



City of Madison

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

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Monday, April 22, 2013

5:30 PM

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

CALL TO ORDER/ROLL CALL

Present: 11 -

Steve King; Ledell Zellers; Scott J. Resnick; Nan Fey; Eric W. Sundquist; Anna Andrzejewski; Michael G. Heifetz; Michael W. Rewey; Bradley A. Cantrell; Melissa M. Berger and Tonya L. Hamilton-Nisbet

Excused: 1 -

John L. Finnemore

Fey was chair for this meeting.

Staff present: Steve Cover, Secretary; Bill Fruhling, Kevin Firchow and Tim Parks, Planning Division.

PUBLIC COMMENT

There were no registrations for public comment.

DISCLOSURES AND RECUSALS

Heifetz recused himself from Item 6 for professional reasons.

Hamilton-Nisbet disclosed that her father had been involved in the design of the National Guardian Life Insurance Building (Item 12, 2 E. Gilman Street), but that she did not believe that would affect her participation on that item.

MINUTES OF THE APRIL 8, 2013 MEETING

A motion was made by Cantrell, seconded by King, to Approve the Minutes.

The motion passed by the following vote:

Ayes: 6 -

Steve King; Eric W. Sundquist; Anna Andrzejewski; Michael G. Heifetz; Michael W. Rewey and Bradley A. Cantrell

Abstentions: 2 -

Ledell Zellers and Scott J. Resnick

Non Voting: 3 -

Melissa M. Berger; Tonya L. Hamilton-Nisbet and Nan Fey

SCHEDULE OF MEETINGS

May 6, 20 and June 3, 17, 2013

SPECIAL ITEM OF BUSINESS

- Appointing Plan Commission representatives to the the Community Gardens and Joint West Campus Area committees

On a motion by Rewey, seconded by Andrzejewski, the Plan Commission appointed Ald. King as the Commission's representative to the Community Gardens Committee and Sundquist as the Commission's representative to the Joint West Campus Area Committee.

ROUTINE BUSINESS

1. [29519](#) Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of the Cypress Spray Park, located at 902 Magnolia Lane.

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

2. [29550](#) Authorizing the execution of an Purchase and Sale Agreement between the City of Madison and Badger Mill Creek LLC for the purchase of Outlot 5 and 6, Second Addition to Hawk's Creek subdivision, located at 2554 - 2556 Jeffy Trail for expansion of open space and storm water management purposes.

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

3. [29654](#) Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of the Monona Golf Course, located at 111 East Dean Avenue.

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

4. [29707](#) Authorizing the execution of an Underground Gas and Electric Line Easement to Madison Gas and Electric Company across a portion of a City Water Utility parcel located at 4901 Tradewinds Parkway.

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

5. [29709](#) Authorizing the execution of an Underground Gas Line Easement to Madison Gas and Electric Company across a portion of a City Engineering storm water retention parcel located at 1729 Sawtooth Lane.

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

- 6. [29726](#) Authorizing the execution of a Non-Exclusive Permanent Limited Easement for private sidewalk and fiber optic cable purposes to Dean Health Plan Inc. and Newcomb Properties, LLC across City Stormwater Utility Parcel 533 located at 8308 Excelsior Drive.

On a motion by Cantrell, seconded by Andrzejewski, the Plan Commission recommended Return to Lead with a Recommendation of Approval - Board of Public Works on the following 6-2 vote: AYE: Ald. King, Ald. Resnick, Andrzejewski, Berger, Cantrell, Sundquist; NAY: Ald. Zellers, Rewey; RECUSED: Heifetz; NON-VOTING: Fey, Hamilton-Nisbet; EXCUSED: Finnemore.

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

- Ayes:** 6 -
 Scott J. Resnick; Eric W. Sundquist; Anna Andrzejewski; Bradley A. Cantrell; Melissa M. Berger and Steve King
- Noes:** 2 -
 Ledell Zellers and Michael W. Rewey
- Recused:** 1 -
 Michael G. Heifetz
- Non Voting:** 2 -
 Tonya L. Hamilton-Nisbet and Nan Fey

- 7. [29739](#) SUBSTITUTE Authorizing the purchase of Outlot 2 of World Dairy Campus from World Dairy Campus Owners Association, Inc. in conjunction with the replatting of said Outlot 2 pursuant to the proposed BioAg Gateway Replat; and, amending DPCED Project No. 18 (Account No. 823901) and Water Utility Project No. 2 by adding \$200,000 for the relocation of an existing water main located in Outlot 2.

