

City of Madison
Meeting Minutes - Final
PLAN COMMISSION

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

*Nancy E. Fey, Chair; Judith A. Bowser, Vice-Chair; Ald. Brenda K. Konkel;
Ald. Jean M. MacCubbin; Ald. Paul J. Van Rooy; Brian W. Ohm; Sarah Davis;
James C. Boll; Charles S. Thimmesch; Michael Forster Rothbart; Albert Lanier*

Monday, February 21, 2005

5:30 PM

210 MLKJ BLVD RM 201 (CCB)

ROLL CALL

Present: Konkel, MacCubbin, Van Rooy, Nan Fey, Ohm, Davis, Boll, Judy Bowser, Thimmesch, Forster Rothbart and Lanier III

Staff Present: Brad Murphy, Tim Parks, Planning Unit; Hickory Hurie, CDBG Office

MINUTES OF THE JANUARY 31 AND FEBRUARY 7, 2005 MEETINGS

A motion was made by Vice Chair Bowser, seconded by Ald. Van Rooy, to Approve the Minutes with the following changes or comments. The motion passed by acclamation.

- The minutes for the joint session with the Commission and Board of Estimates (BOE) on January 31 meeting should note the attendance of the BOE members in the roll call with the affiliations of attendees also noted.

- The minutes of the January 31 joint meeting should also reflect that Ald. MacCubbin left at 6 PM.

- Fey commented on the differences in the minutes generated in Legistar and the traditional minutes format (generated in Microsoft Word).

SCHEDULE OF MEETINGS

Regular Meetings: March 7, 21; April 4, 18; May 2, 16, 2005

Comprehensive Plan Working Sessions: February 24, 2005 was cancelled. New meeting dates were set as follows: March 3, 14, 28; April 7, 2005 (Meetings in Room 300, MMB).

ROUTINE BUSINESS

1. [00435](#) Authorizing the execution of an Underground Gas and Electric Easement to Madison Gas and Electric Company within an existing City Sanitary Sewer Easement located at 5030 Lake Mendota Drive.
A motion was made by Ald. Van Rooy, seconded by Thimmesch, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by the following vote:
Present: 0 -
Aye: 9 - Konkel, MacCubbin, Van Rooy, Fey, Ohm, Davis, Bowser, Thimmesch and Forster Rothbart

No: 0 -

Abstain: 1 - Boll

Non Voting: 1 - Lanier III

Enactment No: RES-05-00194

UNFINISHED BUSINESS

2. [00543](#) Review of landscaping, architectural, and signage elements for the recently approved Hilldale Shopping Center PUD-SIP - 702 North Midvale Boulevard Ald. Dist. 11
A motion was made by Ald. Van Rooy, seconded by Ald. Konkell, to Approve. The motion passed by acclamation.
Speaking on behalf of the project were: Dennis Harder and Robert Fink, Joseph Freed and Associates, 220 North Smith Street, Pallatine, Illinois.
3. [00365](#) SUBSTITUTE - Accepting an Offer to Sell from Whitson Swift Homes, Inc. for the acquisition of approximately 18 acres for the Northeast Open Space and amending the 2005 Capital Budget.
A motion was made by Ald. Van Rooy, seconded by Ald. Konkell, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by acclamation.
4. [00428](#) SUBSTITUTE - Amending Section 28.04(25) of the Madison General Ordinances to provide for inclusionary dwelling units
Rerefer to Plan Commission for 90 days
A motion was made by Vice Chair Bowser, seconded by Ald. Van Rooy, to Rerefer for Recessed Public Hearing to the COMMON COUNCIL. The motion passed by acclamation.
Speaking to the proposed amendments was Delora Newton, Smart Growth Madison, 2810 Crossroads Drive.

PUBLIC HEARING-6:00 p.m.

Subdivision Plats/Zoning Map Amendments

5. [00219](#) Creating Section 28.06(2)(a)3058 of the Madison General Ordinances rezoning property from Temp A Temporary Agriculture District to C2 General Commercial District. Proposed Use: Convert Former Drive-In Restaurant to Fraternal Lodge with Outdoor Eating Area. 16th Ald. Dist., 6402 Mill Pond Road.
A motion was made by Ald. Van Rooy, seconded by Vice Chair Bowser, to Recommend to Council to Adopt (Public Hearing). The motion passed by acclamation.
Enactment No: ORD-05-00048

Registered in support and available to answer questions was Larry Frahmman, 4507 Sandpiper Trail, Cottage Grove, representing Moose Lodge #1451.

- 6. [00229](#) Creating Section 28.06(2)(a)3062 of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to R4 General Residence District. Proposed Use: Convert Dependency Living Arrangement to 2-Unit Dwelling. 15th Ald. Dist., 101 Morningside Avenue.

