

Timothy Parks

From: Katherine Noonan
Sent: Monday, March 06, 2006 10:57 AM
To: Brad Murphy
Cc: Timothy Parks
Subject: RE: Plan Commission agenda

brad, tim - the ordinance states that the right to use the zoning goes away if the timeline is not met. I would not support mr. trachtenberg's suggested change for the benefit of his client. the extension must be obtained before the time period expires, otherwise there is a conflict in the ordinance and it introduces an uncertainty that is unnecessary. there should not be a problem with holding the hearing on an extension for their project before the deadline.

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From: Ronald M. Trachtenberg [mailto:RTrachtenberg@murphydesmond.com]
Sent: Friday, March 03, 2006 9:27 AM
To: Brad Murphy
Cc: Timothy Parks; Katherine Noonan
Subject: RE: Plan Commission agenda

Brad, attached is a copy of my letter to Tim Parks and Kitty Noonan of 2-28-06. Please note the fourth paragraph. I was going to ask plan commission to make this one modification unless staff incorporates it into the draft before the plan commission.

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L A W Y E R S

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-----Original Message-----

3/6/2006

From: Brad Murphy [mailto:BMurphy@cityofmadison.com]
Sent: Friday, March 03, 2006 9:22 AM
To: Ronald M. Trachtenberg
Subject: Plan Commission agenda

Ron,

On Monday the Plan Commission will be reviewing the draft ordinance which will give the Plan Commission the ability to grant extensions of up to two years to pull a permit for a PUD beyond the 36 months provided by right. I don't expect a lot of discussion on it and assume the Commission will ask staff to introduce the ordinance. This is the first item on the agenda at 5:30. Let me know if you have any questions or suggestions.

3/6/2006

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28 February 2006

VIA EMAIL ONLY

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Mr. Timothy Parks
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VIA EMAIL ONLY

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Ms. Katherine Noonan
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Re: An Ordinance Amending Section 28.07(6)(g)5 and (h),
Madison General Ordinances
Draft of February 16, 2006

Dear Mr. Parks and Ms. Noonan:

We have reviewed Ms. Noonan's draft ordinance amendment of February 16, 2006, and it appears to do on a general basis what we have been requesting the Plan Commission to provide.

However, we just want to make certain that our client, Stone Fence Development, LLC, can get relief under this proposed ordinance.

Our client, which is the owner of Lot 10 of Metro Tech, obtained Common Council approval of June 3, 2003 rezoning Lot 10, Metro Tech, from PUD-GDP to Amended PUD(GDP-SIP). Are we correct in assuming that the initial 36 month period as set forth in the proposed ordinance amendment would start running on June 3, 2003, giving Stone Fence Development, LLC until June 2, 2006 to obtain the 24 month extension?

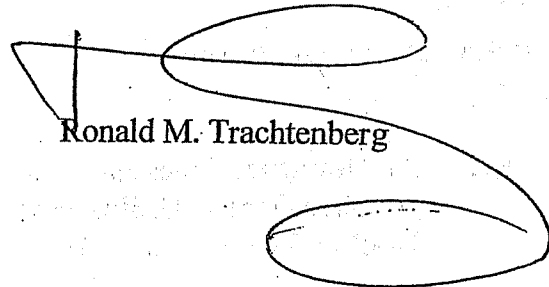
Having now written the above, we would note that depending upon how much time the Common Council takes to approve the subject ordinance amendment, and then depending upon the amount of time that the Plan Commission may take to approve Stone Fence Development, LLC's requested extension, all that may be beyond the 36 month period. Therefore, we would request that subsection (h) be revised to state "Upon the application for an extension [prior] to the expiration of the thirty-six (36) month period...". This would change the drop dead date from when the Plan Commission may act to the filing of the

Mr. Timothy Parks
Ms Katherine Noonan
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application for the extension. We believe that this additional requested language would not only help our client, Stone Fence Development, LLC, but would help other potential applicants who otherwise would be at the mercy of potential Plan Commission referrals and other possible calendar delays beyond their control.

If the proposed language is acceptable, we would ask that same be incorporated into the proposed ordinance amendment for consideration by the Plan Commission. If not, we will address the Plan Commission on that issue. Hopefully it will be acceptable.

Very truly yours,



Ronald M. Trachtenberg

RMT:srp
051747

parks noonan 022806

cc: Stone Fence Development, LLC
Attn.: Mr. Tom Ellefson
Knothe & Bruce Architects, LLC
Attn.: Mr. J. Randy Bruce
Mr. Lewis A. Averill, P.E.