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

UNFINISHED BUSINESS

- 8. [29647](#) Adopting an updated Plan Commission Rules of Procedure.

The Plan Commission adopted updated Rules of Procedure subject to clarifying the formatting of section (b). Fey indicated that she would work with the City Attorney's Office on the final formatting of the document.

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

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 Text Amendment

9. [29453](#) Amending Sections 33.24(4)(b) and (c), repealing Section 33.24(7)(a), and creating Section 28.151(g), Multi-Family Building Complexes, of the Madison General Ordinances to replace a reference to "Rowhouses" with "Multi-Family Building Complex."

The Plan Commission recommended approval of the proposed zoning text amendment by voice vote/ other.

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

There were no registrants on this item.

Alteration to Planned Development-Specific Implementation Plan

10. [29444](#) Consideration of an alteration to an approved Planned Development - Specific Implementation Plan to establish an outdoor recreation area for a restaurant-tavern at 514 E. Wilson Street; 6th Ald. Dist.

The Plan Commission granted approval of the proposed alteration subject to the comments and conditions contained in the Plan Commission materials.

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

There were no registrants on this item.

Conditional Use/ Demolition Permits

11. [29228](#) Consideration of a conditional use to allow construction of a new Madison Water Utility booster station at 110 Glenway Street; 5th Ald. Dist.

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

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

Registered in support and available to answer questions were the applicant, Al Larson, Madison Water Utility, 119 E. Olin Avenue, and Andy Mullendore, Strand Associates of Madison, representing the Madison Water Utility.

12. [29437](#) Consideration of a conditional use for a planned multi-use site at 2 E. Gilman Street to allow construction of a subterranean parking connection; 2nd Ald. Dist.

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

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

Registered in support of the request and available to answer questions was the applicant, Amy Supple, Hammes Company of Madison.

13. [29439](#)

Consideration of a conditional use to allow an existing distillery to expand at 931 E. Main Street; 6th Ald. Dist.

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

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

Registered in support of the request and available to answer questions were: Nathan Greenawalt of Madison, representing the applicant, Old Sugar Distillery; Jim Glueck, Glueck Architects of Madison, and; Sarah Hole of Madison, representing Common Wealth Development.

14. [29440](#)

Consideration of a conditional use to establish a bicycle repair home occupation at 2838 Milwaukee Street; 6th Ald. Dist.

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

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

Registered in support of the request and available to answer questions was the applicant, Danny Seppa of Madison.

15. [29226](#)

Consideration of a demolition permit to allow former industrial buildings to be demolished as part of a three-lot land division for future development at 1902 Tennyson Lane; 12th Ald. Dist.

On a motion by Rewey, seconded by Sundquist, the Plan Commission found that the standards were met and approved the demolition permit and related Certified Survey Map (ID 29227) subject to the comments and conditions contained in the Plan Commission materials and the following conditions and revisions:

- That condition #4 of the Planning Division staff report be deleted.
- That a note be placed on the Certified Survey Map that requires the applicant for the future subdivision or development of Lot 1 to submit a tree preservation/ management plan for approval by the Planning Division or Plan Commission for the line of oak trees present along the western line of that lot.
- That conditions #2 and 3 of the Planning Division staff report be revised as follows: "That the developer dedicate and construct Eliot Lane between Tennyson Lane and the northern property line of the site according to an alignment and design approved by the City Engineering Division in consultation with the Planning Division and Traffic Engineering Division.
- That a waiver is granted to the required posting of the yellow public hearing notice sign(s) for the demolition permit.

The motion to approve the demolition permit and Certified Survey Map passed on the following 7-1 vote: AYE: Ald. King, Ald. Resnick, Ald. Zellers; Andrzejewski, Cantrell, Rewey, Sundquist; NAY: Heifetz; NON-VOTING: Fey, Berger, Hamilton-Nisbet; EXCUSED: Finnemore.

A motion by Heifetz, seconded by Ald. Resnick to amend the main motion to revise condition #1 of the Planning Division staff report to include the language recommended by Carole Schaefer on behalf of the applicant failed 3-5 on the following vote: AYE: Ald. King, Ald. Resnick, Heifetz; NAY: Ald. Zellers; Andrzejewski, Cantrell, Rewey, Sundquist; NON-VOTING: Fey, Berger, Hamilton-Nisbet; EXCUSED: Finnemore.

