



City of Madison

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

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Monday, October 14, 2013

5:30 PM

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

CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:43 p.m.

Present: 8 -

Ledell Zellers; Scott J. Resnick; Ken Opin; Melissa M. Berger; Michael G. Heifetz; Michael W. Rewey; Bradley A. Cantrell and Tonya L. Hamilton-Nisbet

Excused: 3 -

Steve King; Eric W. Sundquist and John L. Finnemore

Opin was chair for this meeting.

Cantrell and Ald. Resnick arrived prior to the beginning of the public hearing at 6:00 p.m.

Other Council members present: Ald. Shiva Bidar-Sielaff, District 5; Ald. Chris Schmidt, District 11; Ald. Sue Ellingson, District 13; Ald. David Ahrens, District 15, and; Ald. Mark Clear, District 19.

Staff present: Steve Cover, Secretary; Katherine Cornwell and Tim Parks, Planning Division; Matt Tucker, Zoning Administrator, and; Doug Voegeli, Public Health Madison-Dane County.

PUBLIC COMMENT

There were no registrants for public comment.

COMMUNICATIONS, DISCLOSURES AND RECUSALS

Berger disclosed that she used tourist rooming houses during her travels but that it would not affect her consideration of Item 10.

Cantrell recused himself from consideration of Item 8 as a resident of the Bassett neighborhood who received notice of the public hearing. He was not present during the hearing on that item.

MINUTES OF THE SEPTEMBER 30, 2013 MEETING

**A motion was made by Rewey, seconded by Heifetz, to Approve the Minutes.
The motion passed by voice vote/other.**

SCHEDULE OF MEETINGS

November 4, 18 and December 2, 16, 2013

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 & Related Requests

- 1. [31423](#) Creating Section 28.022 -- 00077 of the Madison General Ordinances rezoning property from TR-C2 (Traditional Residential - Consistent District 2) District to TR-C3 (Traditional Residential - Consistent District 3) District. Proposed Use: Demolish single-family residence and construct new residence in TR-C3 zoning. 13th Aldermanic District; 801 Erin Street

The Plan Commission recommended re-referral of the zoning map amendment to its November 4, 2013 meeting and the November 19, 2013 Common Council meeting to allow the applicant to revise his plans to reflect the denial of the zoning variances necessary for the original plans to be approved.

A motion was made by Rewey, seconded by Cantrell, to RECOMMEND TO COUNCIL TO RE-REFER - PUBLIC HEARING to the PLAN COMMISSION and should be returned by November 4, 2013. The motion passed by voice vote/other.

- 2. [31545](#) Consideration of a demolition permit to allow a single-family residence to be demolished and a new residence to be constructed at 801 Erin Street; 13th Ald. Dist.

The Plan Commission referred the demolition permit and related zoning map amendment (ID 31423) to its November 4, 2013 meeting to allow the applicant to revise his plans to reflect the denial of the zoning variances necessary for the original plans to be approved.

A motion was made by Rewey, seconded by Cantrell, to Refer to the PLAN COMMISSION and should be returned by November 4, 2013. The motion passed by voice vote/other.

There were no registrants on Items 1 and 2.

- 3. [31424](#) Creating Section 28.022 - 00078 of the Madison General Ordinances to amend a Planned Development District to approve an Amended General Development Plan and creating Section 28.022 - 00079 to amend a Planned Development District to approve an Amended Specific Implementation Plan for 702 N. Midvale Boulevard, 11th Aldermanic District, to allow the redevelopment of the "north wing" of Hilldale Shopping Center to convert enclosed retail spaces into open air spaces.

The Plan Commission found the standards and criteria met and recommended approval of the amended Planned Development subject to the comments and conditions contained in the Plan Commission materials.

