



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved PLAN COMMISSION

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Monday, December 15, 2008

5:30 PM

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

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### CALL TO ORDER/ROLL CALL

**Present:** 10 -

Judy Bowser; Eric W. Sundquist; Tim Gruber; Lauren Cnare; Julia S. Kerr;  
Nan Fey; Judy K. Olson; James C. Boll; Michael A. Basford and Beth A.  
Whitaker

**Excused:** 1 -

Michael G. Heifetz

Fey was chair for this meeting. Basford arrived following the approval of the December 1 minutes. Ald. Kerr left following Item #6.

Staff present: Rob Phillips, City Engineering Division; Matt Tucker, Zoning Administrator; Brad Murphy, Bill Fruhling, Michael Waidelich & Tim Parks, Planning Division, and; Mario Mendoza, Mayor's Office.

### MINUTES OF THE December 1, 2008 MEETING

The minutes were approved with the following correction:

- Sundquist noted that he was noted as making a motion to approve #10, with Whitaker seconding the motion. Sundquist noted, however, that he and Whitaker did not make and second the motion and that they voted against the motion to approve.

The proceedings will be reviewed and the minutes revised accordingly.

**A motion was made by Cnare, seconded by Kerr, to Approve the Minutes. The motion passed by voice vote/other.**

### SCHEDULE OF MEETINGS

January 12, 26 & February 9, 23, 2009

The Plan Commission agreed to being their meeting on January 26 at 4:30 p.m. to accommodate a presentation by the Zoning Code re-write consultants.

### SPECIAL ITEM OF BUSINESS

Bill Fruhling gave an update on the Downtown Plan.

### ROUTINE BUSINESS

1. [12615](#) Authorizing the acceptance of a Dedication and Purchase Agreement for the acquisition of the remaining interests of Cherokee Park, Inc. in approximately 48 acres of land located adjacent to Wheeler Road referred to as the Wheeler Open Space Parcel and including agreement on the estimated dedication requirements for the remaining lands that Cherokee Park, Inc. intends to develop and amending the 2008 Parks Capital Budget to authorize the expenditure of an amount not to exceed \$90,000 for this acquisition.

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

Registered in support and available to answer questions was Craig Makela, Cherokee Park, Inc.; 13 Cherokee Circle.

- 2. [12823](#) Authorizing the Mayor and the City Clerk to execute a Release of Public Utility Easements pertaining to the platted public utility easements reserved within Lot 29, Lot 28 and part of Lot 27, First Addition to Capitol Industrial Park, located at 2302 Vondron Road.

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

- 3. [12893](#) Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of the Lien Road Roundabout Engineering Project No. 53B0790 at the intersection of Lien Road / North Thompson Drive / Zeier Road. (17th AD)

**A motion was made by Bowser, seconded by Kerr, 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. [12888](#) Vacating a portion of West Johnson Street between North Randall Avenue and Campus Drive and authorizing the City to petition the State of Wisconsin Commissioner of Railroads for removal of the existing vehicular crossing of the Wisconsin & Southern Railroad (WSOR) at West Johnson Street and modification of the existing crossing on North Randall Avenue and North Orchard Street (8th AD)

**A motion was made by Bowser, seconded by Sundquist, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. 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 Map Amendments**

- 5. [12113](#) Creating Section 28.06(2)(a)3390. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Mixed-Use Development with Theatre/Entertainment Complex; 17th Aldermanic District: 4021 Grand Crossing Road.

This matter was referred at the request of the applicant.

**A motion was made by Bowser, seconded by Sundquist, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the PLAN COMMISSION. The motion passed by voice vote/other.**

There were no registrations on this item.

- 6. [12300](#) Creating Section 28.06(2)(a)3392. 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: Construct Daycare Center; 1st Aldermanic District: 8133 Mansion Hill Avenue.

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

- That the hours of daycare operations be limited to 6:00 a.m. to 6:00 p.m. daily, not to preclude parent meetings, neighborhood meetings or other civic uses.

