

Suter Site Plan - Land Surface Elevation Contour Relation to Federal Emergency Management Agency (FEMA) Base Flood Elevation and U.S. Geological Survey (USGS) Recorded Water Levels

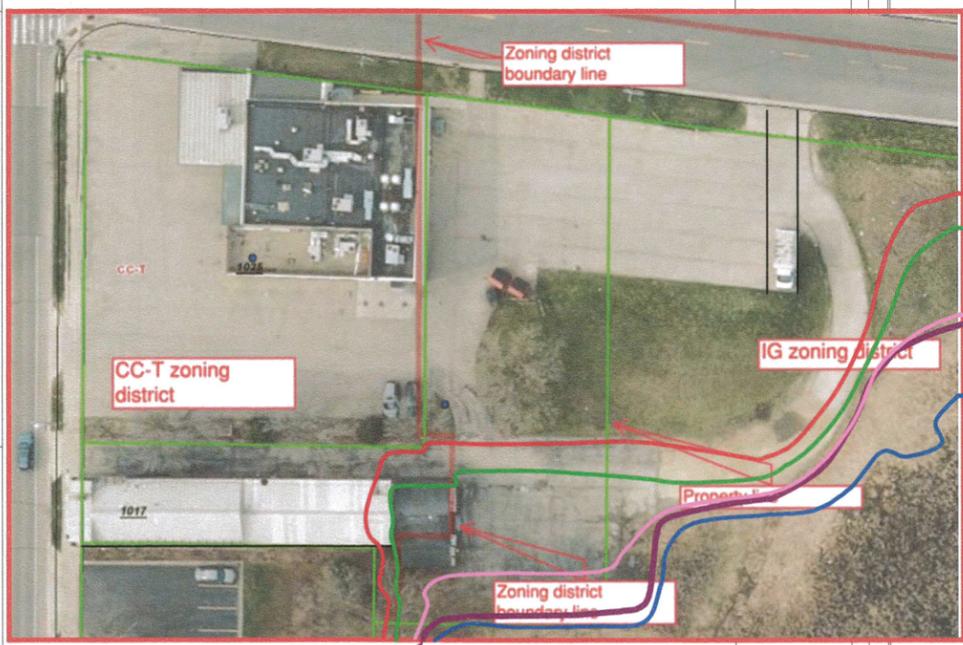
- PURPLE LINE DENOTES: WETLAND DELINEATION BOUNDARY (delineated by Hartland Ecological Group Inc.)
- RED LINE DENOTES: ELEVATION 853 -FEMA BASE FLOOD ELEVATION
- GREEN LINE DENOTES: ELEVATION 852
- PINK LINE DENOTES: ELEVATION 851
- BLUE LINE DENOTES: ELEVATION 850

Recorded Water Levels -
 June 6, 2000 = 852.72 - Water 8.88 inches above lower floor level Suter Building
 June 15, 2008 = 852.37- Water 4.44 inches above lower floor level Suter Building (Water level remained above floor for 8 days)
 August 22, 2018 = 852.28 - Water 3.36 inches above lower floor level Suter Building (Water level remained above floor for 21 days)
 August 18, 2018 through October 31, 2018 -Water level covered Suter building lower parking area (Elevation 851) for 74 days

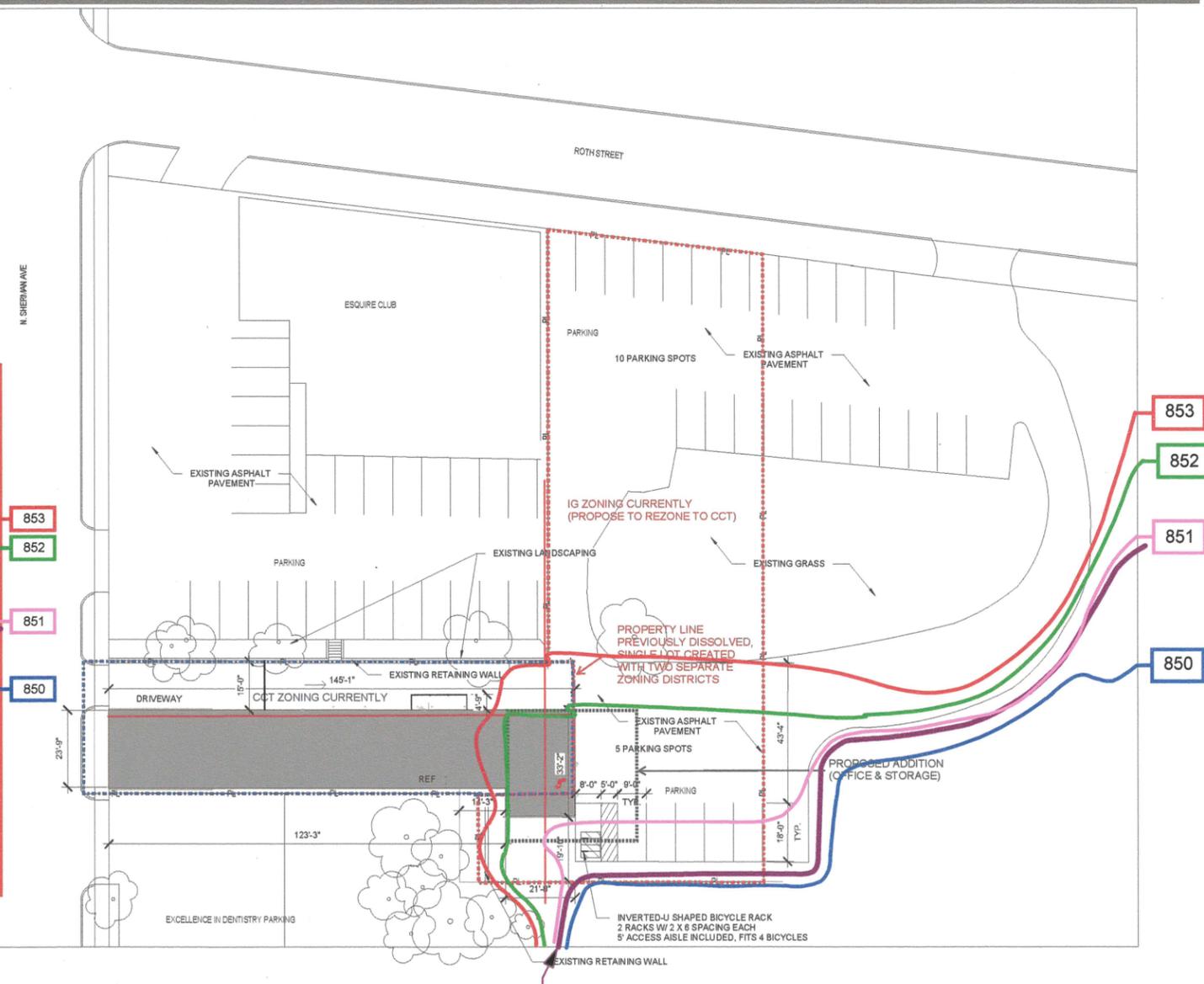
LOT AREA = 21,190 S.F. = 0.48 ACRES
 BUILDING AREA = 6,144 S.F.
 IMPERVIOUS AREA = 14,992 S.F.
 PARKING REQUIRED = 14
 PARKING PROVIDED = 15*
 BIKE PARKING REQUIRED = 2
 BIKE PARKING PROVIDED = 4
 *TOTAL PARKING SPOTS ARE CALCULATED FROM EXISTING PARKING AND PROPOSED PARKING.
 SITE LAYOUT DOES NOT ALLOW FOR HANDICAPPED PARKING. HANDICAPPED PARKING TO BE PROVIDED AT NEIGHBORING PROPERTY PER OWNER AGREEMENT.

