



City of Madison

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

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Monday, November 8, 2010

5:30 PM

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

CALL TO ORDER/ROLL CALL

Present: 9 -

Julia S. Kerr; Nan Fey; Eric W. Sundquist; Judy K. Olson; Michael G. Heifetz; Judy Bowser; Michael A. Basford; Tim Gruber and Anna Andrzejewski

Excused: 2 -

Michael Schumacher and Lauren Cnare

Fey was chair for the meeting. Ms. Andrzejewski left during agenda item 5, after the Commission's action on staff recommendation 85, Memorandum 2.

Staff present: Mark A. Olinger, Secretary; Brad Murphy, Michael Waidelich, Rick Roll, Tim Parks, and Kevin Firchow, Planning Division; Matt Tucker, Zoning Administrator; Katherine Noonan, City Attorney's Office; and Mario Mendoza, Mayor's Office.

DISCLOSURES AND RECUSALS UNDER THE ETHICS CODE

There were no disclosures and recusals.

MINUTES OF THE October 18, 2010 REGULAR MEETING

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

MINUTES OF THE October 25, 2010 ZONING CODE RE-WRITE SPECIAL MEETINGS

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

MINUTES OF THE October 26, 2010 ZONING CODE RE-WRITE SPECIAL MEETING

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

SCHEDULE OF MEETINGS

- Regular Meetings: November 22 and December 6, 20, 2010

- Zoning Code Rewrite Special Meetings: November 11, 15, 2010

NEW BUSINESS

1. [20411](#) Discussion regarding the Comprehensive Plan amendment process and presentation of a preliminary list of potential Comprehensive Plan map amendments.

No formal action was taken on this item. Michael Waidelich provided an overview of the "Preliminary List of Potential Comprehensive Plan Amendments for Possible Consideration."

As part of the following discussion on this item, Aids. Compton, Rhodes-Conway, and Kerr noted staff's proposed process did not provide adequate communication with the alderpersons and recommended that there be additional outreach. It was further recommended that staff directly contact the alderpersons and set up individual meetings, if desired by the alderpersons. It was also recommended that the plan amendment schedule be revised. Ald. Kerr recommended that alternate plan amendment review schedules be established. The proposed process may be appropriate for corrections (and non-controversial items) and a longer review process is necessary for more complex or potentially controversial amendments. Ald. Kerr also recommended that future Comprehensive Plan amendments occur concurrently with neighborhood plan amendments.

Speaking on this item and recommending changes to the process were Ald. Satya Rhodes-Conway and Ald. Judy Compton.

Speaking in opposition to the potential amendment to the Comprehensive Plan (shown on Map V) to apply a land use designation that is more consistent with a large free-standing grocery on a site north of Cottage Grove Road at Grandview Commons was Alan Sweet, 6321 Buford Drive.

The following registered in opposition to this potential plan amendment: John Driscoll, 801 McLean Drive; Anthony Antonio, 625 Orion Trail; Sue Allfrey, 6009 Sharpsburg Drive; Paul Reilly, 1218 Alexandria Lane; Barbara Davis, 729 Orion Trail; Vern Solberg, 734 Copernicus Way; Michael Knott, 802 Callisto Drive; Shawn O'Dell, 710 Orion Trail; Heather McFadden, 617 North Star Drive; Ronalee Carr, 5932 Gemini Drive; Nicole Jenkel, 617 North Star Drive; Tara White, 637 Copernicus Way; Robert Hogan, 6025 Sharpsburg Drive; Dean Matuszak, 738 McLean Drive; Tiffany Taha, 6018 Fairfax Lane; Knaar Taha, 6018 Fairfax Lane; Yasmien Taha, 6018 Fairfax Lane; Jude Tara, 6018 Fairfax Lane; Katie Peterangelo, 721 North Star Drive; Tony Peterangelo, 721 North Star Drive; Kindra Goehler, 649 Orion Trail; Ted Szalkowski, 6002 Fredericksburg Lane; Amy Szaalkowski, 6002 Fredericksburg Lane; Larry and Casey Moen, 6006 Sharpsburg Drive; Mary Driscoll, 801 McLean Drive.

Registered in neither support nor opposition but wishing to speak was Brain Munson, Vandewalle and Associates, 120 East Lakeside Street, representing Veridian Homes. Mr. Munson left before speaking.

Speaking in opposition to the potential amendment to the Comprehensive Plan (shown on Map W) to apply a land use designation more consistent with the proposed Independent Living project density and housing types on a site north of Wheeler Road in the Cherokee Neighborhood was Jon Becker, 4233 Kenwood Street.
2. [20237](#) Authorizing the Mayor and City Clerk to enter into an Early Attachment and Revenue Sharing Agreement with the Town of Madison to facilitate the attachment and future development of four parcels located in the Town at 2155-2165 Rimrock Road and 250 West Bellline Highway.

