



City of Madison

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

Monday, February 25, 2008

5:00 PM

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

CALL TO ORDER/ROLL CALL

Present: 8 -

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

Excused: 2 -

Beth A. Whitaker and Michael G. Heifetz

Fey was chair for the meeting. Heifetz arrived during the special item of business.

Staff present: Brad Murphy, Rick Roll, Michael Waidelich & Tim Parks, Planning Division; Larry Nelson, City Engineer; Arthur Ross, Traffic Engineering Division; Matt Tucker, Zoning Administrator, and; Ray Harmon, Mayor's Office.

MINUTES OF February 11, 2008 THE MEETING

Ald. Kerr noted that she did not abstain on Item #1. The minutes were revised accordingly.

A motion was made by Bowser, seconded by Kerr, to Approve the Minutes.

The motion passed by the following vote:

Excused: 2 -

Beth A. Whitaker and Michael G. Heifetz

Ayes: 7 -

Tim Gruber; Lauren Cnare; Julia S. Kerr; Judy K. Olson; Judy Bowser; Michael A. Basford and Nan Fey

Abstentions: 1 -

James C. Boll

SCHEDULE OF MEETINGS

March 10, 24 and April 7, 2008

ROLL CALL

Present: 9 -

Tim Gruber; Lauren Cnare; Julia S. Kerr; Nan Fey; Judy K. Olson; James C. Boll; Judy Bowser; Michael A. Basford and Michael G. Heifetz

Excused: 1 -

Beth A. Whitaker

SPECIAL ITEM OF BUSINESS

- 1. [09248](#) Discussion with the Cunningham Group regarding the Zoning Code rewrite.

The Plan Commission held an informational discussion with the consultant team for the Zoning Code rewrite. The discussion included an overview of the goals and objectives of the rewrite process and the timeline for execution. Members of the consultant team in attendance were Mike Lamb and Suzanne Rhees with Cunningham Group Architecture, Mark White, White & Stone, LLC and Peter Musty, Keane Musty.

PUBLIC HEARING-6:00 p.m.

Zoning Map Amendments

- 2. [05466](#) Creating Section 28.06(2)(a)3243. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Multi-Family Residential Apartment Development; 9th Aldermanic District: 733 County Hwy M.

In recommending denial of this project, members of the Plan Commission stated that they did not believe that the project met the standards of approval for planned unit developments, noting that the density of the proposed development was unacceptable given the existing "acute" traffic conditions on County Trunk Highway M, which members believed could hinder development of a functional project. The Commission indicated that CTH M needed to be improved to arterial standards and a neighborhood plan prepared for the area that also addressed the transportation and access needs of the subject site and nearby properties, including the provision of pedestrian facilities, before a project of the density proposed by the applicant could be approved. Members also expressed concern about the amount of open space being provided given the density proposed.

A motion was made by Bowser, seconded by Boll, to RECOMMEND TO COUNCIL TO DENY - PUBLIC HEARING. The motion passed by the following vote:

Excused: 1 -

Beth A. Whitaker

Ayes: 6 -

Lauren Cnare; Julia S. Kerr; Judy K. Olson; James C. Boll; Judy Bowser and Michael A. Basford

Noes: 2 -

Michael G. Heifetz and Tim Gruber

Non Voting: 1 -

Nan Fey

Speaking in support of the project was the applicant, Kenton Peters, 155 E. Wilson Street.

Speaking in opposition to the project were: Michael Christopher, Dewitt, Ross & Stevens, SC, 2 E. Mifflin Street, representing the Applewood Hill Neighborhood; Richard Steeves, 6958 Applewood Drive; Robert Brooks, 6941 Applewood Drive; Rick Gulbrand, 7053 Applewood Drive; John D. Powless, 7103 Applewood Drive; Carolyn

Shelp, 7111 Applewood Drive, and; Craig Jordan, 7095 Applewood Drive.

Registered in opposition and available to answer questions were: Eric & Lynn Lanning, 3618 Pine Grove Way and Mark Struthers, 7009 Applewood Drive.

Registered in opposition but not wishing to speak were: Weldon D. Shelp, 7111 Applewood Drive; Lee VandeBerg, 6997 Applewood Drive; Tom & Karen Zilavy, 6987 Applewood Drive; Elyane Steeves, 6958 Applewood Drive; Sarah Jordan, 7095 Applewood Drive; Mary Beth Brooks, 6941 Applewood Drive; James Mueller & Kathy Reeder, 4064 Timber Lane, Cross Plains; Mary Jo & Mike Elder, 6975 Applewood Drive, and; Barbara & Henrik Moe, 6982 Applewood Drive.

