



Department of Planning & Community & Economic Development

## Planning Division

Meagan Tuttle, Director

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

**FROM:** Meagan Tuttle, AICP, Planning Division Director

**DATE:** April 3, 2026

**SUBJECT:** Appeal of Plan Commission Decision on Conditional Use (Legistar ID [#91512](#))

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At its March 16, 2026 meeting, the City of Madison Plan Commission unanimously approved the conditional use requested by Nick Orthman of Bear Development to allow construction of project at 5555 Odana Road and 5534 Medical Circle in the CC-T (Commercial Corridor) district. The project includes both a five-story and a six-story mixed-use building with a total of 227 dwelling units and 7,745 square feet of commercial space.

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 March 26, 2026, a petition was submitted to appeal the Plan Commission's approval of the conditional uses to the Common Council. Upon examination by Planning Division staff and in consultation with the City Attorney's Office, the appeal was signed by 20% or more of the property owners entitled to notice, pursuant to the requirements in Section 28.183(5)(b) of the Zoning Code. The threshold for appealing the Plan Commission's decision to the Common Council has been met.

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Staff recommended that the appeal be introduced at the April 21, 2026 Common Council meeting and referred for public hearing at the Common Council meeting on May 5, 2026. As noted in Section 28.183(5)(b)8, the action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of 2/3 of the members of the Common Council.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Meagan Tuttle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Meagan Tuttle, AICP

Cc (via e-mail):

John Guequierre, District 19 Alder  
Lydia McComas, City Clerk  
Michael Haas, City Attorney  
Matthew Wachter, Director, Department of Planning, Community, & Economic Development  
Kate Smith, Assistant City Attorney  
Katie Bannon, Zoning Administrator  
Kevin Firchow, AICP, Principal Planner, Planning Division  
Colin Punt, AICP, Planner, Planning Division  
Nick Orthman, Bear Development  
Appellants c/o Margaret Porco, Board, Montessori Children's House