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

Registered in support of the development and available to answer questions were: Louis Masiello and Katherine Wetherbee, WS Development/ Hilldale Shopping Center, LLC of Boylston Street, Chestnut Hill, Massachusetts, the applicants; Cliff Goodhart, Eppstein Uhen Architects of W. Washington Avenue and Brian Munson, Vandewalle Associates of E. Lakeside Street, both representing the applicants.

Subdivision

- 4. [31687](#) Approving the final plat of The American Center-Hanson Second Addition generally located at 4698 Eastpark Boulevard; 17th Ald. Dist.
The Plan Commission recommended approval of the final plat subject to the comments and conditions contained in the Plan Commission materials except conditions 1, 3, 13, 16, 17 and 24 of the staff report, which the Commission recommended be deleted at the request of the applicant.
A motion was made by Cantrell, seconded by Rewey, to RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by voice vote/other.
Speaking in opposition to the proposed conditions of approval for the final plat was the applicant, Dan Swift, American Family Insurance of American Parkway.

Conditional Use & Demolition Permits

- 5. [31538](#) Consideration of a demolition permit to allow a single-family residence to be relocated off-site and a new office building to be constructed at 5402 Voges Road; 16th Ald. Dist.
The Plan Commission found that the standards were met and approved the demolition permit subject to the comments and conditions contained in the Plan Commission materials.
A motion was made by Cantrell, seconded by Hamilton-Nisbet, to Approve. The motion passed by voice vote/other.
Registered in support of the project was John Bieno, TJK Design Build of W. Main Street.
Registered in opposition to the project and wishing to speak was Cheryl Elkinton of Corporate Drive, representing Vegan Haven Central, Inc. Ms. Elkinton's registration was submitted after the public hearing for this matter had been closed.

- 6. [31539](#) Consideration of a demolition permit and conditional use to allow a partially collapsed commercial building to be razed and a facility for a taxi business to be constructed at 1403 Gilson Street; 14th Ald. Dist.
The Plan Commission found that the standards were met and approved the demolition permit and conditional use subject to the comments and conditions contained in the Plan Commission materials and the following conditions:
 - That a fence be installed, with the final details of the fence to be approved by Planning Division staff prior to issuance of demolition or building permits.
 - That the company vehicles be parked in the proposed parking lot when not in service.**A motion was made by Rewey, seconded by Zellers, to Approve. The motion passed by voice vote/other.**
Speaking in support of the project was the applicant, Rick Nesvacil, Madison Taxi of Gilson Street.
Speaking in opposition to the project was Marcia Ingvalson of Cedar Street.
Speaking neither in support nor opposition to the project were Marie Seguin and Tim Sullivan of Gilson Street.
Registered in support of the project and available to answer questions was Bill Dunlop, JSD Professional Services of Horizon Drive, Verona.
Registered in support but not wishing to speak was Dick Acker, Cleary Building Corp. of Paoli Street, Verona, representing the applicant.

- 7. [31540](#) Consideration of a demolition permit to allow a restaurant to be demolished with no proposed use at 3051 E. Washington Avenue; 6th Ald. Dist.

The Plan Commission found that the standards were met and approved the demolition permit subject to the comments and conditions contained in the Plan Commission materials.

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

Registered in support and available to answer questions was Mike McLyman of Watson Drive.

Registered in opposition to the project and wishing to speak was Cheryl Elkinton of Corporate Drive, representing Vegan Haven Central, Inc. Ms. Elkinton's registration was submitted after the public hearing for this matter had been closed.

- 8. [31679](#) Consideration of an alteration to an approved conditional use for an outdoor eating area for a restaurant/ tavern at 554 W. Main Street; 4th Ald. Dist.

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

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

Ayes: 6 -
 Ledell Zellers; Scott J. Resnick; Melissa M. Berger; Michael G. Heifetz; Michael W. Rewey and Tonya L. Hamilton-Nisbet

Recused: 1 -
 Bradley A. Cantrell

Excused: 2 -
 Steve King; Eric W. Sundquist and John L. Finnemore

Non Voting: 1 -
 Ken Opin

Registered in support of the request and available to answer questions were: Patrick Rynes of Doral Circle and Sue Bulgrin of Manitou Way, the applicants; Robert Keller of W. Washington Avenue; Ray Westbury of W. Main Street; Susan LaFlash of W. Mifflin Street, and; Mark Greene of W. Main Street.

