



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

TO: Mayor Satya Rhodes-Conway
Madison Common Council

FROM: Heather Stouder, Secretary of the Plan Commission

DATE: December 7, 2020

SUBJECT: Appeal of Plan Commission Decision on Conditional Use (Legistar ID [#63304](#))

At its November 23, 2020 meeting, the City of Madison Plan Commission approved a demolition permit and conditional uses requested by Tom Ripple to allow an existing commercial building at 4606 Hammersley Road to be demolished and a three-story mixed-use building containing a 1,750 square foot commercial space and 53 residential units to be constructed. (Legistar ID [#62600](#)).

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 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 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 been met, staff recommends that the appeal be introduced at the January 5, 2021 meeting for referral to January 19, 2021.

ID #63304
Conditional Use Appeal
4606 Hammersley Road
December 7, 2020
Page 2

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

Cc (via e-mail):

Michael Haas, City Attorney
Matthew Wachter, Director, Department of Planning, Community, & Economic Development
John Strange, Assistant City Attorney
Colin Punt, Planning Division
Kevin Firchow, Planning Division
Tom Ripple, Ripple Trust
Sarah Larson, 1013 Chieftain Lookout