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

Registered in support and available to answer questions were Clay and Brad Carlson, 2205 Rimrock Road.

UNFINISHED BUSINESS

- 3. [20263](#) Plan Commission discussion regarding the Development Review Process

Ms. Bowser questioned whether further clarification was needed regarding the mission and authority of the Landmarks Commission on p. 13. Mr. Murphy noted this was a direct quote from the ordinance. Ald. Kerr questioned why the "50 Reasons Not to Change" graphic was included in the report. She believes that this graphic is insulting and implies that the people that are involved in this process are looking for excuses, which is a misconception. She recommended this graphic be removed from the final report. Ald. Kerr also questioned why no member of the Economic Development Committee observed the Plan Commission meetings prior to making these recommendations as much of the document pertains to work the Plan Commission does. Finally, she noted the report does not discuss the roles of Alderpersons which is an important part of managing the development approval process.

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 Amendment

- 4. [19379](#) Creating Section 28.06(2)(a)3498. of the Madison General Ordinances rezoning property from C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: General Development Plan to Allow Future Construction of Mixed-Use Development; 19th Aldermanic District: 5105-5117 University Avenue and 610-702 North Whitney Way.

The Plan Commission recommended referral of this matter at the request of the applicant; a future meeting date was not specified.

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

Zoning Code Rewrite

- 5. [15932](#) Adopting and confirming amendments to the Madison General Ordinances as set forth in attached Exhibit F pursuant to Sec. 66.0103, Wis. Stats. to revise the City's Zoning Ordinance.

This Ordinance was Rereferred to the PLAN COMMISSION

A motion was made by Gruber, seconded by Olson, to approve the staff recommendation for Memorandum 2, item 63. The motion passed by voice vote/other.

A motion was made by Gruber, seconded by Bowser, to approve the staff recommendation for Memorandum 2, item 64. The motion passed by voice vote/other.

A motion was made by Basford, seconded by Kerr, to refer consideration on Memorandum 2, item 65, until the upcoming discussion on procedure issues. The motion passed by voice vote/other. This was a substitute motion. An original motion was made by Olson, seconded by

Gruber to approve the staff recommendation for this item.

A motion was made by Kerr, seconded by Bowser to locate the "Suggested Design Requirements" 6 a,b, and c into the ADU requirements section as 5 e,f, and g. This is in response to Memorandum 2, item 66.

A motion was made by Sundquist, seconded by Olson, to approve the staff recommendation on Memorandum 2, item 66 (with the above change) and with the recommendation that additional narrative be provided under (6) "Suggested Design Requirements" explaining that these are examples of standards that could be incorporated into specific overlay districts.

A motion was made by Sundquist, seconded by Bowser, to approve the staff recommendation for Memorandum 2, item 67. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Sundquist, to approve the staff recommendation for Memorandum 2, item 68. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Basford, to approve the staff recommendation for Memorandum 2, item 69. The motion passed by voice vote/other.

The Commission noted that action had previously been taken on Memorandum 2, item 70. No additional action was taken.

A motion was made by Kerr, seconded by Andrzejewski, to amend the language in Memorandum 2, item 71 to be consistent with the October 4, 2010 recommendation on cooperative housing. The motion passed by voice vote/other.

A motion was made by Gruber, seconded by Heifetz, to approve the staff recommendation for Memorandum 2, item 72. The motion passed by voice vote/other.

The Commission noted that action had previously been taken on Memorandum 2, item 73. No additional action was taken.

A motion was made by Bowser, seconded by Gruber, to approve the staff recommendation for Memorandum 2, item 74. The motion passed by the following vote: 6:1 [AYE: Bowser, Kerr, Olson, Heifetz, Gruber, and Andrzejewski; NO: Sundquist; and NON-VOTING: Fey]

A motion was made by Basford, seconded by Gruber, to approve the staff recommendation for Memorandum 2, item 75. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Olson, to refer consideration on Memorandum 2, item 76 until the upcoming discussion of miscellaneous items. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Basford, to approve the staff recommendation for Memorandum 2, item 77. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Sundquist, to approve the staff recommendation for Memorandum 2, item 78. The motion passed by voice vote/other.

A motion was made by Gruber, seconded by Bowser, to approve the staff recommendation for Memorandum 2, item 79. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Olson, to approve the staff recommendation for Memorandum 2, item 80. The motion passed by voice vote/other.

A motion was made by Sundquist, seconded by Olson, to approve the staff recommendation for Memorandum 2, item 81. The motion passed by voice vote/other.

