



City of Madison

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

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Monday, October 15, 2012

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 5:35 p.m.

Present: 10 -

Steve King; Marsha A. Rummel; Chris Schmidt; Nan Fey; Eric W. Sundquist; Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell; Melissa M. Berger and Tonya L. Hamilton-Nisbet

Excused: 2 -

Michael G. Heifetz and John L. Finnemore

Fey was chair for this meeting.

Staff present: Steve Cover, Secretary; Brad Murphy & Tim Parks, Planning Division, and; Don Marx, Office of Real Estate Services.

PUBLIC COMMENT

There were no registrants for public comment.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

MINUTES OF THE OCTOBER 1, 2012 MEETING

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

SCHEDULE OF MEETINGS

November 5, 19 and December 3, 17, 2012

ROUTINE BUSINESS

1. [27555](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new S. Few Street crossing of the Union Pacific Railroad associated with Central Park. (6th AD)

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

- 2. [27802](#) Authorizing the grant of a Private Water Service Lateral Easement to the Board of Regents of the University of Wisconsin System across a portion of a City Engineering Storm Water utility parcel located at 2009 Hawk’s Ridge Drive.

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

- 3. [27803](#) Authorizing the Common Council to accept ownership from Dudgeon-Monroe Neighborhood Association of a Little Library located within Wingra Park at 2425 Monroe Street.

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

- 4. [27883](#) Determining a Public Purpose and Necessity and adopting Transportation Project Plat No. 5992-08-07 - 4.11 Amendment No: 2 Mineral Point Road / CTH S & South Junction Road / CTH M- South Junction Road, City of Madison, Dane County, Wisconsin for the acquisition of Plat of Land Interests required.

A motion was made by King, seconded by Cantrell, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS,. The motion passed on the following 6-2 vote: AYE: Ald. King, Ald. Schmidt, Andrzejewski, Berger, Cantrell, Rewey; NAY: Ald. Rummel, Sundquist; NON-VOTING: Hamilton-Nisbet, Fey; EXCUSED: Heifetz, Finnemore.

A motion was made by King, seconded by Cantrell, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS,. The motion passed by the following vote:

- Ayes:** 6 -
Steve King; Chris Schmidt; Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell and Melissa M. Berger
- Noes:** 2 -
Marsha A. Rummel and Eric W. Sundquist
- Excused:** 1 -
Michael G. Heifetz and John L. Finnemore
- Non Voting:** 2 -
Tonya L. Hamilton-Nisbet and Nan Fey

NEW BUSINESS

- 5. [27864](#) Authorizing the execution of Option to Purchase Agreement with John P. Schneider LLC for the City’s acquisition of a condominium duplex located at 1409-1411 Theresa Terrace for a neighborhood center.

A motion was made by King, seconded by Cantrell, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by voice vote/other.

Speaking in support of the resolution was Ald. Matt Phair, 2322 Tanager Trail, representing the 20th District.

PUBLIC HEARING-6:00 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.

Zoning Map Amendments & Related Requests

- 6. [27436](#) Creating Section 28.06(2)(a)3625. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3626. 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 single-family residence to construct eight-unit apartment building; 4th Aldermanic District; 125 North Bedford Street.

On a motion by Cantrell, seconded by Ald. Rummel, the Plan Commission recommended that this matter be placed on file without prejudice on the following 5-3 vote: AYE: Ald. Rummel, Andrzejewski, Berger, Cantrell, Rewey; NAY: Ald. King, Ald. Schmidt, Sundquist; NON-VOTING: Hamilton-Nisbet, Fey; EXCUSED: Heifetz, Finnemore.

In recommending that the Common Council place this matter on file without prejudice, members of the Plan Commission cited inconsistency with the Downtown Plan and its recommendation that a special area plan be prepared for the Mifflin neighborhood prior to development approvals being considered, concerns about the driveway and parking issues with the adjacent property to the north, and not being able to find that Planned Unit Development criteria 1b, that the project "[would] produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan".

