



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved PLAN COMMISSION

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Monday, June 15, 2009

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:40 p.m.

Present: 9 -

Michael Schumacher; Lauren Cnare; Nan Fey; Judy K. Olson; James C. Boll; Judy Bowser; Michael A. Basford; Tim Gruber and Douglas J. Pearson

Excused: 3 -

Julia S. Kerr; Eric W. Sundquist and Michael G. Heifetz

Fey was chair for the meeting. Doug Pearson left following consideration of Item #8.

Staff present: Michael Waidelich, Brad Murphy & Tim Parks, Planning Division, and Mario Mendoza, Mayor's Office.

MINUTES OF THE June 1, 2009 MEETING

A motion was made by Boll, seconded by Gruber, to Approve the Minutes.
The motion passed by voice vote/other.

SCHEDULE OF MEETINGS

July 6, 20 and August 3, 17, 2009

UNFINISHED BUSINESS

1. [13482](#) Adopting Phase 1 of the Shady Wood Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the City's application to amend the Central Urban Service Area to include the Phase 1 development staging area identified in the plan.

The Plan Commission recommended **adoption** of Phase A/ Phase 1 of the Shady Wood Neighborhood Development Plan and **referral** of Phases B and C (2 and 3) for 6 months.

The motion by Olson, seconded by Basford, passed on the following vote: AYE: Ald. Schumacher, Boll, Bowser, Basford, Gruber, and Olson; NAY: Ald. Cnare; NON-VOTING: Pearson and Fey; EXCUSED: Ald. Kerr, Sundquist and Heifetz.)

A motion was made by Olson, seconded by Basford, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Excused: 3 -

Julia S. Kerr; Eric W. Sundquist and Michael G. Heifetz

Ayes: 6 -

Michael Schumacher; Judy K. Olson; James C. Boll; Judy Bowser;
Michael A. Basford and Tim Gruber

Noes: 1 -

Lauren Cnare

Non Voting: 2 -

Douglas J. Pearson and Nan Fey

Speaking in support of the proposed neighborhood development plan were: Ken Keryluk, 3010 Shady Oak Lane, Verona; Joe Campana, 1609 Glacier Hill Drive, speaking on behalf of Diane Kammer, 3105 Woods Road, Verona; Charles Dykman, 4611 Tonyawatha Trail, Monona; Ron Trachtenberg, Murphy Desmond, SC, 33 E. Mifflin Street, representing Hawks Creek, LLC; Henry Gempeler, Foley Lardner, LLP, 150 East Gilman Street, representing Ken Keryluk & Melissa Wik, and; Gary Werner, 2303 Lakeland Avenue.

Speaking neither in support nor opposition to this matter was Brian Munson, Vandewalle & Associates, 120 E. Lakeside Street, representing Ken Keryluk.

Also speaking on this matter but not registered was Ald. Jed Sanborn, 8426 Red Granite Road, representing the 1st District.

Registered in support and available to answer questions was Ald. Paul Skidmore, 13 Red Maple Trail, representing the 9th District.

SPECIAL ITEMS OF BUSINESS

- Plan Commission appointment to the Long Range Transportation Planning Commission: Michael Heifetz was appointed to serve if he is available.

- Update on the Zoning Code Rewrite: Review of the proposed Special Districts, Overlay Districts and Procedures Section (time permitting): Brad Murphy provided the Plan Commission with an update on the status of the Zoning Code Re-write. There was also a brief discussion about the role of the Commission as the lead commission on the adoption of the new Zoning Code and the number of hearings and discussions that adoption of the new code might entail. Mr. Murphy noted that the draft code was likely to be introduced at the Common Council in either late July or early August to start the formal review process.

The Commission discussed holding a special meeting to discuss the draft Zoning Code on June 29, 2009 at 5:00 p.m. as well as the opportunities to hold discussions during the regular meetings in July.

Finally, Mr. Murphy noted the dates, times and locations of the Citywide Community Summit and Community Meetings on the new Zoning Code. The Summit will be held Monday, June 22, 2009 at the Overture Center at 5:30 p.m. Two concurrent Community Meetings will be held at 5:30 p.m., Wednesday June 24 at the Sequoia Library (west) and Warner Park Community Center (east/north). The Zoning Code Re-write Advisory Committee will be meeting Tuesday, June 23 at 5:30 p.m. at the Central Library.

ROUTINE BUSINESS

2. [14740](#) Accepting a 2-foot wide public sidewalk easement along Williamson Street.

A motion was made by Boll, seconded by Basford, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

- 3. [14891](#) Accepting a 10-foot wide Public Storm Sewer Easement from Robert Kortsch and Sean and Nataliya Flannery across the properties located and 540 and 544 Oak Street.

