Rewey, to approve the request with the addition of a 30 foot front yard setback for the new home failed on the following 3:4 vote: AYE: Cantrell, Rewey, Berger; NO: Ald. Zellers, Ald. Carter, Hamilton-Nisbet, and Sundquist; NON-VOTING: Opin.

**A motion was made by Sundquist, seconded by Zellers, to Refer to the PLAN COMMISSION, due back on 7/27/2015. The motion passed by the following vote:**

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

**Noes:** 1 - Tonya L. Hamilton-Nisbet

**Excused:** 3 - Michael G. Heifetz; Maurice C. Sheppard and Steve King

**Non Voting:** 1 - Ken Opin

Speaking in support of this item and representing the applicants Sean and Jerilyn Shannahan were Mark Schellpfeffer and Paul Cuta of CaS4 Architecture of Paterson Street. Also speaking in support were Mary Odell of Cherokee Drive and Victor Mohoney of Manitou Way. Registered in support and available to answer questions were the applicants Sean and Jerilyn Shannahan of Manitou Way and Glenna Shannahan of Mandan Crescent. Registered in support and not wishing to speak was Mark Schemmel of Busse Street.

Speaking in opposition to this item was Kevin Pomeroy of Iroquois Drive, Todd Bender of Mandan Crescent, Carol Kindschi of Manitou Way, and Myra Schultz of Seneca Place. Registered in opposition and available to answer questions was Karen Waggoner of Manitou Way. Registered in opposition and not wishing to speak were Eileen Callahan of Tumalo Trail, Kim Kindschi of Manitou Way, and Norma Hove of Manitou Way.

Speaking in neither support nor opposition was John Waggoner of Manitou Way. Registered in neither support nor opposition and not wishing to speak was David Huber of Mandan Crescent.

**BUSINESS BY MEMBERS**

There was no Business By Members under this item.

## SECRETARY'S REPORT

Jay Wendt summarized the upcoming matters.

### - Upcoming Matters - July 27, 2015

- 101 S. Mills Street - TR-V1 to TR-U1 and Demolition Permit - Demolish single-family residence to construct four-unit apartment building (revised request)
- Adjacent to 5000 N. Sherman Avenue - Annexation from Town of Westport - Annex land adjacent to Cherokee Country Club clubhouse for future residential project
- Adjacent to 4500 University Avenue - Detachment from City to Village of Shorewood Hills - Detach land adjacent to Pyare Square and Walnut Grove buildings to facilitate redevelopment in Village
- Zoning Text Amendment - Amend Section 28.151 to allow the adaptive reuse of buildings originally constructed as places of worship
- Zoning Text Amendment - Amend Sections 28.151 and 28.082 to allow the keeping of honeybees in Employment zoning districts
- Zoning Text Amendment - Amend Sections 28.151 and 28.032 to update use status for adult family homes and community living arrangements
- Zoning Text Amendment - Create Sec. 28.132(2)(f) and renumbering current Sec. 28.132(2)(f) to (g) to require window wells to be built up at least 6 inches above the adjoining ground to prevent flooding in residences
- Zoning Text Amendment - Amend Section 28.098(6) to allow the Director of Planning and Economic Development to refer any request for PD alteration to the Urban Design Commission
- Zoning Text Amendment - Create Section 28.098(2)(i) to allow the reduction or elimination of stepback requirements in the Planned Development zoning district
- 3520-3546 E. Washington Avenue - Demolition Permit and Conditional Use - Demolish restaurant and construct auto service station, convenience store and car wash (in Urban Design Dist. 5)
- 665 E. Washington Avenue - Conditional Use - Create private parking lot (in Urban Design Dist. 8)
- 403 W. Doty Street - PD(SIP) Alteration - Approve an existing front yard parking space
- 503-519 Commerce Drive - PD(SIP) Alteration - Allow approved fiber cement siding to be replaced with vinyl siding
- 601 North Street - Continuing Jurisdiction Public Hearing - Address violations of conditional use for outdoor eating area for restaurant-tavern

### - Upcoming Matters - August 10, 2015

- 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

## ANNOUNCEMENTS

There were no announcements.

## ADJOURNMENT

**A motion was made by Hamilton-Nisbet, seconded by Zellers, to Adjourn at 9:03 pm. The motion passed by voice vote/other.**