Registered in support but not wishing to speak was Anthony Stenhauer, Echo Tap & Grill, 554 W. Main Street.

Zoning Text Amendments

- 9. [31136](#) Amending Sections 28.032, 28.061, 28.072, 28.082, 28.091 28.151, and 28.211 of the Madison General Ordinances to add Tourist Rooming House to the Zoning Code.

The Plan Commission recommended approval of the substitute zoning text amendment with the following revision:

- That the supplemental regulation entitled "Tourist Rooming House" in Section 28.151 be revised as follows:
 - (b) The tourist rooming house shall be the ~~owner's~~ operator's primary residence.

The recommendation of approval passed 4-3 on the following vote: AYE: Ald. Zellers, Cantrell, Rewey, Hamilton-Nisbet; NAY: Ald. Resnick, Berger, Heifetz; NON-VOTING: Opin; EXCUSED: Ald. King, Sundquist, Finnemore.

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

Ayes: 4 -
Ledell Zellers; Michael W. Rewey; Bradley A. Cantrell and Tonya L. Hamilton-Nisbet

Noes: 3 -
Scott J. Resnick; Melissa M. Berger and Michael G. Heifetz

Excused: 2 -
Eric W. Sundquist; John L. Finnemore and Steve King

Non Voting: 1 -
Ken Opin

Speaking in opposition to the proposed zoning text amendment were James Lloyd of Maple Grove Drive and John Jacobs of Kendall Avenue.

Registered in support of the zoning text amendment and wishing to speak was Cheryl Elkinton of Corporate Drive, representing Vegan Haven Central, Inc. Ms. Elkinton's registration was submitted after the public hearing for this matter had been closed.

Registered in support but not wishing to speak was Bob Klebba of E. Gorham Street.

10. [31483](#)

Amending Chapter 28 Zoning Districts - Site Standards to allow outdoor cooking as a permitted accessory use to a location that prepares food and creating a definition in Sec. 28.211 of the Madison General Ordinances for outdoor cooking operation.

The Plan Commission recommended approval of the substitute zoning text amendment with the following revision:

- That an additional condition be added to the supplemental regulation for Outdoor Cooking Operation in Section 28.151 as follows:

(a) An outdoor cooking operation is a permitted use if it is not located within two hundred (200) feet from the property line of a lot with a residential use.

(b) An outdoor cooking operation located within two hundred (200) feet from the property line of a lot with a residential use may be allowed with conditional use approval.

(c) Outdoor cooking operations in residential districts are limited to four (4) days in duration not more than five (5) times a year unless approved as a conditional use.

The recommendation of approval passed by voice vote/ other.

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

Registered in opposition to the zoning text amendment and wishing to speak was Ald. David Ahrens, 4014 Major Avenue, representing the 15th District. Ald. Ahrens was not present when this matter was called. Ald. Zellers read a statement from Ald. Ahrens into the record prior to the closing of the public hearing.

Registered in support of the zoning text amendment and wishing to speak was Cheryl Elkinton of Corporate Drive, representing Vegan Haven Central, Inc. Ms. Elkinton's registration was submitted after the public hearing for this matter had been closed.

11. [31573](#)

Amending 28.061(1) of the Madison General Ordinances to allow a Community Living Arrangement with more than 15 residents in the TSS and CCT districts.

On a motion by Berger, seconded by Cantrell, the Plan Commission recommended approval of the zoning text amendment 6-1 on the following vote: AYE: Ald. Resnick, Ald. Zellers, Berger, Cantrell, Rewey, Hamilton-Nisbet; NAY: Heifetz; NON-VOTING: Opin; EXCUSED: Ald. King, Sundquist, Finnemore.