The motion to place on file without prejudice was preceded by the following motions, in order:

- A motion by Ald. King, seconded by Sundquist, to recommend to the Council that this matter be approved subject to the comments and conditions contained in the Plan Commission materials, which failed on the following 2-6 vote: AYE: Ald. King, Sundquist; NAY: Ald. Rummel, Ald. Schmidt, Andrzejewski, Berger, Cantrell, Rewey; NON-VOTING: Hamilton-Nisbet, Fey; EXCUSED: Heifetz, Finnemore.

- A motion by Ald. Schmidt, seconded by Rewey, for the Plan Commission to reconsider the above motion. The motion to reconsider passed by voice vote/ other.

- A substitute motion by Ald. King, seconded by Ald. Schmidt, to recommend to the Council that this matter be re-referred to the Plan Commission with no hearing date specified, which failed 4-5 on the following vote: AYE: Ald. King, Ald. Schmidt, Andrzejewski, Rewey; NAY: Ald. Rummel, Berger, Cantrell, Fey, Sundquist; NON-VOTING: Hamilton-Nisbet; EXCUSED: Heifetz, Finnemore.

- A motion by Cantrell, seconded by Ald. Rummel, to recommend to the Common Council that this matter be rejected for being inconsistent with the Downtown Plan, which did not pass on the following 4-4 vote: AYE: Ald. Rummel, Andrzejewski, Berger, Cantrell; NAY: Ald. King, Ald. Schmidt, Sundquist, Rewey; NON-VOTING: Hamilton-Nisbet, Fey; EXCUSED: Heifetz, Finnemore.

A motion was made by Cantrell, seconded by Rummel, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE - RECESSED PUBLIC HEARING. The motion passed by the following vote:

Ayes: 5 -
Marsha A. Rummel; Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell and Melissa M. Berger

Noes: 3 -
Chris Schmidt; Eric W. Sundquist and Steve King

Excused: 1 -
Michael G. Heifetz and John L. Finnemore

Non Voting: 2 -
Tonya L. Hamilton-Nisbet and Nan Fey

7. [27777](#) Consideration of a demolition permit to allow a single-family residence to be demolished as part of a Planned Unit Development rezoning at 125 N. Bedford Street; 4th Ald. Dist.

The Plan Commission recommended to the Common Council that the related Planned Unit Development rezoning of the property (ID 27436) be placed on file without prejudice. On a motion by Cantrell, seconded by Ald. Rummel, the Plan Commission placed on file without prejudice the demolition permit on the following 5-3 vote: AYE: Ald. Rummel, Andrzejewski, Berger, Cantrell, Rewey; NAY: Ald. King, Ald. Schmidt, Sundquist; NON-VOTING: Hamilton-Nisbet, Fey; EXCUSED: Heifetz, Finnemore.

A motion was made by Cantrell, seconded by Rummel, to Place On File Without Prejudice. The motion passed by the following vote:

Ayes: 5 -
Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell; Melissa M. Berger and Marsha A. Rummel

Noes: 3 -
Chris Schmidt; Eric W. Sundquist and Steve King

Excused: 1 -
Michael G. Heifetz and John L. Finnemore

Non Voting: 2 -
Tonya L. Hamilton-Nisbet and Nan Fey

The following were registered on Items 6 and 7, which were considered together:

Speaking in support of the proposed development were: Todd Meinholz, 3229 Mound View Road, Verona, the applicant; David Ferch, 2704 Gregory Street, representing the applicant; Rosemary Lee, 111 W. Wilson Street #108, and; Mary Kolar, 333 W. Mifflin Street #9020, representing Capitol Neighborhoods, Inc. Neighborhood Steering Committee.

Speaking in opposition to the proposed development was Michael Kowalkowski, 127 N. Bedford Street.

Speaking neither in support nor opposition to the proposed development was Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

8. [27649](#) Creating Section 28.06(2)(a)3627. of the Madison General Ordinances rezoning property from C4 Central Commercial District and C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3628. 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 2 commercial buildings and MFD Administration Building to allow construction of a mixed-use building with 250 apartments and 60,000 sq. ft. of retail and office space. 4th Aldermanic District; 305-325 West Johnson Street.