A motion was made by Olson, seconded by Boll, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

NEW BUSINESS

- 4. [14931](#) East Wilson/Schley Pass/Dewey Court Neighborhood Conservation District Report.
The Plan Commission recommended that the Common Council **accept** the report and authorize the preparation of a resolution authorizing initiation of a neighborhood conservation study.

The motion by Olson, seconded by Gruber, passed on the following vote: AYE: Ald. Schumacher, Ald. Cnare, Bowser, Basford, Gruber, and Olson; NAY: Boll ; NON-VOTING: Pearson and Fey; EXCUSED: Ald. Kerr, Sundquist and Heifetz.)

A motion was made by Olson, seconded by Gruber, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

- Excused:** 3 -
Julia S. Kerr; Eric W. Sundquist and Michael G. Heifetz
- Ayes:** 6 -
Michael Schumacher; Lauren Cnare; Judy K. Olson; Judy Bowser; Michael A. Basford and Tim Gruber
- Noes:** 1 -
James C. Boll
- Non Voting:** 2 -
Douglas J. Pearson and Nan Fey

Speaking in support of the proposed conservation district were Dan Wehrman, 1329 E. Wilson Street and Ald. Marsha Rummel, 1029 Spaight Street #6C, representing the 6th District.

PUBLIC HEARING-6:00 p.m.

The public hearing began at 7:00 p.m.

Note: Public Hearing items may be called at any time after the beginning of the public hearing. Those wishing to speak on an item must fill out a registration slip and give it to the Secretary. The Plan Commission uses a consent agenda, which means that the Commission can consider any item at 6:00 p.m. where there are no registrants wishing to speak in opposition regardless of its placement on the agenda.

Annexation

- 5. [14741](#) Petition dated April 27, 2009 from Cherokee Park, Inc. re: direct annexation from the Town of Westport to the City of Madison.

Accept the Petition

A motion was made by Cnare, seconded by Bowser, to RECOMMEND TO

COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER - ACCEPT THE PETITION. The motion passed by voice vote/other.

- 6. [14850](#) Creating Section 15.01(570) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 18th Aldermanic District the Cherokee Annexation and assigning a temporary zoning classification of A Agriculture District, and creating Section 15.02(146) of the Madison General Ordinances to assign the attached property to Ward 146.

Note: 14 Votes are required to pass this ordinance at the Common Council.

A motion was made by Cnare, seconded by Bowser, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

Registered in support of the proposed annexation (Items 5 & 6) and available to answer questions was Dan O'Callaghan, Michael Best & Friedrich, LLP, 1 S. Pinckney Street, Suite 700, representing Cherokee Park, Inc., one of the petitioners.

Zoning Map Amendments

- 7. [13571](#) SUBSTITUTE - Creating Section 28.06(2)(a)3419. of the Madison General Ordinances rezoning property from R2 Single-Family Residence District to R2S Single-Family Residence District. Demolish Existing Single-Family Home and Rezone to Allow the Creation of Two Lots to Accommodate the Relocation of Two Existing Houses; 15th Aldermanic District: 3502 Sargent Street.

Approval recommended subject to the comments and conditions included in the Plan Commission materials. The motion by Ald. Cnare, seconded by Boll, passed by voice vote/ other.

A motion was made by Cnare, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by voice vote/other.

Registered in support of the project and available to answer questions were the applicant, Michael Pfefferle, 4028 Underdahl Road and Eric Sandsnes, Royal Oak Engineering, 5610 Medical Circle, representing Mr. Pfefferle and the property owner, Karen A'llerio.

- 8. [14735](#) Creating Section 28.06(2)(a)3432. of the Madison General Ordinances rezoning property from M1 Limited Manufacturing District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3433. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Bus Terminal to Construct Mixed-Use Building with 11,500 Square Feet of Retail Space and 82 Apartments; 2 South Bedford Street: 4th Aldermanic District.

Approval recommended subject to the comments and conditions included in the Plan Commission materials and the following conditions:

- That any proposed drive-thru service window be approved by the Plan Commission as an alteration to the approved specific implementation plan following a duly noticed public hearing.
- That the developer submit proof of financing and an executed contract with a construction firm, which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to final approval and recording of the PUD and the issuance of any permits.
- That one bike parking stall be provided for each bedroom in the development. The first 82 bike parking stalls shall be provided as required by the Zoning Code (as stated in condition #43) and that the remaining 31 stalls be provided as required by Planning and Zoning staff.

- That the developer work with the Traffic Engineering Division on W. Washington Avenue ingress and egress for the site.
- That not more than 20% of the window area for the first retail space(s) facing the street be covered by advertisements, products or coverings.

The motion by Gruber, seconded by Boll, passed by voice vote/ other.