Note: Elevation Contour Data developed utilizing USGS 3 DEP Lidar Datum. High water levels observed at Suter site are correlated to USGS Lake Mendota Gage 05428000 recorded readings.

Note: Baseline Architectural Map produced by Sketchworks Architecture LLC. Suter Site Plan - Land Surface Elevation Contour Relation to Federal Emergency Management Agency (FEMA) Base Flood Elevation and - USGS Recorded Waterlevels additions made to drawing scale using the basemap for the purposes of illustration only.



CITY CURRENT ZONING MAP OVERLAY WITH AERIAL PHOTO
 WETLAND DELINEATION BOUNDARY



WETLAND DELINEATION BOUNDARY

1017 N. SHERMAN AVE
 BUILDING REMODEL
 1017 N. SHERMAN AVE
 MADISON WI, 53704

Project Status

1	9-10-2021	IFC
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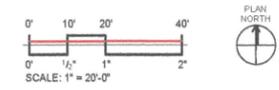
PROJ. #: 20001-01

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ARCHITECTURAL SITE PLAN

AS101

A2 ARCHITECTURAL SITE PLAN
 1" = 20'-0"



FOR CONSTRUCTION

From: [Jaime Lee](#)
To: [All Alders](#); [Plan Commission Comments](#)
Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639
Date: Monday, January 24, 2022 2:59:27 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon,

As a resident of the Sherman neighborhood, I'm writing to ask that you vote NO to CCT rezoning at 1017 N Sherman.

As a homeowner, I ask you to vote no because I am concerned about the increased damage to properties if this wetland area is encroached upon. Madison, and Wisconsin in general, has seen increased damage due to flooding in recent years, and it is predicated to only become more prevalent.

As a member of the northside community, I ask you to vote no because I believe green spaces are instrumental for people's physical, mental, and emotional well being. Green spaces increase property values, decrease crime, and create spaces for recreation.

The development of the Oscar Mayer factory could have such a positive impact on Madison's northside, but it would be shortsighted to not include the strategic inclusion of adequate green spaces in this development.

As a member of the northside community, I ask you to vote no because there is a lack of green spaces and access to green spaces on Madison's northside.

My husband and I moved to the Sherman neighborhood last summer. As first time home buyers, we were thrilled to finally have a place to call our own after living in a 700 square foot apartment on the westside for nearly five years.

However, we were immediately struck by the vast differences between our old neighborhood of Glen Oak Hills, and Sherman. Whereas before we enjoyed daily walks around the neighborhood and plentiful green spaces (Glen Oak Hills Park, Garner Park, and Owen Conservation Park), the Sherman neighborhood felt like an isolated island sandwiched in between busy roads. Warner Park is cut off from most neighborhoods by large swaths of fields and parking lots, Cherokee Marsh is not reasonably or safely accessible by foot - these are not adequate green spaces to serve the northside.

Please, protect the wetlands, protect our neighborhood, invest wisely in Madison's northside. Please, vote NO to CCT rezoning at 1017 N Sherman. The developers have indicated they are willing to consider alternative plans. Vote NO and ask the developers to propose an alternative that fully protects the wetland.

Thank you for considering my comments.

Jaime Kenowski
Sherman Neighborhood Resident

From: [Maria Powell \(MEJO\)](#)
To: [Plan Commission Comments](#)
Subject: Agenda Item #3 on tonight's agenda
Date: Monday, January 24, 2022 1:35:55 PM

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Dear Plan Commission:

Please DENY request to rezone a portion of 1017 N. Sherman Avenue from IG-W (Industrial-General District in a Wetland Overlay District) to CC-T (Commercial Corridor-Transitional District). The Roth Street parcel should be zoned CN, in line with the recommendations of the proactive zoning in April 2021.

Thank you,

Maria Powell, PhD
1311 Lake View Ave.
Madison, WI 53704

TO: Madison Plan Commissioners

FROM: Marsha Cannon, 5 Cherokee Cir.-#202, Madison, WI 53704

RE: Jan. 24, 2022 Agenda Item #3, Legistar #68639
Vote NO to CCT rezoning at 1017 N Sherman

Saying “No” to CCT zoning at the Hartmeyer Natural Area wetland should be a no-brainer.

The December 13, 2021 Planning Division Staff Report, Page 4, cites Wisconsin law and three plans adopted by the Common Council. The report concludes that “any rezoning of the property, including the subject 15,196 square feet of it, shall be consistent with adopted plans, which in the case of the OMSAP, recommends the affected portion of the former Hartmeyer property for park and open space. [Page 5. Emphasis added.]

There you have it. The proposed rezoning is not consistent with the City’s Comprehensive Plan and should not be approved. Any rezoning of the Hartmeyer wetland should be to Conservation (CN) for a natural area park.

The following information is provided for your reference.

Section 66.1001(3), Wis. Stats. – “to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City’s Comprehensive Plan.” *Consistent with* is defined as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.” [Staff Report, p. 4]

2020 Oscar Mayer Special Area Plan (OMSAP)

“... the plan recommends in the long-term that the properties extending east from N Sherman Avenue south of Roth Street to extended Ruskin Street be acquired for park and open space to preserve a wetland located on the former Hartmeyer property and to establish an active neighborhood park.” [Staff Report, p. 4]

2018 Comprehensive Plan - Introduction, page 8 – GREEN and RESILIENT GOAL

- Madison will be a leader in stewardship of our land, air, and water resources.
- Madison will have a model park and open system that preserves our significant natural features and offers spaces for recreation and bringing residents together.

2009 Northport-Warner Park-Sherman Neighborhood Plan – Page I-6

- Encourage compact, green building and site design that minimizes resource consumption and environmental impacts.

From: [Amanda W](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Vote NO on Plan Commission agenda item #3, Legistar #68639 (Rezoning of 1017 N. Sherman)
Date: Monday, January 24, 2022 11:04:10 AM

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Please vote NO to protect the wetland!

Vote NO to CCT rezoning at 1017 N Sherman. The developers have indicated they are willing to consider alternative plans.

Vote NO and ask the developers to propose an alternative that fully protects the wetland.

Thank you for your consideration,
Amanda Werhane
129 Lakewood Gardens Ln.
Madison, WI 53704
(608) 658-9114
werhane@live.com

From: anitaweier@netscape.net
To: [Plan Commission Comments](#)
Subject: Please protect Hartmeyer wetland
Date: Monday, January 24, 2022 10:47:45 AM

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Re rezoning at 1017 N. Sherman Ave.
Please make sure the development does not
infringe on the wetland.
Former Alder Anita Weier
608 320-5820

From: [Sharla Miller](#)
To: [Plan Commission Comments](#)
Subject: 1017 N Sherman Ave
Date: Monday, January 24, 2022 8:43:04 AM

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I am writing to oppose more destruction of wetland and natural areas on the Northside at the altar of housing. Destroying the habitat for wildlife and plant life does nothing to enhance the reputation of Madison and only continues to erode what Madisonians find so appealing about Madison. Along with higher property taxes which are forcing seniors out of their homes, destroying habitats for wildlife and plants is one of the factors used when considering moving outside of Madison city limits. I have lived in Madison since 1982 and it sure has me thinking about it.

Sent from [Mail](#) for Windows

From: [Candi Diaz](#)
To: [Plan Commission Comments](#)
Subject: Agenda Item 3, Legistar #68639
Date: Monday, January 24, 2022 4:46:04 AM

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I strongly **oppose** this item! DO NOT permit the section of land being asked for to go into development or a parking lot. This a wetland and there are residents living there from the animal and plant kingdoms.

