



City of Madison

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

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Monday, February 18, 2013

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: 9 -

Steve King; Marsha A. Rummel; Chris Schmidt; Nan Fey; Eric W. Sundquist; Anna Andrzejewski; Michael G. Heifetz; Bradley A. Cantrell and Melissa M. Berger

Excused: 3 -

Michael W. Rewey; Tonya L. Hamilton-Nisbet and John L. Finnemore

Fey was chair for this meeting.

Staff present: Bill Fruhling and Tim Parks, Planning Division, and; Matt Mikolajewski, Office of Business Resources.

PUBLIC COMMENT

There were no registrants for public comment.

DISCLOSURES AND RECUSALS

Heifetz recused himself from the consideration of Item 7 for professional reasons.

MINUTES OF THE FEBRUARY 4, 2013 MEETING

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

SCHEDULE OF MEETINGS

March 4, 18 and April 8, 22, 2013

ROUTINE BUSINESS

1. [28849](#) Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of Henry Vilas Zoo, located at 702 South Randall Avenue.

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

2. [28921](#) Authorizing City officials and staff to enter into, accept and execute any and all documents needed to convert the existing unopened South Side Way (f.n.a. Raywood Road) right-of-way into developable park land to allow for the construction of a FEMA supported emergency weather event safe room within the Highland Manor manufactured home community.

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. [28939](#) SUBSTITUTE Authorizing an exchange of lands between the City of Madison and Cherokee Park, Inc., to correct title to a portion of Cherokee Marsh North and a portion of Cherokee Golf Course.

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

4. [28945](#) Effectuating the settlement agreement and stipulation in pending tax litigation between The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC v. City of Madison, Dane County Circuit Court Cases No. 2011-CV-2201, No. 2010-CV-2615, No. 2009-CV-2695, No. 2008-CV-2390, No. 2007-CV-0928 and No. 2005-CV-0794, and granting limited exceptions to the billboard ban.

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

5. [28946](#) Approving a Stipulation and Settlement Agreement with The Lamar Company, LLC, Lamar Outdoor Advertising of Janesville, and Lamar Central Outdoor, LLC (collectively, "Lamar"), and authorizing the City Attorney to execute the same, authorizing the City to enter into a lease with Lamar, and authorizing staff to permit Lamar to trim certain vegetation.

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

6. [28958](#) Authorizing the Mayor and City Clerk to execute a Lease with Deacon Housing, LLC for a portion of the City's East Rail Corridor located adjacent to 2304-2308 Atwood Avenue.

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

NEW BUSINESS

- 7. [29111](#) Plan Commission approval of a Transportation Demand Management (TDM) Plan for the approved University of Wisconsin Hospital development in the American Center at 4602 Eastpark Boulevard; 17th Ald. Dist.

The Plan Commission approved the Transportation Demand Management Plan subject to the comments offered by the City Traffic Engineer and Metro Transit and with the following revisions:

- That the sentence "Upon completion of The UWHCA's proposed East Campus Development (ECD), the urban density and infrastructure does not support alternative transportation methods." from the first paragraph on page 2 be removed.

- That strategy #9 on page 2 be revised as follows: "Provide a shared car service, utilizing ZipCar or CarShare programs."

- That on page 3 under the first paragraph of Madison Metro, the last sentence be revised as follows: "Although transit service to the ECD is currently limited, UWHCA will continue providing the benefit of free transit passes for employees at the ECD to encourage transit use."

A motion was made by Sundquist, seconded by Rummel, to Approve. The motion passed by the following vote:

Ayes: 7 -

Steve King; Marsha A. Rummel; Chris Schmidt; Eric W. Sundquist; Anna Andrzejewski; Bradley A. Cantrell and Melissa M. Berger

Recused: 1 -

Michael G. Heifetz

Excused: 2 -

Michael W. Rewey; Tonya L. Hamilton-Nisbet and John L. Finnemore

Non Voting: 1 -

Nan Fey

Registered in support of the proposed development and available to answer questions were Ralph Turner, University of Wisconsin Hospitals and Clinics Authority, 600 Highland Avenue, the applicant, and John Lichtenheld, SAA, 101 E. Badger Road, representing the applicant.

Registered in support but not wishing speak was Clark Solowicz, 300 Westridge Parkway, Verona, representing the applicant.

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, Subdivisions and Related Requests

- 8. [28790](#) Approving the preliminary plat and final plat of Hawks Woods Estates located at 2033-2055 Woods Road; 1st Ald. Dist.