The Plan Commission recommended approval of the proposed zoning map amendment subject to the comments and conditions contained in the Plan Commission materials and the following conditions:

- That a condition of approval be added that no residential parking permits shall be issued for 305-325 W. Johnson Street. The applicant shall inform all tenants of this project of the residential parking permit restriction in their apartment leases and record the restriction in the zoning text. In addition, the applicant shall submit a copy of the residential lease for the 305-325 W. Johnson Street building noting the above condition when submitting plans for final City approval prior to recording.
- That the applicant work with City staff on the final details of the additional underground parking now proposed.
- That the applicant work with City staff to provide adequate vision clearance at the public sidewalk for all of the proposed garage entrances.
- That the zoning of the subject property be PD-Planned Development District as of the effective date of the new Zoning Code on January 2, 2013.
- That the applicant work with City staff on the final colors of the building material palette prior to final approval and issuance of permits.
- That all references in the staff report to 13 stories be revised to 14 stories.
- That additional bike parking be provided for residential and commercial visitors to the building on both street frontages.

The motion to recommend approval passed by voice vote/ other.

A motion was made by Andrzejewski, seconded by Rewey, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING. The motion passed by voice vote/other.

9. [27943](#)

Consideration of a demolition permit to allow a two commercial buildings and the Madison Fire Department Administration Building to be demolished as part of a Planned Unit Development rezoning at 305-325 W. Johnson Street; 4th Ald. Dist.

The Plan Commission found the standards were met and granted approval of the demolition permit subject to the comments and conditions contained within the Plan Commission materials and the additional conditions recommended with the related Planned Unit Development rezoning (ID 27649).

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

10. [27878](#)

Authorizing the execution of a Purchase and Sale Agreement between the City of Madison and Hovde Properties LLC (“Developer”) for the acquisition of a portion of City-owned property located at 316 W. Dayton Street by the Developer for assemblage into a mixed-use condominium project (“Project”) located at 305-309 W. Johnson Street and the purchase and build-out by the City of a “grey box” condominium unit and condominium parking stalls within the Project for the relocation of Madison Fire Department Administrative offices.

The Plan Commission referred this matter to the November 5, 2012 meeting at the request of the Office of Real Estate Services.

A motion was made by Schmidt, seconded by Andrzejewski, to Re-refer to the PLAN COMMISSION and should be returned by November 5, 2012. The motion passed by voice vote/other.

The following were registered on Items 8-10, which were considered together:

Speaking in support of the proposed development were: Mike Slavish, Hovde Properties, LLC, 122 W. Washington Avenue, the applicant; Steve Holzhauer, Eppstein Uhen Architects, 222 W. Washington Avenue, representing the applicant; Rosemary Lee, 111 W. Wilson Street #108; Peter J. Quinn, 344 W. Dayton Street #1M; Mary Kolar, 333 W. Mifflin Street #9020, representing Capitol Neighborhoods, Inc.

Neighborhood Steering Committee, and; Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Registered in support of the project and available to answer questions were Vic Villacrez, 248 Meadowside Drive, Verona, and Nathan Wauthier, Reinhart, Boerner, Van Deuren, SC, 22 E. Mifflin Street, Suite 600, representing the applicant.

11. [27651](#)

Creating Section 28.06(2)(a)3629. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3630. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Construct 176-unit apartment building. 4th Aldermanic District; 306 West Main Street.

The Plan Commission recommended approval of the proposed zoning map amendment subject to the comments and conditions contained in the Plan Commission materials and the following conditions:

- That a condition of approval be added that no residential parking permits shall be issued for 306 W. Main Street. The applicant shall inform all tenants of this project of the residential parking permit restriction in their apartment leases and record the restriction in the zoning text. In addition, the applicant shall submit a copy of the residential lease for the 306 W. Main Street building noting the above condition when submitting plans for final City approval prior to recording.
- That the applicant install [Bassett District standard] pedestrian lights along the W. Main Street and S. Henry Street frontage of the apartment building and 328 W. Main Street/ 80 Washington Place parking ramp with this apartment building.
- That the applicant work with City staff to ensure that the grade of the W. Main Street sidewalk is no steeper than the street centerline grade of W. Main Street.
- That the applicant work with City staff on an off-street loading plan for move-in/ move-out parking for the proposed apartment building, and to sign Washington Place so that the various parking and loading uses of that private street are identified.