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

Ayes: 7 -

Ledell Zellers; Scott J. Resnick; Eric W. Sundquist; Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell and Steve King

Noes: 1 -
Michael G. Heifetz

Non Voting: 3 -
Melissa M. Berger; Tonya L. Hamilton-Nisbet and Nan Fey

Certified Survey Map Referrals

16. [29227](#) Approving a Certified Survey Map of property owned by Tennyson Terrace, LLC located at 1902 Tennyson Lane and 3802 Packers Avenue; 12th Ald. Dist.

On a motion by Rewey, seconded by Sundquist, the Plan Commission found that the standards were met and approved the Certified Survey Map and related demolition permit (ID 29226) subject to the comments and conditions contained in the Plan Commission materials and the following conditions and revisions:

- That condition #4 of the Planning Division staff report be deleted.
- That a note be placed on the Certified Survey Map that requires the applicant for the future subdivision or development of Lot 1 to submit a tree preservation/ management plan for approval by the Planning Division or Plan Commission for the line of oak trees present along the western line of that lot.
- That conditions #2 and 3 of the Planning Division staff report be revised as follows: "That the developer dedicate and construct Eliot Lane between Tennyson Lane and the northern property line of the site according to an alignment and design approved by the City Engineering Division in consultation with the Planning Division and Traffic Engineering Division.

The motion to approve the demolition permit and Certified Survey Map passed on the following 7-1 vote: AYE: Ald. King, Ald. Resnick, Ald. Zellers; Andrzejewski, Cantrell, Rewey, Sundquist; NAY: Heifetz; NON-VOTING: Fey, Berger, Hamilton-Nisbet; EXCUSED: Finnemore.

A motion by Heifetz, seconded by Ald. Resnick to amend the main motion to revise condition #1 of the Planning Division staff report to include the language recommended by Carole Schaefer on behalf of the applicant failed 3-5 on the following vote: AYE: Ald. King, Ald. Resnick, Heifetz; NAY: Ald. Zellers; Andrzejewski, Cantrell, Rewey, Sundquist; NON-VOTING: Fey, Berger, Hamilton-Nisbet; EXCUSED: Finnemore.

A motion was made by Rewey, seconded by Sundquist, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by the following vote:

Ayes: 7 -
Scott J. Resnick; Eric W. Sundquist; Anna Andrzejewski; Michael W. Rewey; Bradley A. Cantrell; Steve King and Ledell Zellers

Noes: 1 -
Michael G. Heifetz

Non Voting: 3 -
Melissa M. Berger; Tonya L. Hamilton-Nisbet and Nan Fey

The following were registered on Items 15 and 16, which were considered together:

Speaking in support of the requests were the applicant, Thomas Keller of Madison, representing Keller Development, LLC and Tennyson Terrace, LLC; Lydia Maurer of Madison, and Ald. Larry Palm, representing the 12th Ald. Dist.

Speaking neither in support nor opposition of the requests were Rita Giovannoni of Fitchburg, representing Independent Living, Inc., and Carole Schaefer of Madison, representing Keller Development, LLC and Tennyson Terrace, LLC.

17. [29432](#)

Approving a Certified Survey Map of property owned by St. Raphael's Congregation located at 120-142 W. Johnson Street and 129-139 W. Gorham Street; 4th Ald. Dist.

On a motion by Sundquist, seconded by Cantrell, the Plan Commission approved the Certified Survey Map subject to the comments and conditions contained in the Plan Commission materials on the following 6-1 vote: AYE: Ald. Zellers, Ald. Resnick, Andrzejewski, Cantrell, Heifetz, Sundquist; NAY: Ald. King; ABSTAIN: Rewey; NON-VOTING: Fey, Berger, Hamilton-Nisbet; EXCUSED: Finnemore.

A motion was made by Sundquist, seconded by Cantrell, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER. The motion passed by the following vote:

- Ayes:** 6 -
Eric W. Sundquist; Anna Andrzejewski; Michael G. Heifetz; Bradley A. Cantrell; Ledell Zellers and Scott J. Resnick
- Noes:** 1 -
Steve King
- Abstentions:** 1 -
Michael W. Rewey
- Non Voting:** 3 -
Melissa M. Berger; Tonya L. Hamilton-Nisbet and Nan Fey

Speaking in support of the request were Michael Christopher, Dewitt Ross Stevens, SC of Madison, representing the applicants, St. Raphael's Congregation, and; Ald. Mike Verveer, representing the 4th Ald. Dist.

