



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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**TO:** Mayor Satya Rhodes-Conway  
Madison Common Council

**FROM:** Heather Stouder, Secretary of the Plan Commission

**DATE:** ~~December 7, 2020~~—REVISED December 14, 2020

**SUBJECT:** Appeal of Plan Commission Decision on Conditional Use (Legistar ID [#63305](#))

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At its November 23, 2020 meeting, the City of Madison Plan Commission placed on file a demolition permit and conditional uses requested by Josh Wilcox to allow for demolition of two existing buildings for the construction of an eight-story building with 20 residential units and a fraternity at 619-621 North Lake Street. (Legistar ID [#62598](#)).

Section 28.183(5)(b) of the Zoning Code provides the following regarding the filing of appeals for conditional use approvals (excerpt):

- “1. The Plan Commission’s decision [on a conditional use] is appealable to the Common Council.
2. The appeal may be filed by:
  - a. The applicant, or
  - b. The Alderperson of the district in which the use is located, or
  - c. Twenty percent (20%) or more of the property owners entitled to notice who object to the establishment of the conditional use.
3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.
5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.”

On December 3, 2020, a petition was submitted electronically by the applicant to appeal the Plan Commission’s approval of the conditional uses to the Common Council, pursuant to the requirements in Section 28.183(5)(b) of the Zoning Code. Staff recommends that the appeal be introduced at the January 5, 2021 meeting for referral to January 19, 2021.

Thank you, and please feel free to contact me with any questions.

Cc (via e-mail):

ID #63305  
Conditional Use Appeal - REVISED MEMO  
619-621 Lake St.  
December 14, 2020  
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Michael Haas, City Attorney  
Matthew Wachter, Director, Department of Planning, Community, & Economic Development  
John Strange, Assistant City Attorney  
Colin Punt, Planning Division  
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