The motion to recommend approval passed by voice vote/ other.

A motion was made by Rewey, seconded by King, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING. The motion passed by voice vote/other.

Speaking in support of the development were: Joseph Alexander, The Alexander Company, 145 E. Badger Road, the applicant; Michael May, 533 W. Main Street #307; Rosemary Lee, 111 W. Wilson Street #108; Jonathon Cooper, 208 S. Henry Street, representing the Bassett District Neighborhood Steering Committee for the project, and; Ald. Mike Verveer, 614 W. Doty Street #407, representing the 4th District.

Speaking in opposition to the development was Tony Michels, 309 W. Washington Avenue #506.

Registered in support of the development and available to answer questions were: Adam Winkler, The Alexander Company, 145 E. Badger Road, the applicant; Bill White, Michael, Best, Friedrich, SC, 1 S. Pinckney Street and John Seamon, Iconica, 901 Deming Way, both representing the applicant.

Deep Residential Lot Land Division

12. [27947](#)

Approving a Certified Survey Map of property owned by Donald L. and Blanche B. Emerick located at 9624 Old Sauk Road; 9th Ald. Dist., creating two deep residential lots.

The Plan Commission found that the standards of approval were met and granted approval of the staff-proposed alternative land division subject to the comments and conditions contained within the Plan Commission materials and the following revised condition:

- That condition 10 of the Planning Division staff report be revised to read: "The drainage plan shall be

provided for each lot as it develops. The drainage for proposed Lot 2 shall be directed towards Old Sauk Road."

The Plan Commission approved the Certified Survey Map by voice vote/ other.

A motion was made by Schmidt, seconded by Sundquist, 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.

Speaking in support of the proposed land division was Ron Trachtenberg, Murphy Desmond, SC, 33 E. Main Street, Suite 500, representing the applicants, Blanche & Donald Emerick, 9624 Old Sauk Road, who were registered in support and available to answer questions.

Speaking in opposition to the proposed land division was Patricia A. McDermott, 9609 Shadow Ridge Trail.

Speaking neither in support nor opposition was Susan Erickson, 704 Cricket Lane.

Registered in opposition but not wishing to speak was Mitch McDermott, 9609 Shadow Ridge Trail.

Conditional Use/ Demolition Permits

13. [27377](#) Consideration of an alteration to an existing conditional use to allow construction of an addition to an existing single-family residence on a lakefront lot at 5206 Harbor Court; 19th Ald. Dist.
- The Plan Commission found the standards were met and granted approval subject to the comments and conditions contained within the Plan Commission materials.
- A motion was made by Cantrell, seconded by Rewey, to Approve. The motion passed by voice vote/other.**
- Speaking in support of the project were Jane Bartell, 5206 Harbor Court, the applicant, and Gary Olson, 5222 Harbor Court.
- Registered in support of the project and available to answer questions were John Thompson, 5206 Harbor Court, the applicant, and Rick Mueller, 2315 Hollister Avenue.
14. [27595](#) Consideration of a conditional use for a parking reduction and an outdoor eating area to serve a restaurant located at the rear of 809 Williamson Street; 6th Ald. Dist.
- The Plan Commission referred this request to the November 5, 2012 meeting to allow the Traffic Engineering Division and Parking Utility to make a recommendation on the requested parking reduction for the project.
- A motion was made by Rummel, seconded by Schmidt, to Refer to the PLAN COMMISSION and should be returned by November 5, 2012. The motion passed by voice vote/other.**
- Rhonda Plourd, 407-409 S. Livingston Street, was registered to speak neither in support nor opposition to the request but deferred due to the referral of the matter.
- Registered in support of the request and available to answer questions was Ben Anton, 407-409 S. Livingston Street.
15. [27944](#) Consideration of a demolition permit to allow an existing single-family residence to be demolished with no proposed alternative use at 1101 Gammon Lane; 1st Ald. Dist.
- The Plan Commission found the standards were met and granted approval subject to the comments and conditions contained within the Plan Commission materials.
- A motion was made by Rewey, seconded by Schmidt, to Approve. The motion passed by voice vote/other.**
- Registered in support of the request and available to answer questions were the applicant, Hooshang "Shawn" Khazai, 22 Prairie Hill Court and David Ferch, 2704 Gregory Street, representing the applicant.