Candace Diaz
Northside Neighborhood LOVER

Sent from [Mail](#) for Windows

Address: 1017 N Sherman Avenue/2007 Roth Street
Application Type: Zoning Map Amendment
Legistar File ID # 68639 Agenda Item #3
Prepared By: Beth Sluys, District 18, Alder Charles Myadze

“Our Plans Should Matter”, Ledell Zeller, Plan Commission, April 2021

Requested Actions: *Denial* of a request to rezone an added portion of 1017 N. Sherman Avenue from IG-W (Industrial-General District in a *Wetland Overlay District*) to CC-T (Commercial Corridor-Transitional District). (previously part of 2007 Roth Street, intended to be part of the 16 acres designated as Green and Open Space in the Oscar Mayer Special Area Plan) The Roth Street parcel should be zoned CN per the recommendations of the proactive zoning in April 2021:

“That the Hartmeyer property (the parcel currently zoned IG-W) be zoned CN (Conservancy) instead of PR (Parks and Recreation) but recognizing that, given the planned amount of housing in the area, some of that land may be needed for active recreation, which may require some PR zoning.” Apr 2021 PC Meeting Minutes

Critical Zoning Items: The **Wetland Overlay District** is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that ***minimizes adverse impacts upon the wetland.***

Municipal Code 28.103 No zoning certificate has been obtained prior to the change in land use occurs.

“In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences.”

Floodplain – The Federal Emergency Management Agency (FEMA) floodplain elevation for the area shows 100-year flood elevation level at 853 MSL. The lower level elevation of the parcel near the proposed addition and parking lot is about 852 MSL. Flood insurance recommendations for the area occur at 853 MSL, and below. The current surface water often stands in the parking lot of the Fox Water Building and also has been up to and inside of the lower level of the facility during heavy rainfall events. This area gets high water because it is a collection point for the surrounding high ground.

Wellhead Protection – This wetland serves an important role as it is located within the zone of contribution and allows area surface runoff to infiltrate, gets rid of contaminants and contributes to the water in well #7. It is located within the zone of influence for Well #7. Groundwater recharge is more important now than ever as Well #7 is generally pumping at a higher rate due to the closure of Well #15 from PFAs contamination.

Roads - While pass through roads may have been presented as options, there is an issue with adding an active crossing on the Canadian Pacific Railroad. No new crossing to annex Roth Street is possible due to the Federal Railroad Administration wanting fewer active crossings for improving public safety.

Public Services - While there is currently bus service that runs on N Sherman Avenue and Roth Street, the current plans in the Metro Network Redesign are showing that the transfer stations will be removed from the system, and fewer not more opportunities for routes and bus stations will be available for north side bus riders. Bus stops will be harder to get to due to routes being closed, and most assuredly more difficult for area residents, especially disabled or mobility challenged people, to access Northside transit.

Proposal Summary: The parcel in question on this split zoning lot, is currently zoned **IG-W in part**, and was a part of parcel # 081031300990 (Industrial General Use – Wetland Overlay District), the approximately 30 acres located at 2007 Roth Street. The facility addition proposed for the Fox Water building will be located very close to the delineated wetland, a portion of the property falls within the wetland area and is within the recommended setback. The precedent shown on other developments in Madison that lie within wetland overlay districts is to use the recommended setback. Like special area plans and comprehensive plans, the WI Wetland Inventory gives the big picture overall within the state, while the delineation takes a granular look at conditions on the ground at a specific location, at the time of the field visit, and then provides the delineated area for the wetland.

2019 Wetland Delineation Map, Hartmeyer Property, 2007 Roth Street

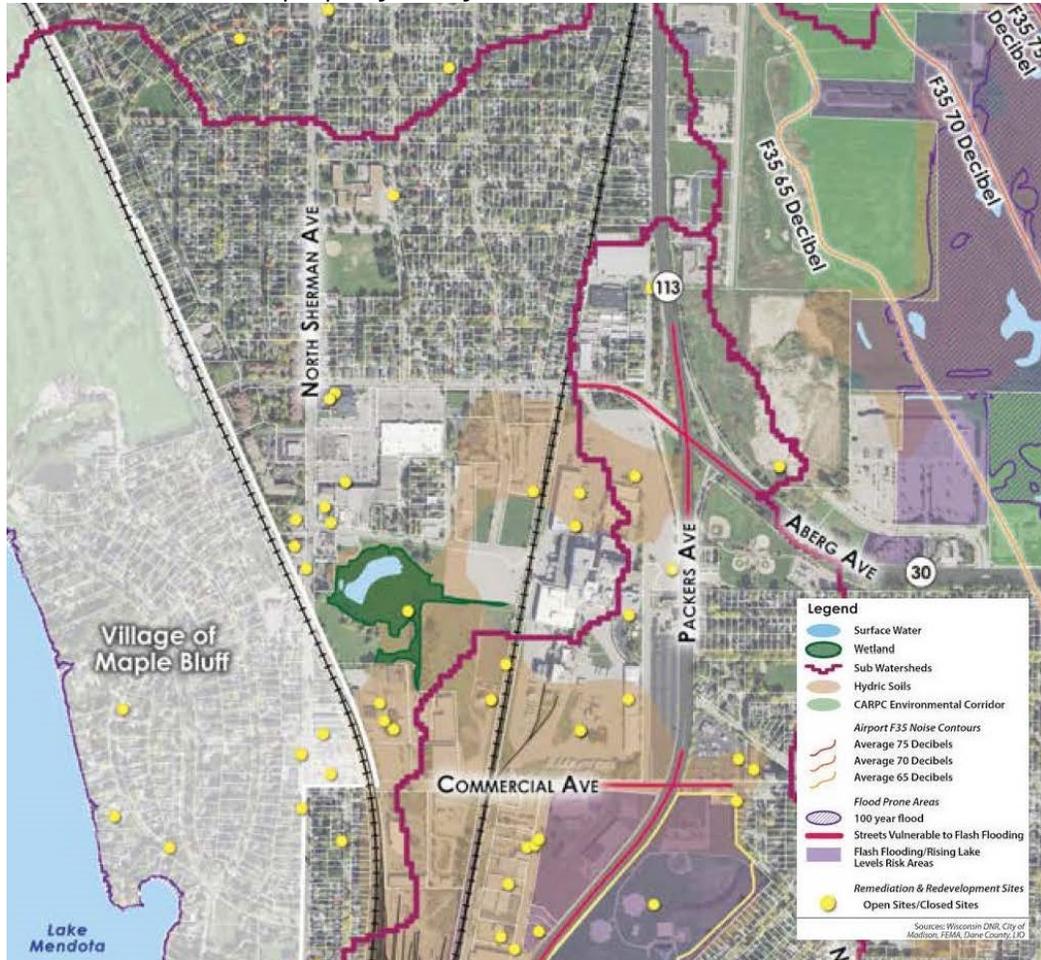


When there are rain events, the back area behind the building is often full of water, and ducks are often seen swimming near the base of the building. During the rain episode of 2018, the water was very high, up into the building. (The ducks were reported by area bird watcher Paul Noeldner who manages bluebird houses on the wetland area property)

Applicable Regulations & Standards: Section 28.103 provides the process for making application for development within a *Wetland Overlay District* and the requisite application requirements. The current zoning request and related application ignores the wetland overlay district, delineation setback recommendations and is larger than allowed for a commercial building in this district.

