



December 12, 2013

Sugar Maple LLC.  
1910 Hawks Ridge Dr. Suite 322  
Verona, WI 53593

Amendment to the zoning of Sugar Maple Plat

This letter serves as a request to formally change the zoning of the 44 single family lots from SR-C1 zoning which was originally applied for to TR-C3 zoning. The change in zoning will not affect the density of the plat and is in line with the surrounding neighborhood. We want to keep the multifamily zoning at TR-U1.

Alex McKenzie  
Sugar Maple LLC.

## Parks, Timothy

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**From:** Parks, Timothy  
**Sent:** Tuesday, December 03, 2013 1:29 PM  
**To:** 'Alex McKenzie'  
**Cc:** 'Ron Klaas'  
**Subject:** RE: Sugar Maple preliminary plat and rezoning

Alex,

We cannot approve your preliminary plat until the zoning is in place to support the lots and development proposed. A preliminary plat is an entitlement to submit a final plat that, if consistent with the preliminary plat, must be approved by law. Hence the need to make sure that zoning and subdivision are approved together.

Based on your message below, I will have the rezoning and preliminary plat referred tonight and we will revise everything to reflect the request for TR-C3 zoning for the 44 lots instead of SR-C1. The new Plan Commission and Common Council dates will be January 13 and 21, 2014, respectively. If there is anything else, please let me know.

Cheers!

TIM PARKS  
Planner, Planning Division  
Dept. of Planning and Community  
& Economic Development  
City of Madison, Wisconsin  
T: 608.261.9632  
F: 608.267.8739

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**From:** Alex McKenzie [<mailto:alex@trmckenzie.com>]  
**Sent:** Tuesday, December 03, 2013 12:13 PM  
**To:** Parks, Timothy  
**Subject:** RE: Sugar Maple preliminary plat and rezoning

Tim

Thanks for the heads up, we do want the zoning to be TR-C3.

I am wondering if these are two separate issues, the zoning request and the preliminary plat. Can we get the plat approved tonight and resubmit a request for the zoning change to be discussed at the January 13<sup>th</sup> meeting? Or do we have to defer the entire thing until January?

Alex McKenzie  
TRMcKenzie Inc.

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**From:** Parks, Timothy [<mailto:TParks@cityofmadison.com>]  
**Sent:** Tuesday, December 3, 2013 10:31 AM  
**To:** Alex McKenzie; 'Ron Klaas'  
**Subject:** Sugar Maple preliminary plat and rezoning  
**Importance:** High

Alex and Ron,

I apologize for the late notice, but your late-breaking change from SR-C1 zoning to TR-C3 scheduled for hearing by the Common Council tonight has been flagged by the City Attorney as unallowable by statute. Their interpretation of WS 62.23(7)(d)2 says that the notice we provide prior to the Plan Commission and Council public hearings for rezonings must be clear about the districts that are being requested. A late change such as the one you raised on November 18 did not pass their muster because all of the notices said "SR-C1" based on your application. I can't say that I disagree with their finding.

In order for the change to TR-C3 to be valid, you need to more formally amend your requested zoning from SR-C1 to TR-C3 and we need to notice new public hearings for both the Plan Commission and Common Council to note the new proposed zoning district(s). The ordinance rezoning the property from Agricultural also needs to be amended. Finally, the Plan Commission would have to recommend adoption of the TR-C3 zoning for the area of the 44 lots to the Council before the Council heard the matter.

So you have two choices for how to proceed tonight:

- a.) You can maintain the existing request and proceed tonight with a rezoning of the 44 single-family lots to SR-C1, or
- b.) Accept a referral tonight to a future Council meeting and formally request (by e-mail is fine) to change your request from SR-C1 to TR-C3 so that we change the zoning map amendment ordinance to TR-C3 and notice new public hearings for same. As of today, we could take this back to the Plan Commission on January 13, 2014, with the Council to be the next Tuesday, January 21, 2014. I don't think at this stage, we could change the request any sooner. Given that you still need final plat approval before you can convey the 44 lots to your prospective buyer, I hope this would not adversely affect your project schedule.

Please let me know how you wish to proceed forthwith so that the Council can act accordingly tonight.

If you have any questions, please let me know.

All the best,

TIM PARKS  
Planner, Planning Division  
Dept. of Planning and Community  
& Economic Development  
City of Madison, Wisconsin  
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