



Department of Planning & Community & Economic Development

Planning Division

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TO: Maribeth Witzel-Behl, City Clerk
FROM: Timothy M. Parks, Planning Division
DATE: February 6, 2014
SUBJECT: Appeal of Plan Commission Decision on Conditional Use (Legistar ID #32124)

Dear Ms. Witzel-Behl;

At its January 27, 2014 meeting, the City of Madison Plan Commission approved a demolition permit and conditional use to allow demolition of an office building and construction of a mixed-use building containing approximately 8,850 square feet of first floor retail space and 121 apartments at 149 E. Wilson Street (Legistar ID #32124), and recommended approval to the Common Council of a related request to rezone the property from UMX (Urban Mixed-Use District) to DC (Downtown Core District) (ID # 32265).

On February 4 and 5, 2014, Plan Commission Secretary Steven Cover received petitions appealing the Plan Commission's approval of the conditional use for 149 E. Wilson Street to the Common Council. A protest petition against the rezoning of the property was filed separately with your office on January 29, 2014 and was verified by the Planning Division in a memo dated January 31, 2014.

Section 28.183(5)(b) of the Zoning Code states that:

- "1. The Plan Commission's decision [on a conditional use] is appealable to the Common Council.
2. The appeal may be filed by:
- The applicant, or
 - The Alderperson of the district in which the use is located, or
 - 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."

Upon examination by Planning Division staff, it appears that the petitions were signed by over 20% of the property owners entitled to notice, pursuant to the requirements in Section 28.183(5)(b) of the Zoning Code. The appeal should be placed on the next available Common Council agenda for introduction and referral for public hearing.

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

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cc: Michael May, City Attorney
Steven R. Cover, Director, Department of Planning and Community and Economic Development
Katherine Cornwell, Director, Planning Division
Maureen O'Brien, Assistant City Attorney
Lance McGrath, McGrath Property Group
Mary Waitrovich
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