Wisconsin Administrative Code Chapter NR 115 requires counties to protect wetlands that are mapped on the Wisconsin Wetland Inventory (WWI). The property located at 2007 Roth Street is included in the WWI and further study has determined the boundaries of the delineated wetland as shown on the map in the Oscar Mayer Special Area Plan, Environmental Conditions Map, 2020. As you can see, it has an odd shape because portions of the wetland and marsh, like all of Madison, have been filled in. But this parcel maintains mostly original grades and original plants and has been a wetland and marsh with the large oak trees on Roth Street standing like sentinels. It also shows a yellow dot where there is subsurface contamination of petroleum and arsenic.

Environmental Conditions Map, based on the delineation, Oscar Mayer Special Area Plan, yellow dot shows areas of contamination at the Roth Street property. July 2020



The existing building (Fox Water Building -1017 N. Sherman Ave.) is **already zoned CC-T and could be redeveloped just as the zoning stands, and on the current footprint.** The proposed facility addition (2,000 sq ft) is located within the wetland overlay district and as such, commercial buildings can only be 500 sq. ft. If the overlay district remains in place no matter the zoning, then there are constraints that will not change whether CC-T in an overlay district or IG-W in an overlay district.

Conservation of the wetland ecosystem supports many of the goals expressed in the *Green and Resilient* portions of the *Comprehensive Plan* along with the strong and overwhelming desire of the residents in the area, the Friends of Hartmeyer Natural Area, the Northside Community Coalition, the Northside Planning Council, Madison Audubon Society, Sherman Neighborhood Association, Eken Park Neighborhood, and many others to conserve the 30 acres at 2007 Roth Street for a natural area park as community resource for the Sherman Neighborhood. Conservation is also in keeping with Dane County's current efforts on reducing Climate Change. It is also in keeping with the Governor's report on Climate Change.

At the end of the OMSAP planning process, 16 acres were assigned by city planners as green and open space and drawn into the OMSAP (July 2020). It is in keeping with the desire to reduce the impacts of climate change and to allow the wetlands to provide all the services that they are designed to do: flood abatement, phosphorus retention, nitrogen reduction, surface water collection, groundwater recharging, carbon storage and native plants and habitat for wildlife, birds and pollinators. This has always been seen as a natural area park to provide a safe and welcoming park for area residents as the central gem in the Sherman Neighborhood. A place to gather.



Background Information

Parcel(s) Location: The Fox Water building located at 1017 N. Sherman Avenue and a small portion of land that was part of the 2007 Roth Street parcel. The Fox Water Building property is zoned CC-T, and the additional parcel being submitted for the map amendment and rezoning is currently zoned **IG-W, Industrial General use in a Wetland Overlay District**.

Existing Conditions and Land Use: Existing conditions to the immediate East of the original parcel at 1017 N. Sherman Avenue/2007 Roth Street property is a wetland/upland ecosystem that historically has been undeveloped wetland and marsh, home to Indigenous burial sites (includes an uninvestigated mound site near the oak trees near Roth Street), farmland, baseball fields, and now, returning to its original status as an urban wetland ecosystem. Aerial photos going as far back as 1937 show this wetland feature either with standing water or as a darkened saturated area. Topographical maps from as far back as 1890 show this area as marsh and wetland with some upland.

Due to the highly interconnected groundwater system in the area (glacial sand and gravel), when Oscar Mayer was pumping millions of gallons of groundwater a day, the surrounding area groundwater was drawn down. The wells have now been off for many years and the groundwater has risen over 20 feet and the wetland and marsh have re-emerged in this post-industrial urban wetland setting. In the past couple of years, the landscape was not mowed or otherwise disturbed or impacted. **As a result, the natural environment began to rebound.** This emergent wetland and upland ecosystem hosts over 120 birds species, **rare milkweed**, **semi-rare orchids** (over 143 mapped by a plant biologist), sandhill cranes nest and raise colts each year, 250+ year old oak trees, and pollinators have found the native flowering plants. Bald eagles and osprey have been seen in the area. The biodiversity is astounding, imagine what we would see if given the care and time!

Adopted Land Use Plans: The *Comprehensive Plan* (2018) Land Use Map recommends that the properties containing the dental office, 1017 N. Sherman Avenue and the restaurant on the corner of Roth Street and N. Sherman Avenue are all designated Community Mixed Use (CMU).

The *Northport-Warner Park-Sherman Neighborhood Plan* (2009) includes the subject site as part of the *Northgate-Kraft/Oscar Mayer* area. Page I-19 shows two concepts for redevelopment that both include the preservation of the wetland area and contains language that states, “**Preserving and enhancing the existing wetland area and the natural open space features that surround it may promote community identity to this area, serve employers/employees and serve as a greenspace gateway to the Northside.**” The parcel with the Fox Water building is shown as “existing” with no specific assignment of use recommended in either Concepts A or B. The preservation of this land for public use conservation area is still strongly supported by the Sherman Neighborhood Association and the surrounding community members, and the District Alder.

The *Oscar Mayer Special Area Plan* Land Use Map shows the Fox Water Building property (1017 N. Sherman Ave.) **recommended as Neighborhood Mixed Use (NMU)**. NMU “includes uses that mainly serve nearby residents, though some buildings may also include specialty businesses, services, or civic uses that attract customers from a wider area. Typical uses include residential above commercial spaces (retail, restaurant, service or institutional). Commercial spaces should be constructed in a range of sizes to add variety and encourage a mix of different commercial users.” (OMSAP, 2020) Within this narrow area of land use designation (NMU) are the dental office building and the restaurant, located immediately adjacent to 1017 N. Sherman Ave. Immediately across Roth Street, to the north, the zoning shifts to Community Mixed Use (CMU) all the way to Aberg Avenue.

The green and open space, as designated in the OMSAP, has not yet been rezoned from IG-W, and the overwhelming desire of the community, the Sherman Neighborhood Association, and the Friends of Hartmeyer Natural Area is to maintain the natural quality of the wetland ecosystem area, to strive for a less carbon-intensive maintenance of the wetland ecosystem by lessening the mowing burden on city parks, support pollinators, wildlife and birds and to allow this natural area to provide passive recreation while more active recreation can occur in the nearby sister park, Demetral Park. There is an existing model within our park system that allows for both passive and active recreation when you visit the Prairie Ridge and Raymond Ridge parks. The Sherman Neighborhood Association strongly supports passive use of this area and the preservation of the wetland ecosystem as the heart of Sherman Neighborhood. The city intends to improve the crossings along Packers Highway due to the increase in pedestrians in the area from the network redesign as well as the pedestrian friendly boulevard planned for Commercial Avenue. So safe and ready access to Demetral Park will be a priority.