3. [08817](#)

Creating Section 28.06(2)(a)3335. 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: WID/MIR Specific Implementation Plan; 8th Aldermanic District: 1301 University Avenue (The block bounded by Campus Drive, University Avenue, N. Randall Avenue and N. Orchard Street.)

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

- That condition #3a of the Traffic Engineering Division report be revised to remove the requirement to provide a 3-4 foot terrace buffer for snow storage to accommodate the streetscaping concept recommended by the Urban Design Commission.
- That condition #3e of the Traffic Engineering Division report be revised to remove the word 'concrete' from the 8-10 foot pedestrian/ sidewalk corridor.
- That condition #3k of the Traffic Engineering Division report be revised to note that this requirement will be addressed between the City and the University of Wisconsin in the future as part of the approval of other projects.

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

Speaking in support of the project were: George Austin, 2316 Chamberlain Avenue; Craig Spengler, 833 Chestnut Street, Philadelphia, Pennsylvania, and; Sue Weaver, 150 South Independence Mall West, Philadelphia, Pennsylvania, all representing the Wisconsin Alumni Research Foundation (WARF).

Registered in support and available to answer questions were Rob Kennedy, University of Wisconsin-Madison, 614 Walnut Street and Brad Thornton, 150 South Independence Mall West, Philadelphia, Pennsylvania, representing WARF.

4. [08818](#)

Creating Section 28.06(2)(a)3336. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3337. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District. Proposed Use: Replace 11-Story Residential/Office Building with 5-Story Office Building; 11th Aldermanic District: 702 North Midvale Boulevard.

Approval recommended subject to the comments and conditions contained in the Plan Commission materials.

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

Registered in support of the project and available to answer questions were Dennis Harder & Adam Fink, Joseph Freed & Associates, 220 N. Smith Street, Palatine, Illinois; Mike Strum, Ken Saiki Design, 303 S. Paterson Street, representing Freed & Associates, and; Michael J. Lawton, 6 S. Eau Claire Avenue, representing the Hill Farms Neighborhood Association.

Conditional Uses/ Demolition Permits

5. [09074](#) Consideration of a conditional use for a planned residential development with 11 duplexes at 5101 Unity Way. 16th 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 Cnare, seconded by Kerr, to Approve. The motion passed by voice vote/other.**
- Speaking in support of the project was Steve Shulfer, Shulfer Architects, LLC, 1918 Parmenter Street, Middleton, representing the applicant, DWB, LLC.
- Speaking in opposition to the project was Linda Heideman Nigbor, 10 Kirkwood Court.
- Registered in support and available to answer questions was Jeanne Schaefer, Shulfer Architects, LLC, 1918 Parmenter Street, Middleton.
6. [09249](#) Consideration of a major alteration to an existing conditional use to allow an addition to a single-family residence on a lakefront lot at 5412 Lake Mendota Drive. 19th 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 Boll, seconded by Kerr, to Approve. The motion passed by voice vote/other.**
- Registered in support of the project and available to answer questions was the applicant, Dianne Christensen, 1711 Kendall Avenue and John Meyer, 1615 Cypress Trail, Middleton, representing Ms. Christensen.
7. [09250](#) Consideration of a complaint against an approved conditional use located at 907 South Park Street. 13th Ald. Dist.
- This matter was referred at the district alder's request pending an agreement to resolve the issue causing the complaint.
- A motion was made by Kerr, seconded by Boll, to Rerefer. The motion passed by voice vote/other.**
- There were no registrants on this item.

Neighborhood Plan

8. [07613](#) Adopting the Pumpkin Hollow Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the

City's applications to amend the Central Urban Service Area as required to implement the development staging recommendations in the neighborhood plan.

