



Department of Planning & Community & Economic Development
Planning Division

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TO: Mayor Paul R. Soglin
Madison Common Council

FROM: Bradley J. Murphy, Planning Division Director

DATE: July 15, 2011

SUBJECT: Legislative File 22443, Rezoning 1001 University Avenue from R6 to PUD: the St. Francis House Development

On the Common Council agenda for the meeting of July 19, 2011 is a request to rezone property at 1001 University Avenue from R6 to PUD for the St. Francis House redevelopment project. The Plan Commission recommendation is to place this item on file without prejudice. That recommendation followed a motion to approve the project, which failed by a 3 (in support) to 5 (in opposition) vote. As part of the same action, the Plan Commission did not approve the demolition permit requested for the project to relocate the original portion of the St. Francis House to a different portion of the property, and to demolish the 1964 addition to the building.

Since the Plan Commission meeting a protest petition has been filed against the zoning map amendment by Luther Memorial Church, a neighboring property. The petition has been reviewed by the City Attorney's Office and the Planning Division. While there appear to be some minor irregularities in the protest petition (e.g., City records show the owner to be "Luther Memorial Evangelical Lutheran Church of Madison" and the petition was signed in the name of "Luther Memorial Church"; the name of the President of the Church is spelled both Al Larsen and Al Larson), staff has concluded that the petition in all likelihood is one that meets the requirements under the ordinance. The petition represents the owners of 20% or more of the land immediately adjacent to and extending 100-feet from the proposed zoning map amendment. As a result, the zoning map amendment shall not become effective except by a favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change.

In addition, applicant for the demolition, LZ, LLC has submitted an appeal from the decision of the City's Plan Commission on the denial of the demolition permit to remove the 1964 addition to the building and allow the relocation of the original portion of the St. Francis House to a different location on the property. The zoning ordinance provides that the appeal shall be filed with the Zoning Administrator and forwarded to the Clerk and Common Council and that 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. The ordinance requires a favorable vote of two-thirds (2/3) of the members of the Common Council voting on the matter to reverse or modify the action of the Plan Commission. The intent of the Ordinance, MGO Section 28.12(12)(h) is

that the Council consider the appeal of the demolition permit at the same time that it considers the PUD map amendment.

In order to allow sufficient time to provide notice and scheduling of the public hearing on the appeal of the Plan Commission's decision on the demolition permit, the Planning Division and City Attorney's Office recommend that Legislative File 22443, the zoning map amendment for 1001 University Avenue be referred to the Common Council meeting of August 2, 2011 and that the public hearing on the appeal of the Plan Commission's action on the demolition permit also be scheduled for the same meeting.

Questions have also been raised by some Council members regarding the appropriate standards to use to review the Planned Unit Development and the demolition permit appeal. In brief, the standards used by the Plan Commission should also be used by the Common Council in deciding these matters. The applicable standards are those related to the following:

- Section 28.12(1) Zoning Map and Text Amendments
- Section 28.12(12) Demolition and Removal
- Section 28.07(6) Planned Unit Development Districts (PUD)

A copy of these standards is attached.

In advance of the Common Council meeting of August 2, staff will prepare a more detailed memo which will outline more specifically the standards that should be used by the Common Council in considering these requests.

C: Michael May, City Attorney
Kitty Noonan, Assistant City Attorney
Steven Cover, Director, Department of Planning and Community & Economic Development
Anne Monks, Assistant to the Mayor
Maribeth Witzel-behl, City Clerk
Bill White
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