The Plan Commission referred this matter to March 4, 2013 at the request of the applicant.

A motion was made by King, seconded by Schmidt, to Refer to the PLAN COMMISSION and should be returned by March 4, 2013. The motion passed by voice vote/other.

There were no registrants on this matter.

- 9. [28941](#) Creating Section 28.06(2)(a)3657. 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); creating Section 28.022 - 0027 of the Madison General Ordinances rezoning property from PD(SIP) Planned Development (Specific Implementation Plan) District and creating Section 28.06(2)(a)3658 of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District; and creating 28.022 - 00028 of the Madison General Ordinances rezoning property from Amended PD(GDP) Planned Development (General Development Plan) District to PD(SIP) Planned Development (Specific Implementation Plan) District. Proposed Use: Replatting 103 existing lots and various outlots on the plat of "Grandview Commons" into 101 single family lots, 6 two family lots and 5 outlots. 3rd Aldermanic District; 457 North Star Drive, et al.

The Plan Commission found that the standards were met and recommended approval of the amended Planned Unit Development subject to the comments and conditions contained in the Plan Commission materials by voice vote/ other.

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

- 10. [29099](#) Approving the preliminary plat and final plat of Second Addition to Grandview Commons generally located at 457 North Star Drive; 3rd Ald. Dist.

The Plan Commission found that the standards were met and recommended approval of the preliminary plat and final plat subject to the comments and conditions contained in the Plan Commission materials by voice vote/ other.

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

The following were registered on Items 9 and 10, which were considered together:

Registered in support of the project and available to answer questions was Brian Munson, Vandewalle Associates, 120 E. Lakeside Street, representing the applicant, Veridian Homes.

Speaking in opposition to the project was Dean Matuszak, 738 McLean Drive.

Speaking neither in support nor opposition to the project was Barbara Davis, 729 Orion Trail.

- 11. [28944](#) Creating Section 28.022 -- 00030 of the Madison General Ordinances rezoning property from TR-C2 (Traditional Residential - Consistent District 2) District to TR-V1 (Traditional Residential - Varied District 1) District. Proposed Use: Demolish single-family residence to allow construction of four-unit apartment building; 5th Aldermanic District; 2224 Regent Street.

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

- The applicant shall comply with all applicable State of Wisconsin and City of Madison building code requirements during the demolition of the existing building, including lead and asbestos abatement requirements.

- Prior to the issuance of demolition or building permits, the applicants shall consult a certified arborist to document the condition of the 15-inch Norway spruce located at 2222 Regent Street adjacent to their eastern property line and prepare a plan for protecting that tree that includes fencing or other protective measures to limit impacts on the tree's root system from the proposed demolition and new construction on the subject site. The protection plan shall be reviewed by Planning staff prior to permit issuance.

The recommendation of approval passed by voice vote/ other.

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

12. [29091](#)

Consideration of a demolition permit and conditional use to allow a single-family residence to be demolished and a four-unit apartment building to be constructed at 2224 Regent Street; 5th Ald. Dist.

The Plan Commission found that the standards were met and approved the demolition permit and conditional use subject to the comments and conditions contained in the Plan Commission materials and the following conditions:

- The applicant shall comply with all applicable State of Wisconsin and City of Madison building code requirements during the demolition of the existing building, including lead and asbestos abatement requirements.

- Prior to the issuance of demolition or building permits, the applicants shall consult a certified arborist to document the condition of the 15-inch Norway spruce located at 2222 Regent Street adjacent to their eastern property line and prepare a plan for protecting that tree that includes fencing or other protective measures to limit impacts on the tree's root system from the proposed demolition and new construction on the subject site. The protection plan shall be reviewed by Planning staff prior to permit issuance.

The motion to approve passed by voice vote/ other.

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

The following were registered on Items 11 and 12, which were considered together:

Speaking in support of the project were: Sue & Pat Grady, 2126 Rowley Avenue, the applicants; David Ferch, 2704 Gregory Street, representing the applicants; James S. Vangemert, 3702 Council Crest, and; Ald. Shiva Bidar-Sielaff, 2704 Kendall Avenue, representing the 5th District.

Speaking in opposition to the project were: Heidi Ganshaw, 2222 Regent Street and Terrence Penner, 2221 Chadbourne Avenue.

Registered in support but not wishing to speak was Tom Geier, 123 W. Washington Avenue #1006.

