



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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**TO:** Mayor Paul R. Soglin  
Madison Common Council

**FROM:** Katherine Cornwell, Director, Planning Division

**DATE:** May 29, 2015

**SUBJECT:** Protest Petition Against Zoning Map Amendment Legislative File ID 37648, Rezoning Property Addressed as 4103-4119 Portage Road.

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On Wednesday, May 27, 2015, the City Clerk received two protest petitions against the zoning map amendment for property located addressed as 4103-4119 Portage Road, Legislative File ID 37648. The petitions have been added to the legislative file.

The protest petitions have been filed in accordance with the provisions outlined in Section 28.182(5)(c) of Madison General Ordinances.

The first petition was filed pursuant to Section 28.182(5)(c)3.b of the Zoning Code which states, in the event that a written protest against the proposed map amendment is filed with the City Clerk and is duly signed and acknowledged by twenty percent (20%) of the registered electors residing in the areas of the land included in the proposed map amendment or modification, such 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. The first protest petition has been reviewed by the City Attorney's Office and the Planning Division and has been found to be invalid. The petition was signed by individuals not residing on the parcels subject to the map amendment request. The parcels proposed for rezoning have one elector residing on them, and that party did not sign this petition. This petition was also improperly witnessed.

The second petition was filed pursuant to Section 28.182(5)(c)3.d of the Zoning Code which states, in the event that a written protest against the proposed map amendment is filed with the City Clerk and is duly signed and acknowledged by the owners of twenty percent (20%) or more of the land directly opposite from the subject property and extending one-hundred (100) feet from the street frontage of the opposite land, such 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. The second protest petition has been reviewed by the City Attorney's Office and the Planning Division and has also been found to be invalid. The petition was signed by individuals not located on parcels within the required area. The second petition was also improperly witnessed.

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ID 37648 – 4103-4119 Portage Rd.  
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Therefore, a favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change is **not** required in order to approve Legislative File ID 37648.

If anyone has questions regarding the proposed petition, please let Tim Parks in my office know.

cc: Michael May, City Attorney  
John Strange, Assistant City Attorney  
Natalie Erdman, Interim Director, Dept. of Planning and Community and Economic Development  
Maribeth Witzel-Behl, City Clerk  
Terrence Wall, 5422 Portage Road, LLC (by e-mail)  
Heather Stouder, Planning Division  
Tim Parks, Planning Division  
Matt Tucker, Zoning Administrator