A motion was made by Gruber, seconded by Boll, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

Speaking in support of the proposed development were: Jim, David & John Meier, Badger Coaches/ 2 S. Bedford Street, LLC, 2 S. Bedford Street, the applicants; J. Randy Bruce, Knothe & Bruce Architects, LLC, 7601 University Avenue, Middleton and Angela Black, Michael Best & Friedrich, LLP, 1 S. Pinckney Street, Suite 700, both representing the applicants; Rosemary Lee, 111 W. Wilson Street #108; William Jacobson, 615 W. Washington Avenue; Peter Ostlind, 533 W. Main Street, representing the Bassett District of Capitol Neighborhoods, Inc.; John Koffel, Delta Warehouses, 612 W. Main Street, and; Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Speaking in opposition to the proposed development were: David Knuti, 615 W. Main Street #301, representing Madison Peak Oil Group; Sigrid Knuti, 615 W. Main Street #301; Barbara Smith, 31 Sherman Terrace #3; Royce Williams, 2437 Fox Avenue; Susan De Vos, 610 N. Midvale Boulevard, representing Madison Area Bus Advocates, and; Carl Durocher, 1441 Williamson Street.

Registered in opposition to the project but not wishing to speak was Bill Rogers, 658 S. Midvale Boulevard.

9. [14885](#)

Creating Section 28.06(2)(a)3437. of the Madison General Ordinances rezoning property from R6 General Residence District to C2 General Commercial District. Proposed Use: Rezoning to a Conforming Zoning District as Part of Change in Ownership; 2nd Aldermanic District: 214 North Hamilton Street.

Approval recommended subject to the comments and conditions included in the Plan Commission materials. The motion by Ald. Cnare, seconded by Olson, passed by voice vote/ other.

A motion was made by Cnare, seconded by Olson, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

Registered in support of the rezoning and available to answer questions were: the applicant, Idriz Sabani, 2000 W. Hillcrest Parkway, Altoona; Bekir Shabani, 320 Crestwood Lane, Onalaska, and; Dan O'Callaghan, Michael Best & Friedrich, LLP, 1 S. Pinckney Street, Suite 700, representing the applicant.

10. [14886](#)

Creating Section 28.06(2)(a)3436. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Re-Approving the GDP for Multi-Family Housing in the Village At Autumn Lake PUD; 17th Aldermanic District: 5922 Lien Road.

Approval recommended subject to the comments and conditions included in the Plan Commission materials. The motion by Ald. Cnare, seconded by Boll, passed by voice vote/ other.

This Ordinance was RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING

Registered in support of the rezoning were the applicant, Don Esposito, Veridian Homes, 6801 South Towne Drive and Brian Munson, Vandewalle & Associates, 120 E. Lakeside Street, representing Veridian.

Land Division

- 11. [15034](#) Approving a Certified Survey Map of the Certco, Inc. property located at 4802 Femrite Drive and 2730 Daniels Street. 16th Ald. Dist.

The Plan Commission approved the Certified Survey Map subject to the conditions contained in the Report to the Plan Commission. The motion by Boll, seconded by Ald. Cnare, was passed by voice vote/ other.

A motion was made by Boll, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by voice vote/other.

Registered in support of the proposed land division and available to answer questions were the applicant, Randall Simon, Certco, Inc., 5321 Verona Road, Fitchburg and Mike Lawton, Lathrop & Clark, LLP, 740 Regent Street, representing Certco.

Conditional Use/ Demolition Permits

- 12. [15035](#) Consideration of a conditional use and demolition permit to allow an existing restaurant to be demolished and a new restaurant to be constructed at 418 South Gammon Road at West Towne Mall. 9th Ald. Dist.

The Plan Commission found that the standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

A motion was made by Bowser, seconded by Basford, to Approve. The motion passed by voice vote/other.

Registered in support of the project and available to answer questions were the applicant, Jack DeGagne, Darden Restaurants, 5900 Lake Ellenor Drive, Orlando, Florida and Ald. Paul Skidmore, 13 Red Maple Trail, representing the 9th District.
- 13. [15036](#) Consideration of a demolition permit to allow demolition of a single-family residence with no proposed use at 6202 North Highlands Avenue. 19th Ald. Dist.

This matter was referred to July 6, 2009 at the request of the applicant.

A motion was made by Boll, seconded by Olson, to Rerefer to the PLAN COMMISSION, due back on July 6, 2009. The motion passed by voice vote/other.
- 14. [15037](#) Consideration of a conditional use to allow construction of a warehouse in the C2 General Commercial District at 3833 Busse Street. 15th Ald. Dist.

The Plan Commission found that the standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

A motion was made by Bowser, seconded by Basford, to Approve. The motion passed by voice vote/other.