Registered neither in support nor opposition but not wishing to speak was Beth Porcaro, 2215 Chadbourne Avenue.

Conditional Use/ Demolition Permits

13. [29087](#)

Consideration of a conditional use to allow construction of outdoor eating areas for a restaurant in a grocery store at 1221 Williamson Street; 6th Ald. Dist.

The Plan Commission found the standards for conditional uses met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

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

Registered in support of the project and available to answer questions were Matt Aro, Aro Eberle Architects, 116 King Street, representing the applicant, Willy Street Co-Op, and Phil Ward, 1882 E. Main Street.

14. [29089](#) Consideration of a conditional use to establish a food processing facility in recently approved building at 1219 N. Sherman Avenue; 12th Ald. Dist.
- The Plan Commission found the standards for conditional uses met and granted approval subject to the comments and conditions contained in the Plan Commission materials.
- A motion was made by Rummel, seconded by Cantrell, to Approve. The motion passed by voice vote/other.**
- Speaking in support of the project was Ald. Satya Rhodes-Conway, 2642 Hoard Street, representing the 12th Ald. Dist.
- Speaking neither in support nor opposition to the project was Ald. Anita Weier, 22 Golf Course Road.
- Registered in support of the project and available to answer questions were Ellen Barnard, 925 Burning Wood Way and Mark Lane, Iconica, 901 Deming Way, both representing the FEED Incubator and Northside Planning Council.
15. [29108](#) Reconsideration of a conditional use (ID 28791) to allow construction of an addition and major exterior alterations to an existing office building with an outdoor eating area for future restaurant tenant at 25 W. Main Street; 4th Ald. Dist.
- On a motion by Ald. Schmidt, seconded by Ald. Rummel, the Plan Commission moved to reconsider the February 4, 2013 approval of a conditional use for 25 W. Main Street (ID 28791) and referred the matter for a public hearing on the following 7-1 vote: AYE: Ald. King, Ald. Schmidt, Ald. Rummel, Andrzejewski, Berger, Cantrell, Sundquist; NAY: Heifetz; NON-VOTING: Fey; EXCUSED: Rewey, Hamilton-Nisbet, Finnemore.
- [The reconsideration will be heard on March 4, 2013.]
- A motion was made by Schmidt, seconded by Rummel, to Reconsider and Refer to the PLAN COMMISSION. The motion passed by voice vote/other.**
- There were no registrants on this matter.

Pacific Cycle-Related Requests

16. [28711](#) Creating Section 28.06(2)(a)3654. of the Madison General Ordinances rezoning property from R1 (Single-Family Residence) District and C2 (General Commercial District) to C2 (General Commercial District); creating Section 28.00023 of the Madison General Ordinances rezoning property from SR-C1 (Suburban Residential - Consistent) District 1 and SE (Suburban Employment) District to SE (Suburban Employment) District. Proposed Use: Demolish single-family residence to allow construction of an addition to office building; 10th Aldermanic District; 4902-4908 Hammersley Road.
- The Plan Commission found that the standards were met and recommended approval of the proposed zoning map amendment subject to the comments and conditions contained in the Plan Commission materials and the following condition:
- That the Planning Division request that the City Engineering Division provide notice to the property owners that will be impacted by the required sanitary sewer relocation prior to the Board of Public Works' approval of the developer's agreement and sewer plans for this project.
- The recommendation of approval passed by voice vote/ other.
- A motion was made by Schmidt, seconded by Sundquist, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - RECESSED PUBLIC HEARING. The motion passed by voice vote/other.**
17. [28784](#) Consideration of a demolition permit to allow a single-family residence at 4908 Hammersley Road to be demolished to allow expansion of an office

building located at 4902 Hammersley Road; 10th Ald. Dist.

The Plan Commission found that the demolition permit standards were met and granted approval subject to the comments and conditions contained in the Plan Commission materials and the following condition:

- That the Planning Division request that the City Engineering Division provide notice to the property owners that will be impacted by the required sanitary sewer relocation prior to the Board of Public Works' approval of the developer's agreement and sewer plans for this project.

The motion to approve passed by voice vote/ other.

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

18. [28785](#)

Consideration of a demolition permit to allow a single-family residence to be demolished and a conditional use for an accessory parking lot at 4817 Hammersley Road; 10th Ald. Dist.

