



Department of Planning & Community & Economic Development

Planning Division

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TO: Mayor Satya Rhodes-Conway
Madison Common Council

FROM: Nan Fey, Secretary of the Plan Commission

DATE: December 2, 2019

SUBJECT: Appeal of Plan Commission Decision on Conditional Use (Legistar ID #58495)

At its November 11, 2019 meeting, the City of Madison Plan Commission approved a demolition permit and conditional uses requested by the Salvation Army of Dane County to allow an existing mission house building at 630 E Washington Avenue and auto sales facility at 648 E Washington Avenue and 12 N Blount Street to be demolished and a five-story building containing a mission house, counseling services, health services and a place of worship to be constructed along E Washington Avenue, and a separate three-story, 44-unit apartment building to be constructed along E Mifflin Street (Legistar ID #57108).

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 November 21, 2019, petitions were submitted electronically 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 **not** 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.

Because the threshold for appealing the Plan Commission’s decision to the Common Council has not been met, staff recommends that the appeal be **placed on file** at the December 3, 2019 meeting.

ID # 57108
Conditional Use Appeal
630-648 E Washington Ave.
& 12 N Blount Street
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Thank you, and please feel free to contact me with any questions.

cc: Michael May, City Attorney
Heather Stouder, Director, Planning Division
John Strange, Assistant City Attorney
Tim Parks, Planning Division
Maj. Andrew Shiels, Salvation Army of Dane County
Kyle Ripple, 145 Dayton Row (by e-mail)