The Plan Commission recommended adoption of the neighborhood development plan subject to incorporation of the map and text amendments recommended by the Plan Commission as outlined in the February 22, 2008 memorandum from Michael Waidelich, Principal Planner, to the Plan Commission, including the memorandum on stormwater management and infiltration in the Token Creek watershed and the revision to the Public Water Service section recommended by Larry Nelson, Interim General Manager of the Madison Water Utility and satisfaction of the following conditions prior to the publication of the final plan document:

- That staff is authorized to make final revisions to respond to comments on the plan on February 24, 2008 by the Friends of Starkweather Creek.
- That staff is authorized to make additional revisions to the plan narrative and table as required to accurately describe the recommended revisions to the plan maps.
- That staff is authorized to make editorial revisions as required to correct textual errors in the document.

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

Speaking in opposition to the neighborhood development plan was Bill White, 2408 Lakeland Avenue, representing Park Towne Development.

Registered in support of the plan and available to answer questions was Michael J. Lawton, Lathrop & Clark, 740 Regent Street, representing William Paulson of DeForest and Mike Schutte of Oconomowoc.

Zoning Text Amendments

9. [09253](#) Reconsideration of a recommendation on a Zoning Text Amendment (06956) regarding changes to the Ordinance regulating demolition of buildings.
The Plan Commission voted to reconsider its recommendation on Ordinance ID 06956.

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

10. [06956](#) Amending Section 28.04(22) of the Madison General Ordinances to change various provisions of the ordinance regulating the demolition of buildings.

The Plan Commission recommended adoption of the proposed revisions to Section 28.04 (22) with the following amendments:

- On a motion by Bowser, seconded by Olson, staff was directed to draft a definition of 'demolition' to be added to Section 28.03 as a separate zoning text amendment within 60 days. This amendment passed by a vote of 7-1 (Aye: Ald. Kerr, Ald. Cnare, Ald. Gruber, Bowser, Olson, Heifetz, Basford; Nay: Boll; Non-Voting: Fey; Excused: Whitaker).

- On a motion by Heifetz, seconded by Basford, the statement of purpose in section (a) was amended to add ", discourage demolition by neglect and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings" to the end of the proposed text. This amendment passed by

acclamation.

- On a motion by Basford, seconded by Boll, section (b)2 was revised to read as follows: "Except for applications submitted pursuant to (d), below, at least thirty (30) days prior to filing an application for a demolition or removal permit, the applicant shall notify the Alderperson of the district where the demolition or removal is proposed. For buildings constructed before 1946, this notice shall be at least 60 days prior to filing an application for a demolition or removal permit. The applicant also shall notify any neighborhood association registered within the City that serves the area where the demolition or removal is proposed, any business association that serves the area and is listed by the City, and any person registered with the Department of Planning and Community and Economic Development to receive notice of proposed demolitions or removals. Notification shall be by mail, or electronic mail, with a copy to the Director of the Department of Planning and Community and Economic Development. Failure to provide such notification shall not invalidate any action on the application taken by the Plan Commission or Common Council but may delay consideration of the application. The notice requirement for all but the registered persons may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of the Department of Planning and Community and Economic Development." This amendment passed by a vote of 6-2 (Aye: Ald. Cnare, Ald. Gruber, Bowser, Olson, Boll, Basford; Nay: Ald. Kerr, Heifetz; Non-Voting: Fey; Excused: Whitaker).

- On a motion by Ald. Gruber, seconded by Olson, section (c)1.b was revised as follows: "The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed future use must be consistent with the Comprehensive Plan, an adopted neighborhood plan and Neighborhood Conservation District. If no neighborhood plan or conservation district exists, the future use must be compatible with the neighborhood's character, massing and density. When making this finding the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building, and the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing." This amendment passed by acclamation and superseded two earlier amendments to revise this section.

- On a motion by Ald. Gruber, seconded by Basford, section (c)1.d was revised as follows: "The City's historic preservation planner shall submit a report regarding the historic value of the property to the Plan Commission and the Landmarks Commission. The Landmarks Commission may submit an advisory report to the Plan Commission for its consideration." This amendment passed by acclamation.

- On a motion by Boll, seconded by Basford, section (c)1.e was revised as follows: "If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator." This amendment passed by acclamation.

- On a motion by Ald. Kerr, seconded Bowser, section (c)2 was amended to add: "The Plan Commission may also approve a demolition permit for a non-residential building with no proposed use when it has concluded that the existing zoning of the property

relative to the use, scale and massing and overall site design is adequate to ensure that the development of the property will occur in conformance with the City's adopted plans. The provisions in 28.04 (22)(c)1c-e shall also apply to this subsection." This amendment passed by a vote of 7-1 (Aye: Ald. Kerr, Ald. Cnare, Ald. Gruber, Bowser, Olson, Heifetz, Basford; Nay: Boll; Non-Voting: Fey; Excused: Whitaker).