Approval recommended subject to the comments contained in the Plan Commission packet and that prior to the zoning map amendment becoming effective, the zoning lot shall be deed restricted to require the property owner of record to submit an application rezoning the property back to R2 (or comparable) single-family zoning at such time as Mrs. Mae Hanson ceases to occupy a unit on the lot. The restriction shall require the owner to notify the Zoning Administrator at that time. The deed restriction shall also prohibit any modification of the existing building to accommodate an additional dwelling unit. The Planning Unit and City Attorney's Office shall approve the deed restriction.

A motion was made by Ald. Van Rooy, seconded by Boll, to Recommend to Council to Adopt (Public Hearing). The motion passed by the following vote:

Present: 0 -

Aye: 8 - Konkel, MacCubbin, Van Rooy, Fey, Ohm, Boll, Bowser and Thimmesch

No: 1 - Davis

Non Voting: 2 - Forster Rothbart and Lanier III

Enactment No: ORD-05-00049

Speaking in support was Miguel A. Garcia, 3906 Jenna Drive, the applicant.

- 7. [00231](#) Creating Section 28.06(2)(a)3063 of the Madison General Ordinances rezoning property from C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Demolish Auto Sales Facility & Build 9-Building Mixed Use Development with 15,200 Square Feet Retail Space & 309 Condominium Units. 2nd Ald. Dist., 802-852 East Washington Avenue.

Approval recommended subject to the comments contained in the Plan Commission packet.

A motion was made by Ald. Konkel, seconded by Ald. Van Rooy, to Recommend to Council to Adopt (Public Hearing). The motion passed by acclamation.

Enactment No: ORD-05-00050

Speaking in support of the project were: Gary Gorman and Chris Laurent, Gorman & Company, 1244 South Park Street; Tim Anderson, Schriber Anderson Associates, 717 John Nolen Drive and Joseph Lee, Epstein Uhen Architects, 333 East Chicago Street, Milwaukee, both representing Gorman; David Waugh, 1213 East Mifflin Street, representing the Tenney-Lapham Neighborhood Association; Gary Werner, 2302 Lakeland Avenue; Steve Pipson, 157 Jackson Street; and Mary Pulliam, 936 East Dayton Street. Registered in support and available to answer questions were Jim Busse, Gorman & Company, 1244 South Park Street and John Lichtenheld, Schriber Anderson Associates, 717 John Nolen Drive, representing Gorman.

8. [00027](#) Creating Section 28.06(2)(a)3050 of the Madison General Ordinances rezoning property from 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)3051 of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District PUD(SIP) Planned Unit Development (Specific Implementation Plan) District; Proposed Use: 4-Building, 48 Total Unit Apartment Development; 3rd Ald. Dist.: 302 East Hill Parkway.

Rerefer to Plan Commission

A motion was made by Ald. Van Rooy, seconded by Vice Chair Bowser, to Refer to the COMMON COUNCIL. The motion passed by acclamation.

9. [00228](#) Creating Section 28.06(2)(a)3060 of the Madison General Ordinances rezoning property from M1 Limited Commercial District, C Conservancy District and R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3061 of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Ogg Hall, Expand Recreational Open Space & Build 600 Bed Residence Hall. 8th Ald. Dist., 716 & 801 West Dayton Street.

Rerefer to Plan Commission for 90 days

A motion was made by Ald. Van Rooy, seconded by Vice Chair Bowser, to Rerefer for Recessed Public Hearing to the COMMON COUNCIL. The motion passed by acclamation.

Subdivision Plats

10. [00539](#) Approving the preliminary and final plat of "Tancho Business Park" located at 6501 Manufacturers Drive. Ald. Dist. 17

Approval recommended subject to the comments contained in the Plan Commission packet. Request Adoption Under Suspension of the Rules

A motion was made by Ald. Van Rooy, seconded by Vice Chair Bowser, to Recommend to Council to Adopt (Report of Officer). The motion passed by acclamation.

Registered in support and available to answer questions was Daniel Frick, Mayo Corporation, 600 Grand Canyon Drive, representing the applicant, Tancho Investment, LP.

Conditional Uses/Demolition Permits

11. [00540](#) Consideration of a conditional use for two 4-unit buildings at 6418 - 6426 Maywick Drive. Ald. Dist 16.

A motion was made by Ald. Van Rooy, seconded by Davis, to Refer to the PLAN COMMISSION, due back on March 7, 2005. The motion passed by acclamation.