Speaking in opposition to the request were: Rosemary Lee of Madison; Terry Hix of Hilliard, Ohio; Fred Mohs of Madison; Gail Geib of Madison; Richard Bonomo of Madison, and Gene Devitt of Madison.

Registered in support of the request and available to answer questions were: Mark Landgraf of Madison, Kevin Page of Madison, and John Kothe of Madison, all representing the applicants.

Registered in opposition but not wishing to speak were Franny Ingebritson of Madison and David Link of Madison.

BUSINESS BY MEMBERS

There was no business by members.

COMMUNICATIONS

Ald. King noted verbally that Ald. Shiva Bidar-Sielaff had communicated with him that she had no concerns regarding Item 11.

SECRETARY'S REPORT

Tim Parks briefly summarized the upcoming matters for the Commission.

- Upcoming Matters - May 6, 2013

- 7960 Raymond Road - Temp. A, TR-C3, SR-C1 & SR-C2 to CN & TR-C3 and Preliminary Plat and Final Plat - Wolfe Addition to Hawks Creek, creating 16 single-family lots and 2 outlots for public open space
- 5202-5402 Graham Place, 5402-5502 Fen Oak Drive - PD-GDP to SE and Preliminary Plat and Final Plat - BioAg Gateway Replat, creating 4 lots for future office/ employment uses, 1 outlot for future development, and converting existing private streets to public streets
- 9601 Elderberry Road - A to TR-U1 and Preliminary Plat - Highlands Community, creating 6 lots for future residential development with up to 390 dwelling units, 1 lot for future development, and 2 outlots for stormwater management
- 6602 Dominion Drive - PD-SIP to Amended PD-GDP-SIP -Construct addition to Door Creek Church to include two 300-seat worship venues, meeting rooms, and office space, and construct additional parking

- 310-402 Cottage Grove Road & 904 Dempsey Road - A to TE, TR-U2 & TR-C3 and Preliminary Plat and Final Plat - Royster Clark Development, creating 53 residential lots, 3 retail/ office lots, 1 lot for an existing utility use, 1 outlot for public stormwater management and 2 private outlots
- Zoning Text Amendment - Amending Zoning Code to comply with Wis. Admin. Code § NR 116 (ID 29671)
- Zoning Text Amendment - Updating various sections of MGO regarding obsolete references to Zoning Code (ID 29731)
- 2635 University Avenue - Demolition Permit - Demolish retail building to allow construction of a medical office building
- 5236 Harbor Court - Demolition Permit - Demolish single-family residence to allow construction of new residence
- 311 Highland Avenue - Demolition Permit - Demolish single-family residence to allow construction of new residence
- 1001 Woodward Drive - Demolition Permit and Conditional Use - Demolish single-family residence to allow construction of new residence and accessory building on lakefront property
- 1314 Parkside Drive - Conditional Use - Construct telecommunications facility
- 6525 Odana Road - Demolition Permit - Demolish street-facing wall of car dealership bldg. to allow construction of addition

- Upcoming Matters - May 20, 2013

- (Tentative) Election of Chair and Vice-Chair
- 1924 Atwood Avenue - PD-GDP to PD-SIP - Construct 50-unit apartment building
- 3370 Burke Road - Extraterritorial Final Plat - Wood Ger, creating 9 commercial lots, 1 lot for an existing single-family residence, and 1 lot for future other development in the Town of Burke
- 1030 Vilas Avenue - Conditional Use - Construct accessory building exceeding permitted size with accessory dwelling unit
- 418 E. Wilson Street - Conditional Use - Construct walk-up service window for a restaurant
- 1437 Morrison Street - Demolition Permit and Conditional Use - Demolish single-family residence and construct new residence and 2 accessory buildings on a lakefront property
- 10 Whitefish Court, generally - PD-SIP Alteration - Amend zoning text for Lots 1-53 and Lots 83-226 of Door Creek subdivision to allow the construction of one accessory building per lot
- 201 S. Bedford Street - PD-SIP Alteration - Add 59th dwelling unit to approved apartment building under construction

ANNOUNCEMENTS

Members of the Plan Commission offered commendations and words of thanks to Nan Fey on the occasion of her final Plan Commission meeting.

Fey thanked former members of the Plan Commission, Aids. Rummel and Schmidt, for their service. She also thanked all current and former members of the Commission and staff for their work during her tenure.

ADJOURNMENT

A motion was made by King, seconded by Heifetz, to Adjourn at 8:05 p.m. in honor of Nan Fey's service to the Plan Commission. The motion passed by acclamation.