- On a motion by Boll, seconded by Heifetz, section (d)2, which reads "Demolition or removal permits may be issued without the prior approval referred to in Subdivision (c) above, provided that the building proposed to be demolished or removed is owned by the City of Madison and the project necessitating the demolition or removal has been recommended by the Plan Commission and approved by the Common Council" was removed. This amendment passed by acclamation.

- On a motion by Ald. Kerr, seconded by Bowser, proposed section (g), Demolition by Fire, was revised as follows: "For any permit approved for demolition by fire, written notice of the date of the proposed demolition shall be provided to all owners and residents of properties and the district alder within five hundred (500) feet of the boundaries of the property on which the demolition will occur. Such notice shall be provided at least five (5) days prior to the date of the proposed demolition." This amendment passed by acclamation.

- On a motion by Ald. Kerr, seconded by Bowser, a new section (g) was added that reads as follows and specifies the hearing procedures for demolition permits similar to Section 28.12 (f) regarding conditional uses: "Notice of Hearing on Application . Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, the alderperson of the ward in which the property affected is located, and the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. The applicant shall immediately post a copy of such notice in a conspicuous manner in a common or central location of each rental building where all residents/occupants are likely to see the notice or mail a copy of the notice to each rental unit within the area entitled to notice. The applicant has the option of making the required mailing her/himself and may use labels purchased from the City or the applicant may pay the City to do the mailing. The applicant also shall post a sign, obtained from the Department of Planning and Community and Economic Development, on the property that is the subject of the application. The sign shall list the times and locations of public hearings before the Plan Commission and Common Council to consider the application. It shall be posted at least seven (7) days prior to the first public hearing and shall be located in a position on the property so that it can be read from the sidewalk or other public right-of-way. If the property abuts more than one (1) public-right-of-way, a sign shall be placed facing each public right-of-way. The sign shall be removed within seven (7) days of the last hearing listed on the sign. Failure to post a notice in a rental building at least forty-eight (48) hours before the scheduled hearing or to mail a copy of the notice to each rental unit at least five (5) days before the scheduled hearing or to post a sign on the property listing the times and locations of public hearings at least seven (7) days prior to the first public hearing shall subject the applicant to a forfeiture of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100). Failure to post or mail such notices shall not affect the validity of the approval action taken." This amendment passed by acclamation.

A motion was made by Basford, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING. The motion passed by

voice vote/other.

Speaking in support of the proposed ordinance changes was Ald. Brenda Konkel, 511 E. Mifflin Street, representing the 2nd District.

Speaking neither in support nor opposition to the proposed ordinance changes was Carole Schaeffer, 282 Alpine Meadow Circle, Oregon, representing Smart Growth Madison.

BUSINESS BY MEMBERS

None

COMMUNICATIONS

Nan Fey noted that the Plan Commission received a revised resolution regarding the formation of the Zoning Code Rewrite Advisory Committee at their places this evening. She also noted that she received an e-mail regarding a community meeting on February 28, 2008 to discuss the reconstruction of the Junction Road-Mineral Point Road-CTH M intersection.

SECRETARY'S REPORT

Brad Murphy noted the upcoming matters for the Plan Commission.

Upcoming Matters - March 10, 2008

- 101-109 North Franklin Street - R5 to PUD-GDP-SIP to relocate multi-family residence to site with 3 existing residential buildings
- 205 North Prospect Avenue - CSM Referral to create additional single-family lot in University Heights Historic District
- 4131 Marsh Road - Final Plat for Tradesmen Commerce Park, creating 10 industrial lots and 3 outlots
- 89 East Towne Mall - Conditional use for a new restaurant w/outdoor eating area
- 2702 Crossroads Drive - Conditional use to construct an 131-room hotel
- 155 South Brittingham Place - Demolish single-family home to construct a new single-family home

Upcoming Matters - March 24, 2008

- 2150 East Washington Avenue - Conditional use for an addition of a welling unit
- 801 Atlas Avenue - Conditional use for auto sales in the M1 zoning district

ANNOUNCEMENTS

None

ADJOURNMENT

A motion was made by Boll, seconded by Basford, to Adjourn at 10:35 P.M. The motion passed by voice vote/other.