The Plan Commission found the standards for demolition permits and conditional uses were met and granted approval subject to the comments and conditions contained in the Plan Commission materials.

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

The following were registered on Items 16-18, which were considered together:

Speaking in support of the project were: Chris Hornung, 4902 Hammersley Road, the property owner and applicant; Robert Feller, Iconica, 901 Deming Way, representing the applicant; Larry D. Nelson, 1506 Cameron Drive, representing the Orchard Ridge Neighborhood Association, and; Robert Silvis, Pacific Cycle, 4902 Hammersley Road.

Speaking in opposition to the project were: John Caputo, 40 Whitcomb Circle; David Woldseth, 38 Whitcomb Circle; Mary K. Vasquez, 24 Whitcomb Circle; Bert Anderson, 22 Whitcomb Circle; Christopher Dodge, Fuhrman-Dodge, SC, 7005 Hubbard Avenue, Middleton, representing the Whitcomb Village Association, and; Sherman Geib, 12 Whitcomb Circle.

Registered in support but not wishing to speak was David Keller, Keller Whitcomb Apartments, 448 W. Washington Avenue.

Registered in opposition but not wishing to speak were: Mike Marcoe, 16 Whitcomb Circle; Ann Schwartz, 20 Whitcomb Circle; Margaret Buettner, 28 Whitcomb Circle; Mark Klinzing, 18 Whitcomb Circle, and; Denise Spahn, 36 Whitcomb Circle.

Item to be Placed on File

19. [21604](#)

Creating Section 28.06(2)(a)3523 of the Madison General Ordinances rezoning property from C Conservancy District to M1 Limited Manufacturing District. Proposed Use: Construct State of Wisconsin Joint Preservation Facility; 18th Aldermanic District; 402 Troy Drive.

The Plan Commission recommended that this zoning map amendment be placed on file without prejudice by voice vote/ other. The need to rezone this property was obviated by the conferral of CI-Campus Institutional District zoning on the State-owned property as part of the comprehensive rezoning of the City that took effect on January 2, 2013. The State has consented to this ordinance being placed on file per the attached message from Bill Peterson dated February 13, 2013 in the legislative file.

The recommendation to place on file without prejudice followed a motion by Ald. King, seconded by Berger to recommend that this zoning map amendment be placed on file with prejudice as requested by Ald. Anita Weier, which failed on the following 4-5 vote: AYE: Ald. King, Ald. Schmidt, Berger, Cantrell; NAY: Ald. Rummel, Andrzejewski, Fey, Heifetz, Sundquist; NON-VOTING: None; EXCUSED: Hamilton-Nisbet, Rewey, Finnemore.

A motion was made by Sundquist, seconded by Rummel, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -RECESSED PUBLIC HEARING. The motion passed by voice vote/other.

Speaking in opposition to this matter was Ald. Anita Weier, 22 Golf Course Road, representing the 18th Ald. Dist.

BUSINESS BY MEMBERS

Sundquist commented on Steve Cover's comments at the February 5, 2013 Common Council meeting regarding the application of plan recommendations and "The Waterfront" planned unit development at N. Henry Street and Iota Court. Bill Fruhling commented that that could be the topic of a future Plan Commission discussion with Planning staff. Members of the Commission asked that this discussion be scheduled for a March meeting.

COMMUNICATIONS

There were no communications.

SECRETARY'S REPORT

Tim Parks summarized the upcoming matters for the Plan Commission.

- Upcoming Matters - March 4, 2013

- 415 W. Johnson Street, 226 N. Broom Street & 424 W. Dayton Street - Demolition Permit, DR-2 & UMX to UMX and Conditional Use - Demolish 3 apartment buildings to allow construction of 319-unit apartment building
- 6801 Littlemore Drive - PD-GDP to PD-SIP - Construct apartment complex with 61 units
- 3934 Manitou Way - Demolition Permit - Demolish single-family residence to allow construction of new single-family residence

- Upcoming Matters - March 18, 2013

- 2704 Waunona Way - Demolition Permit and Conditional Use - Demolish single-family residence to allow construction of new residence on lakefront
- 233 Langdon Street - Conditional Use - Convert fraternity house into 12 apartments with religious society offices
- 1417 Morrison Street - Conditional Use - Construct an addition over 500 square feet to an existing single-family residence and construct a new accessory building on a lakefront property

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

A motion was made by King, seconded by Schmidt, to Adjourn at 8:10 p.m. The motion passed by voice vote/other.