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

Ayes: 6 -
Lledell Zellers; Scott J. Resnick; Melissa M. Berger; Michael W. Rewey;
Bradley A. Cantrell and Tonya L. Hamilton-Nisbet

Noes: 1 -
Michael G. Heifetz

Excused: 2 -
Eric W. Sundquist; John L. Finnemore and Steve King

Non Voting: 1 -
Ken Opin

BUSINESS BY MEMBERS

There was no business by members.

SECRETARY'S REPORT

Tim Parks summarized the upcoming matters for the Plan Commission and noted that a draft of the 2014 Plan Commission/ Urban Design Commission schedule was included in the meeting materials.

- Draft 2014 Plan Commission and Urban Design Commission Schedule

- Upcoming Matters - November 4, 2013

- 10203 Mineral Point Road - SR-C1 & SR-V2 to TR-C3 & TR-U1 and Preliminary Plat and Final Plat - Birchwood Point, creating 230 single-family residential lots, 1 lot for future multi-family development, 41 public outlots, and 1 outlot to be maintained privately
- 3802 Packers Avenue - SR-C1 to PD(GDP) - Approval of a general development plan for a future senior independent living and assisted-living development
- 5817 Halley Way - Amended PD-GDP-SIP - Amend general development plan and specific implementation plan for senior residential community to add dwelling units and potential office space and daycare
- 502 Apollo Way - PD-GDP to PD-SIP - Construct 105-unit apartment building
- 900 John Nolen Drive - Conditional Use- Construct mixed-use building w/ 18,000 square feet of office space and 80 apartment units
- Zoning Text Amendment - Amend regulations for cellular and radio broadcast towers to comply with State law
- Zoning Text Amendment - Amend MGO Secs. 28.138(4)(a)&(5)(a) to clarify the "lakefront side of a building"
- Zoning Text Amendment - Amend MGO Section 28.137 regarding the regulations for Planned Multi-Use Sites
- Zoning Text Amendment - Amend MGO Sec. 28.082(1) to allow indoor recreation as a conditional use in the EC and IL districts
- Zoning Text Amendment - Amend site standards for buildings on corner lots in TE zoning district
- 1316 Hooker Avenue - Conditional Use Alteration - Convert former pool into 3 additional dwelling units in an existing apartment building
- 633-711 W. Badger Road - Demolition Permit and Conditional Use - Demolish car wash to create outdoor recreation area for existing place of worship
- 610 Highland Avenue - Conditional Use Alteration - Construct addition to existing parking structure at University Hospital

- Upcoming Matters - November 18, 2013

- 901-1001 Sugar Maple Lane - A to SR-C1 & TR-U1, Demolition Permit and Preliminary Plat - Demolish 3 single-family residences for the plat of Sugar Maple , creating 44 single-family lots, 2 lots for future multi-family development and 2 outlots for public stormwater management
- 4824 High Crossing Blvd. & 2501 East Springs Drive - Sun Prairie - Conditional Use Alteration - Expand previously approved automobile sales facility lot
- 633 N. Henry Street - PD-SIP Alteration - Construct pool as part of rooftop terrace of previously approved apartment building
- 622-632 Howard Place - Demolition Permit and Conditional Use - Demolish 6-unit and 13-unit apartment buildings to construct 33-unit apartment building
- 1838 Camelot Drive - Demolition Permit and Conditional Use - Demolish single-family residence and

construct new residence on lakefront property
- 1206 Northport Drive - Demolition Permit - Demolish dormitory to create additional open space at Lake View Hill Park
- 1002 S. Whitney Way - Conditional Use - Establish auto repair shop in existing building with vehicle sales and auto part sales

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

**A motion was made by Heifetz, seconded by Berger, to Adjourn at 8:40 p.m.
The motion passed by voice vote/other.**