16. [27945](#) Consideration of a demolition permit to allow a single-family residence to be demolished and a new single-family residence to be constructed at 312 N. Hamilton Street; 2nd Ald. Dist.

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

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

Registered in support of the request and available to answer questions were Dan Gobel, 1017 Nichols Drive, Raleigh, North Carolina, the applicant; Henry Gobel, W9574 Blue Jay Way, Cambridge, and; Ald. Bridget Maniaci, 916 E. Gorham Street, Apt. F, representing the 2nd District.

Registered in support but not wishing to speak was Lupe Montes, 108 N. Hancock Street.

17. [27946](#) Consideration of a demolition permit to allow a restaurant and auto repair business to be demolished and consideration of a major alteration to an approved conditional use planned commercial site to allow construction of two multi-tenant retail buildings with outdoor eating areas at 7317 West Towne Way; 9th Ald. Dist.

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

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

Registered in support of the development and available to answer questions were: Ken Wittler, CBL & Associates Properties, Inc./West Towne District, LLC, 2030 Hamilton Place, Suite 500, Chattanooga, Tennessee, the applicant; Rice Williams, Artech Design Group, Inc., 1410 Cowart Street, Chattanooga, Tennessee; Paul Matyas, 22 Maple Valley Court, and; Bill White, Michael, Best, Friedrich, SC, 1 S. Pinckney Street, representing the applicant.

BUSINESS BY MEMBERS

There was no business by members.

COMMUNICATIONS

There were no communications.

SECRETARY'S REPORT

Brad Murphy summarized the upcoming matters.

- Upcoming Matters - November 5, 2012

- 6350 Town Center Drive - PUD-GDP to PUD-SIP - Construct Fire Station 13
- 6201 N. Highlands Avenue - Certified Survey Map - Creating three single-family lots, including a deep residential lot
- 2 Greenside Circle - Conditional Use Planned Residential Development Alteration - Amend plan for Bentley Green condominiums to construct 18 duplex buildings and 1 single-family residence on eastern half of development
- 1402 S. Park Street (Tentative) - Demolition Permit - Demolish former Truman Olson Army Reserve Center for future street extension
- 4927 & 1224 Felland Road - Certified Survey Maps - Creating 2 lots in Town of Burke (Extraterritorial) and 2 outlots for Water Utility in City

- Upcoming Matters - November 19, 2012

- 6002 Cottage Grove Road - PUD-GDP to PUD(PD)-SIP - Construct 58,000 square-foot grocery store in Grandview Commons Town Center
- 5925 Sharpsburg Drive - PUD-GDP to PUD(PD)-SIP - Construct approximately 3,800 square-foot

multi-tenant retail building in Grandview Commons Town Center
- 6002 Cottage Grove Rd. & 5901-5939 Sharpsburg Drive, et al - Final Plat of Town Center Addition to Grandview Commons, creating 18 single-family lots, 4 lots for retail and mixed-use development, and 1 lot for a future City library branch
- 1329 W. Dayton Street - PUD-SIP Alteration - Amend zoning text to increase occupancy of units in existing apartment building

ANNOUNCEMENTS

Fey noted that the new zoning map, downtown and urban districts, and code revisions are scheduled to be heard by the Common Council on October 16, 2012.

Fey also thanked the members of the Commission that attended the October 13 Neighborhood Conference.

ADJOURNMENT

**A motion was made by King, seconded by Sundquist, to Adjourn at 9:15 p.m.
The motion passed by voice vote/other.**