Ald. Kerr proposed that the hours of daycare operations be limited to 6:00 a.m. to 6:00 p.m. daily. The additional language about meetings and civic uses was proposed by Ald. Gruber, but was determined by the body to not be a friendly amendment. The Plan Commission voted 5-3 in favor of adding Ald. Gruber's language on the following vote: AYE: Bowser, Sundquist, Olson, Ald. Gruber, Basford; NAY: Ald. Kerr, Ald. Cnare, Boll; NON-VOTING: Fey, Whitaker; EXCUSED: Heifetz.

**A motion was made by Cnare, seconded by Gruber, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by the following vote:**

**Excused:** 1 -

Michael G. Heifetz

**Ayes:** 5 -

Eric W. Sundquist; Tim Gruber; Lauren Cnare; Julia S. Kerr and Michael A. Basford

**Noes:** 3 -

Judy Bowser; Judy K. Olson and James C. Boll

**Non Voting:** 2 -

Beth A. Whitaker and Nan Fey

Speaking in support of this item was the architect, Steve Rice, 2108 Keyes Avenue and Karyl Rice, 114 Nautilus Drive, representing W.C. Development.

Registered in support and available to answer questions was Phil Carlson, 503 Augusta Drive, representing Prairie Life Learning Centers.

Registered in support and not wishing to speak was John Brigham, 4726 East Towne Blvd. Also registered in support was Randy Whitson, 4726 East Towne Blvd, not indicating whether or not he wished to speak.

Speaking in opposition was Cheryl Awtrey, 8123 Mansion Hill Avenue and Erin M. Freeberg, 8257 Starr Grass Drive.

Registered in opposition and not wishing to speak was Pamela McCarty, 8123 Mansion Hill Avenue.

7. [12473](#)

Creating Section 28.06(2)(a)3394 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)3395 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: Remodel Existing Apartment Building and Construct New 16-Unit Apartment Building; 2nd Aldermanic District: 201-229 West Lakelawn Place.

This matter was referred pending a recommendation by the Urban Design Commission.

**A motion was made by Kerr, seconded by Boll, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION. The motion passed by voice vote/other.**

There were no registrations on this item.

8. [12482](#)

Creating Section 28.06(2)(a)3393. of the Madison General Ordinances rezoning property from R4 General Residence District to C2 General Commercial District. Proposed Use: Convert Former Atwood Community Center into Restaurant with Residence Above; 6th Aldermanic District: 2425 Atwood Avenue.

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

-That the applicants enter into an off-site parking agreement with St. Bernard's Church prior to final approval of the project and the issuance of permits for the conversion.

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

Speaking in support of this item was the co-applicant, Teresa Pullara Oaubel, 1621 Mayfield Lane.

Registered in support and available to answer questions was co-applicant Rachid Oaubel, 1621 Mayfield Lane. Also registered in support and available to answer questions was Tim Anderson and Patrick Hannon of Schreiber/Anderson Associates, 717 John Nolen Drive, both representing the applicants.

Speaking in neither support nor opposition to this item was Sarah Davis, 2414 Sommers Avenue.

**Conditional Use/ Demolition Permits**

9. [11930](#)

Consideration of a major alteration to an existing conditional use to allow expansion of a daycare at 5206 Siggelkow Road. 16th Ald. Dist.

This matter was referred at the request of the applicant.

**A motion was made to Rerefer to the PLAN COMMISSION. The motion passed by voice vote/other.**

There were no registrations on this item.

- 10. [13001](#) Consideration of a conditional use to allow construction of an addition to an existing single-family residence on a lakefront lot at 2008 Waunona Way. 14th Ald. Dist.

The 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 Boll, to Approve. The motion passed by voice vote/other.**

Registered in support and wishing to speak were the applicants Jennifer Lu and John Lien, 2008 Waunona Way, and the project architect, Horst Lobe, 7339 Tree Lane, representing the applicants.

- 11. [13002](#) Consideration of a major alteration to an existing conditional use to allow construction of an addition to a single-family residence on a lakefront lot at 5104 Spring Court. 19th Ald. Dist.