Zoning Summary: The zoning on the facility parcel located at 1017 N. Sherman Avenue is already zoned CC-T, while the additional parcel (2007 Roth Street) is zoned IG-W, Industrial General Use – Wetland Overlay District. The overlay zoning district is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. In this case, the overlay district was established to protect the wetland, which is recognized in the Wisconsin Wetland Inventory. Wetlands are listed in the staff report as “other critical zoning items” but yet are not addressed within the staff report or in the owner’s application for the zoning map amendment. **According to 28.103 Section 6, IG-W parcel requires an application for a zoning certificate for developing within the Wetland Overlay District.**



Wetland view from parking area behind 1017 N. Sherman Avenue

Related Concerns

Municipal Code 28.103 Section 7 (c) states that “In order to insure that the shoreland protection objectives in Wis. Stat. § 281.31 will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm water and floodwater storage capacity.
Any infilling into the wetland area will cause less capacity for floodwater storage in this low-lying area. Many homeowners in the area already have significant issues with wet or flooding basements during high water events. This will only worsen should the wetland be filled as it serves as a low-lying collection point for area surface runoff. The standing water in the wetland is standing groundwater and any stormwater runoff that comes from the surrounding landscape and a small storm sewer that drains the parking lot near Oscar Mayer on Roth Street. Otherwise, according to city storm sewer maps, the pipes run along Roth Street and along the eastern edge of the natural area near the railroad tracks and are carried to the Yahara River.
2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland. This wetland ecosystem contributes recharge water to the capture zone.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into area lakes. This low-lying area wetland captures surface runoff and helps to retain particulates, salts and other contaminants.
6. Wildlife habitat. This wetland upland ecosystem has proven to be diverse and full of wildlife, birds, frogs, turtles, and migratory sandhill cranes who nest in the wetland area each year, rearing young. Semi-rare orchids and rare milkweed were found during the time when the 2007 Roth Street property was not mowed. Fox, deer, red tailed hawks, bald eagles, osprey all depend on this urban wetland for food and habitat. This wetland ecosystem is worth protecting.

7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species. This area is earmarked in the OMSAP to be a 16 acre green space with proactive zoning calling for CN, conservancy natural area. The public input during the planning process overwhelmingly was towards the conservation of the wetland and upland ecosystem for a conservation park for passive recreation. This parcel is located within the area designated as green space in the Oscar Mayer Special Area Plan. It should not be developed.

The lot zoned IG-W is located within a Wetland Overlay Zoning District Boundary, which is absolute in its location. The property line falls within the wetland delineation and often a portion of the parcel can be under standing water. Waterfowl swim there. Snapping turtles climb upland in the parking lot.

Conclusion

Any rezoning of the land within the wetland overlay district, no matter what the sub-zoning may be, cannot be ignored and should not be ignored. Neither by city personnel or the applicant. The applicant seemingly did not refer to the Special Area Plan to determine that the land in question was showing as green and open space. The owner and architect that developed the application surely must have known that the wetland overlay was in place, that this land is within the Wisconsin Wetland Inventory, is showing in the land use map in the special area plan as green and open space, that the proposed addition is within the recommended setback as well as in a location that floods.

Any future re-zoning of the land located at 2007 Roth Street shall also need to be considered within the wetland overlay district and be consistent with the Oscar Mayer Special Area Plan, just only adopted after a rigorous planning process, in July 2020.

Our Plans DO Matter.

28.103 WETLAND OVERLAY DISTRICT.

(1) Statement of Purpose .

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation .

The Wetland Overlay District is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses .

(a) The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping, swimming and non-motorized boating
2. Construction and maintenance of duck blinds

(b) The following activities and uses may involve wetland alterations only to the extent specifically provided below:

1. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.
2. The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Sec. 28.211.

(4) Conditional Uses.

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least ten (10) days prior to the hearing and shall be notified of the City's decision within ten (10) days after the decision is made.

- (a) The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:
 1. The road cannot as a practical matter be located outside the wetland;
 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings provided that:
 1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals.
 2. The building cannot as a practical matter be located outside the wetland.
 3. The building does not exceed five hundred (500) square feet in floor area; and
 4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:
 1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose.
 2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed.
 3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph (4)(a) above.

4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat or otherwise enhancing wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that:
 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.
 2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (e) The construction and maintenance of railroad lines, provided that:
 1. The railroad lines cannot, as a practical matter, be located outside the wetland.
 2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (f) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (g) The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
- (h) The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.
- (i) The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.
- (j) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.
- (k) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(5) Prohibited Uses .

Any use not listed in paragraphs (3) or (4) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with para. (7) below and the other requirements of this chapter. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(6) Development Approvals .

In the Wetland Overlay District, **a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences.** An application for a zoning certificate for lands

in the Wetland Overlay District shall include the information required below for a site plan, as well as the specifications and dimensions for any areas of proposed alteration.

- (a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- (b) Legal description of the property and a general description of the proposed use or development.
- (c) Whether or not a private water or sewage system is to be installed
- (d) The site plan shall be drawn to scale and submitted as a part of the application form and shall contain the following information:
 1. Dimensions and area of the lot.
 2. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
 3. Location of any existing or proposed on-site sewage systems or private water supply systems.
 4. Location of the ordinary high water mark of any abutting navigable waterways.
 5. Location and landward limit of all wetlands.
 - a. Existing and proposed topographic and drainage features and vegetative cover.
 - b. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
 - c. Location of existing or future access roads; and
 - d. Specifications and dimensions for areas of proposed wetland alteration.

(7) Amendment of Wetland Overlay Zoning .

Any amendment to the text or map of the Wetland Overlay District shall comply with Sec. 28.182 and with the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission.
- (b) The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (c) **In order to insure that the shoreland protection objectives in Wis. Stat. § 281.31 will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:**
 1. Storm water and floodwater storage capacity.
 2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
 4. Shoreline protection against soil erosion.
 5. Fish spawning, breeding, nursery or feeding grounds.
 6. Wildlife habitat; or
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species

- (d) Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The Southern District Office of the Department of Natural Resources shall be provided with:
 - 1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within ten (10) days after the submission of these recommendations to the Common Council; and
 - 2. Written notices of the Common Council's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (c) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the thirty (30) -day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. § 62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. § 62.231(6), is complete or otherwise terminated.

(8) Nonconformities .

Except as provided below, all provisions in Subchapter 28N shall apply.

- (a) Notwithstanding Section 28.191(1)(a), this subchapter does not prohibit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. § 28.191(1)(a) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the property or structure shall conform to the requirements of this ordinance.
- (c) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stats. § 30.121.

From: [ljmeister](#)
To: [All Alders](#); [Plan Commission Comments](#)
Subject: hartmeyer wetland
Date: Sunday, January 23, 2022 8:44:34 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To Whom it may concern:

I am writing in opposition to the request the city backpedal and allow Fox water company to not adhere to the already established guidelines for use of the Hartmeyer Wetland. I strongly do NOT support rezoning this area.

concerned neighbor
laurie jean meister
2626 moland street
madison wi 53704

From: [Bernice Armould](#)
To: [Plan Commission Comments](#)
Subject: Hartmeyer zoning
Date: Monday, January 24, 2022 6:11:21 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

With all the development going on we have an opportunity and responsibility to fully protect the small wetland at Hartmeyer. Please vote NO to CCT rezoning at 1017 N Sherman. Have the developers indicated they are willing to consider alternative plans? Regardless, I endorse voting NO, and asking the developers to propose an alternative that fully protects the wetland.

Bernice J. Armould
622 North St.
Madison, WI 53704

From: gordian@nym.hush.com
To: [Plan Commission Comments](#)
Subject: Legistar 68639 - Zone the subject parcel CN with wetland overlay
Date: Saturday, January 22, 2022 2:59:33 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Sat. Jan. 22, 2022

Madison Plan Commission,

I oppose the proposal in Legistar item 68639 to rezone a parcel at 1017 North Sherman Ave. to Commercial Corridor - Transitional. Instead, I would like to see the subject parcel and all 16 acres recommended for open space by the Oscar Mayer Special Area Plan (OMSAP) rezoned to a Conservancy Natural district with wetland overlay. This change would preserve the wetland area on the site in its natural state.

The Oscar Mayer Special Area Plan projects population growth in the Plan area of 4,000 people. Please see p. 44 (viii). Just as those new residents will need additional housing, they will need additional open space. These 16 acres of the former Hartmeyer farm are the only new land the Oscar Mayer Special Area Plan recommends for open space. The other areas of open space mentioned in the Oscar Mayer Special Area Plan, such as Demetral Field and the East Madison Little League ball field are already used as parkland. Moving 4,000 people into an area without adding public open spaces is a recipe for dystopian, overcrowded neighborhoods.

