



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

**TO:** Maribeth Witzel-Behl, City Clerk  
Room 103  
City-County Building,  
210 Martin Luther King Jr. Blvd. 53703

**FROM:** Bradley J. Murphy, AICP

**DATE:** October 12, 2012

**SUBJECT:** Transmittal of Appeal titled: "Appeal of Plan Commission Grant of Conditional Use Permit for 1108 Moorland Road, Legistar No. 27248"

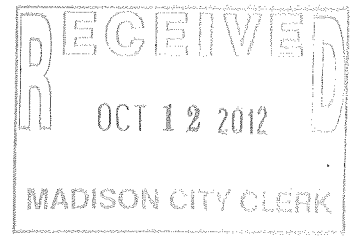
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Please find the referenced appeal attached.

Per Section 28.12(11)(i) of the Zoning Code, The Secretary of the Plan Commission or his/her designee shall transmit such appeal to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time.

CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

Common Council Office  
210 Martin Luther King, Jr. Boulevard, Room 417  
Madison WI 53703  
(608) 266-4071  
[www.cityofmadison.com/council](http://www.cityofmadison.com/council)



DATE: October 12, 2012

TO: Steven Cover, Secretary of the Plan Commission

FROM: Ald. Tim Bruer, 14<sup>th</sup> District, Madison Common Council

SUBJECT: **Appeal of Plan Commission Grant of Conditional Use Permit for 1108 Moorland Road, Legistar No. 27248**

*Tim Bruer / ev*

Pursuant to sec. 28.12(11)(i), MGO, I hereby appeal the determination of the Plan Commission to grant a conditional use permit on the above application. The grounds of this appeal are that the application did not meet all of the standards set out in sec. 28.12(11)(g) and 28.12(11)(k) of the Madison General Ordinances:

**CONDITIONAL USE STANDARDS – 28.12(11)(g)1.**

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

**CONDITIONAL USE STANDARDS – 28.12(11)(g)2.**

2. That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.

**PLANNED RESIDENTIAL DEVELOPMENTS (PRD) STANDARDS 28.12(11)(k)1. iii.**

- iii. That such development shall constitute environment of sustained desirability and stability...

Please do not hesitate to contact me about this appeal.

cc: Michael May, City Attorney  
Brad Murphy, Planning Division Director  
Kevin Firchow, Planning Department

*Attached: Legislative File No. 27248*





# City of Madison

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

## Master

**File Number: 27248**

<b>File ID:</b> 27248	<b>File Type:</b> Conditional Use	<b>Status:</b> Approved
<b>Version:</b> 1	<b>Reference:</b>	<b>Controlling Body:</b> PLAN COMMISSION
		<b>File Created Date :</b> 07/31/2012
<b>File Name:</b> Cond Use Alt - 1008 Moorland Rd	<b>Final Action:</b> 10/01/2012	

**Title:** Consideration of an alteration to an approved conditional use planned residential development to allow an existing apartment complex to be renovated and a new clubhouse and multi-space garages to be constructed at 1108 Moorland Road; 14th Ald. Dist.

**Notes:**

**Sponsors:**

**Effective Date:**

**Attachments:** Maps&Plans.pdf, Color Maps.pdf, Staff Comments.pdf, Comments.pdf, Link UDC File 26966, Nob Hill Supplementary Materials\_09-12-12.pdf, PC Registration Forms 9-12-12.pdf, Letter of Intent 092612.pdf, Neighborhood Context Part 1.pdf, Neighborhood Context Part 2.pdf, Supporting Information 092612t.pdf, Proposed Life Safety Improvements 092512.pdf, Staff Comments 100112.pdf, Comments 100112.pdf, Zoning Map Subarea 8.pdf, Housing Excerpt from Comp Plan.pdf, Common Council Fair Share Work Group Findings 1999.pdf, Add Comments 100112.pdf, PC Registration Forms 100112.pdf, Approval Letter.pdf

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** tparks@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	PLAN COMMISSION	08/06/2012	Refer	PLAN COMMISSION	08/20/2012	10/01/2012	Pass
	<b>Action Text:</b>	A motion was made by Rewey, seconded by Rummel, to Refer to the PLAN COMMISSION and should be returned by August 20, 2012. The motion passed by voice vote/other.					
	<b>Notes:</b>	<i>The Plan Commission referred this matter to August 20, 2012 pending a recommendation by the Urban Design Commission.</i>					
1	PLAN COMMISSION	08/20/2012	Re-refer	PLAN COMMISSION	09/12/2012	10/01/2012	Pass
	<b>Action Text:</b>	A motion was made by Rewey, seconded by Andrzejewski, to Re-refer to the PLAN COMMISSION and should be returned by September 12, 2012. The motion passed by voice vote/other.					

Notes: This item was referred to the September 12, 2012 meeting at the request of the applicant.

1 PLAN COMMISSION 09/12/2012 Refer PLAN 10/01/2012 10/01/2012 Pass  
COMMISSION

Action Text: A motion was made by King, seconded by Cantrell, to Refer to the PLAN COMMISSION and should be returned by October 1, 2012. The motion passed by voice vote/other.

Notes: The Plan Commission recessed the public hearing and referred this request to the October 1, 2012 meeting to allow the applicant to continue working with City staff on the operation and management plan, safety plan and service delivery plan for the complex, and for those parties to work with the Madison Police Department on the placement of the proposed detached garages.

The Commission also requested more information on the downzoning of the property that was alluded to during the public hearing, as well as the proposed zoning of the property under the new Zoning Code.

1 PLAN COMMISSION 10/01/2012 Approve Pass

Action Text: A motion was made by King, seconded by Heifetz, to Approve. The motion passed by the following vote:

Notes: The Plan Commission found the standards were met and approved the conditional use subject to the comments and conditions contained within the Plan Commission materials and the following additional conditions:

- That additional garages at the sites interior be relocated, subject to staff approval.
- That the applicant shall notify the Planning Division and submit a new management plan should there be changes in the management company or management procedures.
- That the Community Coordinator position be staffed as a full time position.

The above motion followed a failed motion to place this application on file without prejudice. That motion stated that conditional use standards 1,2 and Planned Residential Development Standard iii were not found to be met. That motion was moved by Ald. Schmidt and seconded by Ald. Rummell and failed by the following vote: 3:5 (AYE: Ald. Schmidt, Ald. Rummel, and Cantrell; NO: Ald. King, Sundquist, Andrzejewski, Heifetz, and Rewey; NON-VOTING: Hamilton-Nisbet and Fey; and EXCUSED: Berger, Finnemore)

Ayes: 5 Eric W. Sundquist; Anna Andrzejewski; Michael G. Heifetz; Michael W. Rewey and Steve King

Noes: 3 Marsha A. Rummel; Chris Schmidt and Bradley A. Cantrell

Excused: 1 Melissa M. Berger and John L. Finnemore

Non Voting: 2 Tonya L. Hamilton-Nisbet and Nan Fey

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### Text of Legislative File 27248

#### Title

Consideration of an alteration to an approved conditional use planned residential development to allow an existing apartment complex to be renovated and a new clubhouse and multi-space garages to be constructed at 1108 Moorland Road; 14th Ald. Dist.