In rejecting this matter, the Plan Commission found that the proposed project did not meet MGO 28.12 (11)(g), including subsection #3, "that the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use."

Plan Commission members cited the diminished views of Lake Mendota from surrounding properties and the resulting potential impact on the value of those properties caused by the added roof height.

**A motion was made by Bowser, seconded by Sundquist, to Reject. The motion passed by voice vote/other.**

Speaking in support of this item was Peter Barden, Schorr Construction, 5117 Minocqua Crescent, Madison, representing the applicant.

Registered in support and available to answer questions was the applicant David Walther, 7525 Red Fox Trail, Madison.

Speaking in opposition to this item were: Jeannine Sievert, 5101 Spring Court; Liz Metzloff, 5105 Spring Court; Robert Nelson, 5100 Lake Mendota Drive; Alice Erickson, 5109 Spring Court; Kim McBride, 5114 Lake Mendota Drive; and Ald. Mark Clear, representing the 19th District.

**Zoning Text Amendment**

- 12. [12392](#) Amending Section 28.03(2) to add a definition of demolition and creating Section 28.12(12)(d)2. of the Madison General Ordinances to add an exemption for demolition permits.

In recommending referral of this zoning text amendment, the Plan Commission requested that this ordinance be referred to the Landmarks Commission for consideration and for a subcommittee of the Plan Commission to convene for one meeting to discuss the proposed ordinance language, gather input from interested parties and make a recommendation to the whole Plan Commission for consideration. Ald. Gruber, Olson, and Boll agreed to serve on the new subcommittee, with Fey as an alternate.

**A motion was made by Gruber, seconded by Cnare, to RECOMMEND TO COUNCIL TO REREFER - PUBLIC HEARING to the PLAN COMMISSION. The motion passed by voice vote/other.**

Speaking in opposition to the proposed text amendment was Paul Schoeneman, 1108 Gorham Street, #3; Michael Bridgeman, 106 S. Franklin Street, representing the Madison Trust for Historic Preservation; and Ledell Zellers, 510 N. Carroll Street.

Registered in support and not wishing to speak was Erica Fox Gehrig, 1811 Vilas Avenue, representing Stu Levitan and the Landmarks Commission.

## BUSINESS BY MEMBERS

Olson asked that a copy of the 2009 Plan Commission schedule be provided to members in their next packet.

Fey noted that additional reports had been provided in the packet that were in the paper-reduction format being proposed by staff. Ald. Cnare asked that the new report format be provided at the top of the packet of materials on a particular matter. Fey noted that the team working on the new report format would be meeting to discuss the input provided by the Commission and that the new report format may eventually replace the existing report format.

## COMMUNICATIONS

Fey noted the correspondence from the Library Board that was provided at the Commission member's places. She also noted that she provided Brad Murphy with a copy of a letter addressed to Ald. Kerr that was sent to her. She noted that she forwarded the letter on to Ald. Kerr.

## SECRETARY'S REPORT

Brad Murphy summarized upcoming Plan Commission matters and noted that a resolution (Legistar ID 12771) has been introduced establishing sustainability goals to guide the development of the Northeast Neighborhood Development Plan.

### Upcoming Matters - January 12, 2009

- Informational presentation by Meriter regarding the preparation of a master plan for their Raymond Road/ CTH PD property.
- East Wilson Street downzonings (Legislative files ID #:12583, 12584, 12617)
- 637 South Shore Drive - Conditional use to construct a garage in excess of 576 square feet in the R2 zoning district

### Upcoming Matters - January 26, 2009

- 902 Dempsey Road - Partially demolish vacant factory with no proposed use
- 1419 Monroe Street - Continuing jurisdiction public hearing for existing Stadium Bar beer garden conditional use

## ANNOUNCEMENTS

Fey reminded Commission members to complete their 2009 Statement of Interest forms and submit them to the City Clerk's Office if they had not done so already.

## ADJOURNMENT

**A motion was made by Boll, seconded by Basford, to Adjourn at 9:05 pm. The motion passed by voice vote/other.**