John Muir, Aldo Leopold, and John Nolen once called Madison their home. Sadly, Madison's current leaders do not share the sensibilities of those three conservationists. (Please see the Timeline below.) In the year and a half since the Oscar Mayer Special Area Plan recommended preserving 16 acres of the former Hartmeyer farm as open space, none of the land has been rezoned as a Conservancy Natural district. In the four months since the former Hartmeyer farm was offered for sale, the City has failed to secure any of it for open space. The recommendation in the Oscar Mayer Special Area Plan remains an empty promise.

Don Lindsay

Timeline

June 29, 2020

The Dane County Plan Commission approved the Oscar Mayer Special Area Plan, a supplement to the City of Madison Comprehensive Plan. 16 acres of the former Hartmeyer farm are reserved for open space. (i and p. 53 of viii)

Dec. 2020

Kraft Heinz Foods Co. buys the former Hartmeyer farm from the Hartmeyer estate for \$3,025,000. (ii)

Sept. 2021

Kraft Heinz Foods Co. lists the former Hartmeyer farm for sale. The asking price is \$5,550,000.
(iii)

Oct. 6, 2021

Ryan Suter, XX 1, LLC, requests rezoning of a small piece of the former Hartmeyer farm that Suter bought from Kraft Heinz Foods Co. (v) & (vi)

Dec. 13, 2021

Madison's Planning Division releases its Staff Report to the Plan Commission on Legistar item 68639. The Staff Report recommends approval of the zoning change. p. 6 (iv)

Dec. 13, 2021

The Plan Commission delayed the vote on Suter's rezoning request until Jan. 24, 2022. (vii)

Citations

(i)

https://madison.com/ct/news/local/neighborhoods/oscar-mayer-development-proposal-approved-by-plan-commission/article_1285e537-237b-5556-995b-cc9f5c811074.html

Accessed 20201014

(ii)

For Conveyance price and Assessed value, see

<https://cityofmadison.com/assessor/property/generatepdf/parcel.cfm?ParcelN=081031300990>

(iii)

Asking Price

<https://www.propertydrive.com/properties/2007-roth-st-madison-wi-20152164/>

Accessed 20210911

(iv)

Staff Report:

<https://madison.legistar.com/View.ashx?M=F&ID=10348158&GUID=CDE9789C-C83E-41FE-B667-40D4FC8CBCDE>

Accessed 202112113

(v)

See application at

<https://madison.legistar.com/LegislationDetail.aspx?ID=5343549&GUID=A7B811EC-FEE9-41DE-AE22-330DE6E63D8D&Options=&Search=>

(vi)

See locator map at

<https://madison.legistar.com/LegislationDetail.aspx?ID=5343549&GUID=A7B811EC-FEE9-41DE-AE22-330DE6E63D8D&Options=&Search=>

(vii)

See referral at

<https://madison.legistar.com/LegislationDetail.aspx?ID=5343549&GUID=A7B811EC-FEE9-41DE-AE22-330DE6E63D8D&Options=&Search=>

(viii)

Oscar Mayer Special Area P Lan - Final

<https://www.cityofmadison.com/dpced/planning/documents/OscarMayerSpecialAreaPlan.pdf>

From: [Jennifer Argelander](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Legistar 68639--Oppose
Date: Sunday, January 23, 2022 7:41:20 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The Sherman Neighborhood Association strongly supports the protection of the Hartmeyer wetlands, especially the pond behind the former Fox Water building at 1017 North Sherman Avenue. Therefore, we do not support the proposal to rezone the parcel referred to in Legistar 68639 from IG to CC-T.

Instead, we are requesting that the subject parcel and all 16 acres recommended as open green space by the Oscar Mayer Special Area Plan (OMSAP) be rezoned to a Conservancy Natural (CN) district with wetland overlay. This change would preserve the wetland area on the site in its natural state.

In the process of developing OMSAP, the conversation was always about creating a public green space within the heart of Sherman Neighborhood which included the wetland at Roth Street. This was true throughout the process, including the strategic Assessment Committee's work and continuing through to the Common Council resolution to accept the OMSAP in July 2020. In April 2021, the Plan Commission voted to recommend that the green space outlined in the OMSAP be designated a conservancy natural area. The State protects this land by including it in the state's wetland inventory; the City protects the resource by putting it in a wetland overlay district.

We ask now that the City honors the agreement we made as a community to keep the 16 acres shown in OMSAP as green space. To allow the subject parcel to be rezoned as anything other than green space is a breach in our community trust.

We strongly oppose any zoning that would permit construction behind the building at 1017 North Sherman Avenue and expect all protections as written in City and County ordinances be acknowledged and followed. The subject parcel should be kept as future green space and zoned as CN, per the OMSAP.

Jennifer Argelander and Michelle Martin, Co-Chairs

Sherman Neighborhood Association

From: [Kester, Dolores](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Plan Commission January 24, 2022---Legistar #68639 Agenda Item #3, OPPOSE
Date: Monday, January 24, 2022 9:07:21 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings to Plan Commission and all alders:

I oppose the proposed rezoning of the “back part” (eastern side) of the newly purchased Suter parcel at 1017 N Sherman Avenue. This land which is immediately behind the Esquire Club is part of the land which the community had expected to be for the natural area conservation park. The “front part” (western side) of this parcel is not part of this rezoning request, and is sufficient “as is” to meet the purchaser’s purposes in making the acquisition of this land parcel.

The proposed rezoning of the “back part” of this parcel would cut away a portion of the land shown as green and open space in the special area plan. Currently zoned IG-W (Industrial Use - General in a Wetland Overlay district) and part of the existing Fox Water Building, it is already within the high water mark area for the site. It is in the Wisconsin Wetland Inventory. The property proposed for rezoning stands within the delineated wetland area. It is a part of the very land that the Plan Commission recommended during the proactive zoning in April 2021, for CN or Conservancy / Natural Area.

Thus any rezoning such as the one proposed at this time would fail to honor the city’s commitments to the community in the Oscar Mayer Special Area Plan, as approved by the Common Council, to maintain green and open space primarily in the form of wetlands in this location. In addition, I have recently learned that this land is sacred ancestral Ho-Chunk burial site land and should be treated as such. Creating the natural resource protections through keeping this land (ALL 16 acres per the special area plan) as green and open space also could protect the cultural resources that are there as well. According to the state

historical society, no archeological survey has been completed on the 16 acres of land that are designated for the green space as CN. Madison needs to protect this site as a cultural and natural heritage area. Any rezoning at this time would disrupt that important process.

For all the above reasons, I urge you to deny this rezoning request.

**Dolores Kester
1818 Winchester Street
12th aldermanic district**

From: annewalker@homelandgarden.com
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Please Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639
Date: Monday, January 24, 2022 8:27:06 AM
Attachments: :-

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders & Commissioners,

Please protect the Hartmeyer wetland. After the flooding event of 2008, there was quite a bit of energy to 'do better' going forward and we need to. According to John Young director of the Wisconsin State Climatology office "what makes this area (Madison) uniquely vulnerable to the effects of climate change is also what we enjoy most about the area--the Yahara chain of Lakes."

Wetlands help deal with storms that might otherwise inundate a community. Wisconsin, at one time, has nearly 10 million acres of wetlands. According to the Wisconsin Wetlands Association, "in the past century, about 5 million acres have been ditched, diked, and drained for uses such as agriculture, roads, housing and shopping centers. Wetlands serve many vital functions, including flood control, wildlife habitat, groundwater recharge and discharge."