12. [00541](#)

Consideration of a conditional use for a multi-unit development at 1802 Maplecrest Drive. Ald. Dist. 1

Determination that Planned Residential Development and Conditional Use standards were met and approval subject to the comments contained in the Plan Commission packet.

A motion was made by Ald. Van Rooy, seconded by Boll, to Approve. The motion passed by acclamation.

Registered in support and available to answer questions was Jeff Haen, 322 Junction Road, the applicant. Registered in support but not wishing to speak was John Mulvoy, 85 Hawk's Landing Circle. Speaking in opposition of the project was Karen Fenster, 8909 Royal Oaks Drive. Registered in opposition but not wishing to speak were Rosa Valle-Bogue, 1816 Pineview Drive and Kathryn McGowan, 1713 Autumn Hill Drive.

Ms. Valle-Bogue and Ms. Fenster's registrations in opposition were received after the initial action to approve the project was taken by the Commission.

A motion was made by Ald. Konkell, seconded by Bowser, to reconsider the action based on late registrations in opposition. The motion passed 6-3.

Voting No: Ald. Van Rooy, Boll and Thimmesch.

A motion was made by Boll, seconded by Thimmesch, to NOT reopen the public hearing. The motion failed 4-5.

Voting No: Ald. Konkell, Ald. McCubbin, Davis, Bowser and Fey.

A motion was made by Ald. Konkell, seconded by Davis, to reopen the public hearing. The motion passed 6-3.

Voting No: Ald. Van Rooy, Boll and Thimmesch.

A motion was made by Ald. Van Rooy, seconded by Bowser, to reaffirm Commission approval. The motion passed by acclamation.

Mr. Haen and Mr. Mulvoy left the hearing following the Commission's initial action to approve and were not present when the Commission voted to reconsider their action, reopen the public hearing, take testimony from opponents and reaffirm their decision.

BUSINESS BY MEMBERS

The Commission and Planning Unit staff conducted a discussion regarding the need to clarify or revise the waterfront development standards. Some of the comments provided to staff included:

- reviewing the City's ordinances against Section NR-115 of the Wisconsin State Administrative Code and ordinances in other communities;
- encouraging the planting of appropriate, native vegetation and de-emphasizing the importance of existing vegetation;
- requiring the maintenance of waterfront vegetation on lakefront properties regardless of whether a conditional use application has been filed;

- *strengthening the statement of purpose to reflect the goals of the ordinance;*
- *the acknowledgement that new development may require new sightlines and that the current interpretation of the ordinances provides property owners with flexibility, and;*
- *providing some landscaping criteria to require new planting with new development.*

Other Business Discussed:

Davis inquired about neighborhood association funding for resident notification for pre-development meetings. Brad Murphy indicated that the City Attorney was preparing an resolution that would allow development applicants to pay for pre-development neighborhood meetings and that he would inquire about the status of that resolution.

Ald. MacCubbin inquired about whether bicycle racks were seasonal or year-round requirements. Murphy indicated that he would contact the Acting Zoning Administrator for an interpretation.

Fey commented on the constraints being placed on new development by fire access requirements being imposed by the Fire Department. Murphy indicated that the Urban Design Commission was scheduled to have a discussion with representatives of the Fire Department about this topic and that a similar discussion could be scheduled for an upcoming Plan Commission meeting.

Fey also commented on the handling of late registrants and asked that staff provide a disclaimer on the agenda noting that public hearing items can be called at any time after the beginning of the public hearing. Bowser followed that a similar disclaimer should be provided on the notice mailed to nearby residents. Ald. MacCubbin commented that Legistar allows boards and commissions space to place rules of conduct and other notices on the agendas.

Forster Rothbart asked if Legistar would allow electronic registrations. It was indicated that that was not a function available in Legistar.

Bowser inquired about the Verona addresses given by some of the registrants on Item #12. Murphy indicated that these were Madison residents, but that the Verona 53593 zip codes were still in affect (for parcels generally west of CTH M) and unlikely to change.

COMMUNICATIONS

None

SECRETARY'S REPORT

The Zoning Text Amendment Staff Team agenda was included in the Plan Commission packet.

Upcoming Matters, March 7, 2005

- 5200 Block Harbor Ct - Demolish/replace house, Lake site
- Best Practices - "Participating in the Development Process" Guide

Upcoming Matters, March 21, 2005

- 5400 Block High Crossing Blvd. C2 to C3 - Auto Dealer
- 1051-1053 Williamson St - PUD to expand rooming house - support service Tellurian UCAN
- Oak Creek Plat - 4500 Block Meinders Road

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by Boll, seconded by Davis, to Adjourn at 8:40 PM The motion passed by acclamation.

Respectfully submitted,

Mark A. Olinger, Secretary
Madison Plan Commission