A motion was made by Sundquist, seconded by Basford, to approve the staff recommendation for Memorandum 2, item 82. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Olson, to approve the staff recommendation for Memorandum 2, item 83. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Bowser, to approve the staff recommendation for

Memorandum 2, item 84. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Gruber, to approve the staff recommendation for Memorandum 2, item 85 pertaining to free-standing commercial buildings. The motion specified that this building form is not permitted in the NMX and TSS districts. This motion passed by the following vote: 6:1 [AYE: Bowser, Kerr, Olson, Heifetz, Gruber, and Andrzejewski; NO: Sundquist; and NON-VOTING: Fey]

A motion was made by Andrzejewski, seconded by Kerr, to approve the staff recommendation for Memorandum 2, item 85 pertaining to civic and institutional buildings. The motion passed by voice vote/other.

No action was taken on Memorandum 2, item 86. This item was previously referred to a future meeting to consider with the Economic Development Committee's process improvement initiative recommendations.

A motion was made by Bowser, seconded by Gruber, to approve the staff recommendation for Memorandum 2, item 87. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Gruber, to refer consideration of Memorandum 2, item 88 to the upcoming discussion on procedures. The motion passed by voice vote/other.

A motion was made by Kerr, seconded by Heifetz, to approve the staff recommendation for Memorandum 2, item 89 with the following amendments: 1) That the word "could" is removed from g). 2) That a clause be added indicating that an exemption may not be granted when the exemption results in an increase of intensity of the use. The main motion passed by voice vote/other. The amendment adding the provision stating an exemption may not be granted when it increases the use intensity was made on a motion by Kerr, seconded by Bowser. That item was added to the main motion after passing by the following vote: 5:1 [AYE: Bowser, Kerr, Olson, Gruber, and Sundquist; NO: Heifetz; and NON-VOTING: Fey] A previous amendment by Kerr, seconded by Bowser, to include exemptions can't be granted when the proposed use results in an increase in parking intensity on-site was withdrawn. An amendment by Gruber to require compliance for building additions over 50% was also withdrawn.

A motion was made by Olson, seconded by Kerr, to refer consideration of Memorandum 2, items 90 and 91 to the upcoming discussion on procedures. The motion passed by voice vote/other.

A motion was made by Bowser, seconded by Basford, to approve the staff recommendation for Memorandum 2, item 92. The motion passed by voice vote/other.

A motion was made by Olson, seconded by Bowser, to approve the staff recommendation for Memorandum 2, item 93. The motion passed by voice vote/other.

A motion was made by Sundquist, seconded by Kerr, to approve the staff recommendation for Memorandum 2, item 94. As part of the motion the Commission noted it concurred with staff's recommendation that the small lot penalty not be included in the new code. The motion passed by voice vote/other.

Speaking in neither support nor opposition was Nathan Wautier, 2909 Gregory Street.

BUSINESS BY MEMBERS

There was no Business by Members.

COMMUNICATIONS

Mr. Basford indicated he received a phone call from Jon Becker regarding agenda item #1.

SECRETARY'S REPORT

Brad Murphy summarized the upcoming matters.

Upcoming Matters - November 22, 2010

- Informational presentation regarding plans to redevelop St. Paul's University Catholic Center
- 501 East Badger Road - R3 to C2 and demolition permit to demolish former school building and construct Resilience Research Center containing school, neighborhood center, offices & retail with outdoor eating area and aquaculture
- 601 West Dayton Street/105 East Campus Mall - PUD-SIP to Amended PUD-GDP-SIP to amend Kohl Center PUD to allow construction of an addition to Kohl Center and Nicholas-Johnson Pavilion with an ice hockey arena, locker room facilities and athletic offices
- 1902 Northport Drive - Demolition permit to demolish former restaurant to allow construction of multi-tenant retail building
- 2223 Atwood Avenue - Conditional use to establish off-premises parking lot for business located at 2305 Atwood Avenue
- 125 Larkin Street - Conditional use alteration to approve existing generator and three additional cellular antennas on existing tower
- 3863 Clover Lane - Conditional use continuing jurisdiction hearing to consider alterations to or revocation of conditional use for auto upholstery business

Upcoming Matters - December 6, 2010

- Downtown Plan draft recommendations
- 120 East Lakeside Street - PUD-SIP to Amended PUD-GDP-SIP to construct fourth floor addition to existing office building to create 1 residential unit and additional office space
- 2103 Zeier Road - Conditional use to establish payday loan business in existing retail space
- 1515 Morrison Street - Conditional use to construct an accessory building on a lakefront lot

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

A motion was made by Olson, seconded by Bowser, to Adjourn at 8:45 pm. The motion passed by voice vote/other.