Please Vote NO to CCT rezoning at 1017 N Sherman. Only proposals that fully protect the wetland should be considered.

Respectfully,

Anne Walker

Wisconsin Wetlands Association
www.wisconsinwetlands.org

(no attachments)

From: [Joan A Bell-Kaul](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Proposal to Rezone the property at 1017 North Sherman Avenue
Date: Sunday, January 23, 2022 10:09:04 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

As a resident of the City of Madison Northside and the Lead of the Environmental/Nature/and Wildlife Group (540 members) on the Nextdoor Madison Website, I vote NO to the proposal to rezone the property at 1017 N. Sherman Avenue to CCT.

We believe that the rezoning- which would allow building right up to the edge of the wetland and the wildlife habitat that The Hartmeyer Natural Area currently supports- would compromise the integrity of The Hartmeyer Natural Area, for the purposes for which it has been preserved.

With respect,

Joan Bell-Kaul
4225 Esch Lane
Madison, Wi 53704

From: [Marla Brenner](#)
To: [Plan Commission Comments](#)
Subject: Registering opposition..
Date: Monday, January 24, 2022 7:20:59 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I oppose the zone redefining of this wetland...

“The new owner of the Fox Water building is submitting a re-zoning of the land they purchased to add a portion of the previously owned Hartmeyer land, designated for green and open space (Oscar Mayer Special Area Plan) for CC-T within a wetland overlay district, for development. This land is immediately behind the Esquire Club and is shown as part of the land that we expected to be for the natural area conservation park.”

Last time I checked cement does not create the oxygen we need to breath. Progress has no point if we loose nature in the process.

Marla J. Brenner
1013 Menomonie Lane
Madison Wisconsin 53704
608-354-5314
Mjbrenner@sbcglobal.net
marlabrenner.com



City of Madison

Rezoning

Location

1017 N Sherman Avenue

Applicant

Steve Shulfer, Sketchworks Architecture, LLC
Ryan Suter, XX 1, LLC

Request

Rezone portion of property from IG to CC-T to allow addition to commercial building

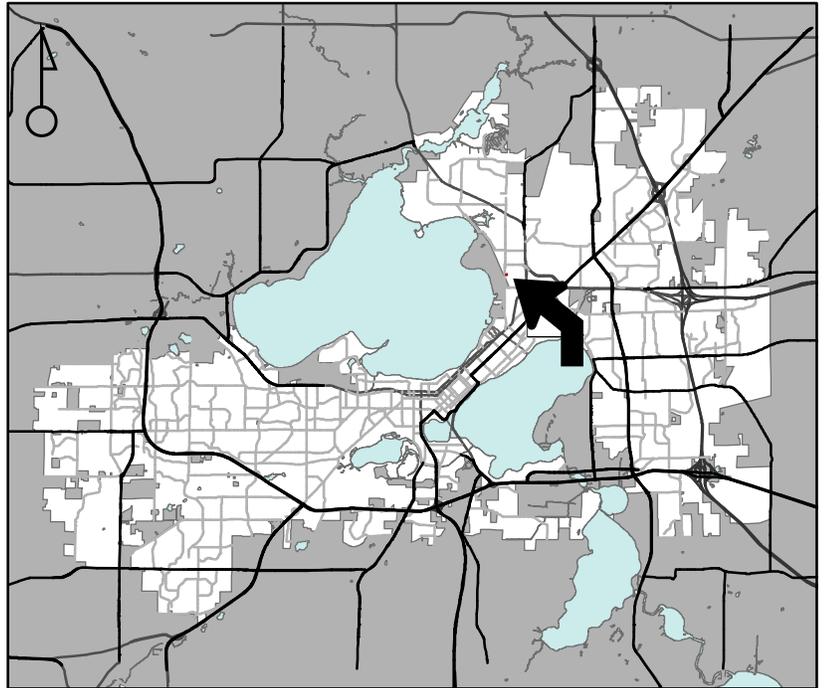
Public Hearing Dates

Plan Commission

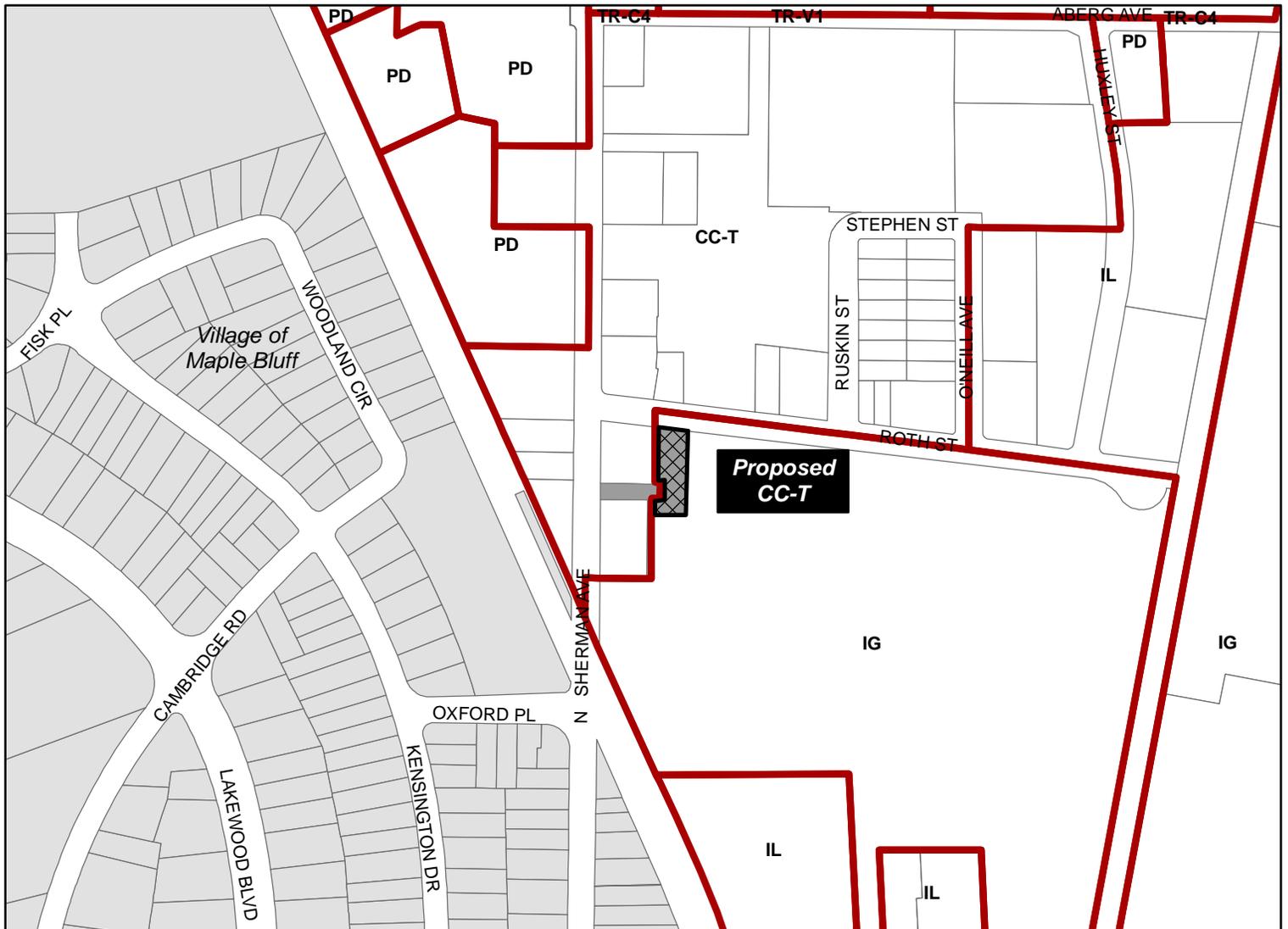
December 13, 2021

Common Council

January 4, 2022



For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : JC : Date : 12-7-21



From: [Mary Jo Walters](#)
To: [All Alders](#); [Plan Commission Comments](#)
Subject: This City, cement nightmare
Date: Monday, January 24, 2022 8:55:40 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Once wetlands, Madison, a place so honored by the
Ho Chunk only the dead were buried here.