There were no registrants on this item.
- 15. [15038](#) Consideration of a conditional use for an outdoor eating area to serve a tavern located at 2609 East Washington Avenue. 15th Ald. Dist.

The Plan Commission referred this matter to July 6, 2009 to have the City Attorney's Office, Traffic Engineering Division and Zoning Administrator provide the Commission with information on the proposed conditions of approval and whether or not the conditions are ordinance requirements or if the Commission has the authority to waive or modify them. The Commission asked for an identification of the changes on zoning lots that trigger these requirements. The motion by Ald. Cnare, seconded by Bowser, was passed by voice vote/ other.

The main motion to refer replaced a substitute motion by Olson, seconded by Gruber to approve the project subject to the conditions contained in the Plan Commission materials and including a statement by members of the Commission who did not feel that the request for outdoor seating merited the requirement to upgrade the parking lot and landscaping. The substitute motion to approve passed by the following vote: AYE: Ald. Cnare, Basford, Olson, Gruber; NAY: Ald. Schumacher, Boll, Bowser; NON-VOTING: Fey; EXCUSED: Pearson, Heifetz, Ald. Kerr, Sundquist).

The substitute motion to approve was reconsidered on a motion by Basford, seconded by Gruber. The reconsideration passed by voice vote/ other.

The substitute motion to approve replaced an earlier motion by Boll, seconded by Ald. Cnare, to refer this matter to July 6, 2009.

A motion was made by Cnare, seconded by Bowser, to Rerefer to the PLAN COMMISSION, due back on July 6, 2009. The motion passed by voice vote/other.

Speaking in support of the proposed outdoor eating area was the applicant, Bill Rogers, 658 S. Midvale Boulevard.

Registered in support but not wishing to speak was Carl Durocher, 1441 Williamson Street.

- 16. [15039](#) Consideration of a conditional use to allow construction of a dental office in the C1 Limited Commercial District at 4226 Milwaukee Street and across the street from Hiestand Park. 3rd Ald. Dist.

The Plan Commission found that the standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

A motion was made by Cnare, seconded by Gruber, to Approve. The motion passed by voice vote/other.

Registered in support of the project and available to answer questions was Dave Craker, 1508 Three Wood Drive, representing the applicant, Dr. Robb Warren.

- 17. [15040](#) Consideration of a demolition permit to allow a fire-damaged single-family residence to be razed and a new residence to be constructed at 2021 Monroe Street. 13th Ald. Dist.

The Plan Commission found that the standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

A motion was made by Olson, seconded by Cnare, to Approve. The motion passed by voice vote/other.

Excused: 3 -

Julia S. Kerr; Eric W. Sundquist and Michael G. Heifetz

There were no registrants on this item.

BUSINESS BY MEMBERS

None

COMMUNICATIONS

The Plan Commission noted the memo dated June 8, 2009 from Dennis Amadeus deNure regarding the Downtown Plan.

Fey noted that she had received materials as part of her membership on the Joint West Campus Area Committee and that she would provide them to Brad Murphy.

SECRETARY'S REPORT

Brad Murphy noted the upcoming matters for the Plan Commission.

Upcoming Matters - July 6, 2009

- 159-171 Proudfit Street et al - Amended PUD-SIP for final plans to allow construction of 14,000 square foot office building
- 6202-6210 Cottage Grove Road - A & PUD-SIP to R2T, Demolition Permit and CSMs to allow demolition or removal of 3 existing single-family houses and the subdivision of the property into 6 single-family lots
- 3023 CTH BB - Certified Survey Map to create 2 lots in the Town of Cottage Grove
- W & E sides of Vilas Hope Road at Jahnke Road - 2 Certified Survey Maps in the Town of Cottage Grove to create 3 lots on the west side of Vilas Hope and 2 lots on the east side of Vilas Hope for a bike path
- 5202 Cottage Grove Road - Conditional use to construct an addition to an existing church

Upcoming Matters - July 20, 2009

- 2055 Woods Road - Temp A to R1, Preliminary Plat & CSM for Hawks Woods Estates creating 21 single-family lots and 1 outlet; CSM with 2 lots
- 115-117 South Bassett Street - R6 to PUD-GDP-SIP to allow renovations and additions to 2 buildings creating 7 multi-family units
- 2501 West Beltline Highway - Conditional use for an outdoor eating area for a restaurant
- 1015 East Johnson Street - Conditional use to legally add a second dwelling unit to existing single-family residence
- 205 Judd Street - Demolish fire-damaged single-family residence and construct new residence
- 4246 Daentl Road - CSM to create 3 lots in the Town of Burke

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by Boll, seconded by Cnare, to Adjourn at 9:40 p.m. The motion passed by voice vote/other.