



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

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TO: Mayor Satya Rhodes-Conway
Madison Common Council

FROM: Heather Stouder, Secretary of the Plan Commission

DATE: July 26, 2021

SUBJECT: Appeal of Plan Commission Decision on Conditional Use (Legistar ID [#65486](#))

At its July 12, 2021 meeting, the City of Madison Plan Commission approved conditional uses requested by the Madison Metropolitan School District to allow for a public school in the Traditional Residential-Consistent 2 (TR-C2) District and for nonresidential development adjacent to a public park (Hoyt Park). The approvals would allow for a small addition to the existing Hoyt School building and for its conversion back to a school use as Capital High School.

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 July 22, 2021, a petition was 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 (See materials on Legistar, Item [#66635](#)).

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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 August 3 Common Council meeting for referral to August 31, 2021.

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

Sincerely,

Heather Stouder

Cc (via e-mail):

Michael Haas, City Attorney
Matthew Wachter, Director, Department of Planning, Community, & Economic Development
Kate Smith, Assistant City Attorney
Chris Wells, Planning Division
Kevin Firchow, Planning Division
Kirk Lewis, Eppstein Uhen Architects
Brandon Halverson, Madison Metropolitan School District
Barry Berman, 3933 Regent Street