Now look at it!

Like LA, buildings torn down for more buildings. Like a crop.

Not one piece of wilds remains.

I'm writing about the land near Sherman. By the Ice arena. It's been combed already as
developers with your help sink their teeth into the earth once again.

Leave us some wetlands please.

MJ

--

Mary Jo Walters

From: [Linda Szewczyk](#)
To: [Plan Commission Comments](#)
Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639
Date: Monday, January 24, 2022 10:01:18 AM

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Dear Alders,

First I would like to express my appreciation for all the dedication and efforts you put forth in your role as alders. I am truly grateful.

Just as you strive to work for public concerns, as a citizen in this remarkable community, I too strive to do my part.

As we all know, our concerns these days are not just for the immediate community but for our planet which we have been gifted with. And with that also comes the role of being examples for the next generations who at this point already have heavy burdens to carry for our planet.

I understand the need for community to answer to housing demands, but along with this. the need to protect natural green space amongst all the building, cement, and pavement is, as you know more and more evident, to the point where we have to act now!

So, I am writing you to please vote against any CCT rezoning at 1017 N Sherman. I truly believe this is the community's wish, considering all of the above, and would appreciate your aid in this crucial vote.

Sincerely and Thank you,

Linda Szewczyk

From: [Michael D. Barrett](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639
Date: Monday, January 24, 2022 6:52:51 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders & Commissioners,

Please protect the Hartmeyer wetland. Though long neglected, it is an area that is re-establishing itself as habitat for a burgeoning number of migratory and permanently resident wildlife. And how cool is that to have, right in the middle of the city?!

So please Vote NO to CCT rezoning at 1017 N Sherman. Only proposals that fully protect the wetland should be considered.

Sincerely,

Mike Barrett
2137 Sommers Ave
Madison, Wisconsin 53704
http://www.facebook.com/help/delete_account

From: [Paul Noeldner](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Vote NO to CCT Rezoning at 1017 N Sherman
Date: Sunday, January 23, 2022 7:54:02 PM
Attachments: [Suter_Location_Map.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

PUBLIC INPUT IS AGAINST REZONING

Madison Alder Abbas hosted a public zoom information session and discussion last week with a city planner and the developers about proposed CCT rezoning of a rear undeveloped back area of 1017 N Sherman Ave that is directly adjacent to the wetland boundary. Rezoning CCT would ignore both DNR and Dane County wetland setback buffer goals wetland setback recommendations and even minimal setback requirements.

My input and the overwhelming consensus of public comment was in support of fully protecting the wetland while supporting responsible surrounding development by building up, not out. The developer could use the existing building and side drive footprint and avoid building right to the wetland boundary with no setback.

The proposed CCT zoning and building addition go literally to the waters edge. The back area proposed for CCT for a 2000 sq ft addition is often flooded for parts of the year since it is at or very close to the level of the wetland pond as shown in the attached picture. If an addition is built in that area it would require constant sump pumping that would negatively impact the wetland water level and environmental quality. It would very likely flood in coming years This area is not CCT material.

DEVELOPERS ARE WILLING TO CONSIDER ALTERNATIVE BUILDING OPTIONS

The developers said they very much value and want to protect the wetland. The wetland is the heart of the 16 acres the city has marked for CN zoning as a public nature park. They are willing to look at alternative building designs and possibly working with an adjacent property owner on a combined solution that would not require rezoning. There should be no rush to rezone to CCT while the developer looks at possible alternatives.

VOTE NO TO CCT IN THE WETLAND

Please vote NO to hasty, inappropriate, and unnecessary CCT zoning of the back area of the 1017 N Sherman property and ask the developers to consider an alternative design that provides a wetland boundary setback and avoids degrading the wetland water level, ecological value, and public enjoyment of the future natural area park.

MORE DETAIL

* The map provided by city planning shows the shaded area being discussed for rezoning. It appears to directly abut the green wetland boundary line with no required setback for runoff. Runoff currently goes directly from the parking slab and gravel drive directly into the wetland. They are almost level with the pond and are regularly flooded when water level rises.

* This is a historic urban wetland remnant that while historically degraded still remains a sustainable ecosystem with a resident Sandhill Crane pair, denning Fox and other mammals, an amazing frog chorus in Spring, turtles, and sightings of Osprey fishing, River Otter, Kestrel and many other species.

* Wetland water quality is a key issue as it is a closed basin, both for ecological sustainability and for interpreting regulations. Any salt and trash on surrounding development and parking goes right in. Artificial groundwater drainage for surrounding construction and sumping for buildings will degrade seasonal and year round wetland water levels necessary for sustaining wetland quality.

* In addition to the proposed rezoning shaded area in the attached map, the full 30 acre parcel of which the west 16 acre wetland and upland has been designated by the city as a park, has reportedly been recently sold. The wetland boundary delineated by the green line and setback requirement needs to be enforced for the whole 30 acres to prevent possible city permitting for building right to the wetland boundary with no setback, literally building to the waters edge which seasonally floods even beyond the indicated boundary line.

* A related concern is water contamination and groundwater level reduction from pumping during construction and ongoing sumping under buildings that would artificially draw down the wetland and degrade environmental value and wetland quality and the surprisingly biodiverse ecosystem that has remained in this historic urban wetland refugia and connections to critical connecting rail and wildlife corridors.

* We all help create - or destroy - the world we live in. This is not the 1950s. Climate Change is real. Water levels are predicted to rise not fall. Madison must plan and zone for this reality. After all, sustainability is not just recycling pop cans. Madison needs to preserve our few shrinking remaining open urban restorable natural areas that support sustainable biodiverse urban ecosystem refugia.

* Madison Alders must vote to actively support minimal wetland setbacks to help preserve remaining precious urban wetlands and a better future.

Thank You

Paul Noeldner
Volunteer Madison FUN Coordinator
Wisconsin Master Naturalist Instructor
136 Kensington Maple Bluff
paul_noeldner@hotmail.com
[608 698 0104](tel:6086980104)

Public Ethics, Facts and Fairness Trump Personal, Family and Religious Values and Profits in Public Decisions in Democratic Government, Laws and Institutions in a Free Civil Society. Simply put being civil is just like sports. Fair rules mean everybody can play hard and cheer for our team, but not keep some people out of the game, skip paying our fair share, wreck the playing field, or cheat to win.

/

(:>)

/



From: [Courtney Konieczko](#)
To: [Plan Commission Comments](#)
Subject: Wetland Protection
Date: Monday, January 24, 2022 9:23:33 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi,

I would like to protect any wetland as best as we possibly can, which includes making developers have a certain set back distance. I don't get why they'd want to build so close anyway since they'd end up with foundation issues. And if they already acknowledged that they could easily change their plans, then I don't get why they just don't do that and are making us have to force them.

Anyway, if I am mistaken about anything, please send me additional information.

Thanks,

Courtney Konieczko