

BY MESSENGER

March 24, 2014

Chair and Members
City of Madison Plan Commission
City of Madison
215 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703

Re: University Corridor Plan – Additional Comments of Goldleaf Development

Dear Chair and Members:

We represent Ronald G. Fedler (“Goldleaf”), who through Goldleaf Development LLC, or its affiliated companies, owns residential rental properties in the 2300 block (the “Highland node”) and the 2500 block (the “Walnut node”), as well as in the 2100 block, of University Avenue in Madison, Wisconsin. The 2300 block and 2500 block properties are located in and particularly affected by the University Avenue Corridor Plan (“the Plan”) which was adopted by the Regent Neighborhood Association (“Association”), and which is presently pending before various City of Madison boards, commissions and committees, and which eventually will be taken up by the City Plan Commission and the City Council.

We have reviewed the Plan in detail, and are requesting that certain changes be made to the Plan before it is adopted by the Madison Plan Commission or the City Council. We understand that City staff will be reviewing the Plan in the near future and making comments on the Plan before it is taken up by the Plan Commission in April 2014.

Goldleaf sent comments on August 26, 2013 concerning the Plan to the Association, and sent copies of the comments to the Director of the Planning Division, to Jule Stroik and to Alder Bidar-Sielaff. A copy of the August 26 letter accompanies this letter, and we request that this August 26 letter be made part of the official legislative file on this matter, along with this letter.

The concerns expressed by Goldleaf in the August 26 letter are still valid with respect to the following issues, and we incorporate them herein:

- (a) The limits suggested by the Plan for the allowable building height on the north side of the 2300 block of University Avenue (between University Avenue and Campus Drive), and with respect to the south side of the 2300 and 2500 blocks of University Avenue, are too restrictive;
- (b) The setbacks suggested by the Plan along the street sides and the rear yards of the 2300 and 2500 blocks of University Avenue, are too restrictive; and

- (c) The comprehensive plan treatment recommended by the Plan for the 2300 and 2500 blocks of University Avenue, will have the effect of causing a “down zoning” of these blocks to occur by changing the 2300 block from High Density Residential (“HDR”) in the comprehensive plan to Neighborhood Mixed Use (“NMU”), and changing the 2500 block from Community Mixed Use (“CMU”) in the comprehensive plan to NMU.

The August 26 letter spells out in detail our concerns on each of the above items, and we reassert these points by reference in this letter.

However, in this letter, we would like to focus the City’s attention in detail on particular potential redevelopment parcels that are either owned by Mr. Fedler, or by others, and which will be adversely impacted by the recommendations of the Plan, i.e. 2553 and 2583 University Avenue.

These redevelopment parcels are identified as follows:

- (a) the current multi-family parcel owned by Ron Fedler at 2553 University Avenue, tax parcel number 070921105081, and legally described as Lots 28-30, Block 3, Highland Park, which parcel is zoned TSS, and shown in the City Comprehensive Plan as CMU; and
- (b) the auto repair property, owned by a third party, and located at 2583 University Avenue, being tax parcel number 070921105099, which is zoned TSS, and shown in the City Comprehensive Plan as CMU.

Multi-family residential use of both the 2553 University Avenue and the 2583 University Avenue parcels is permitted under both the TSS zoning classification and the CMU comprehensive plan classifications; however, a new multi-family residential project on these parcels will be economically feasible in our view only if a building of five (5) stories in height, with reasonable setbacks, can be constructed.

The 2553 and 2583 University Avenue parcels will make an excellent future redevelopment site, and will benefit the City and the neighborhood by providing new and additional quality multi-family housing in his area, which is an area well-served for mass transit on a high traffic corridor, with a high density of employment in the immediate area at the University, University Hospital and the Veterans Administration Hospital. Further, the location at 2553 and 2583 University Avenue abuts, not only University Avenue, but Campus Drive for all practical purposes, as there is nothing of significance between the 2553-2583 University Avenue parcels and Campus Drive, other than the paved surface of University Avenue. In addition, the future redevelopment of this site will allow for the demolition and removal of the former 1971 gas station building, which is now used for auto repairs, and its replacement with an architecturally attractive building that would provide an appealing entrance to the neighborhood at Grand



Avenue and University. In addition, the depth of the parcel at 2553 University Avenue will allow for redevelopment of the Goldleaf site with a reasonable buffer for the parcels to the rear at that location.

The 2553 University Avenue parcel consists of 27,409 square feet, and the 2583 University Avenue parcel is 13,892 square feet in area. While the 2553 University Avenue parcel has 23 residential units at this time, it is underutilized by today's standards for a location of this type. The parcel at 2553 University Avenue has a depth on the long side (the parcel frontage on University Avenue is at an angle) of 231.2 feet and on the short side of 184.1 feet, with 134.28 feet of frontage on the University/Campus Drive side. The 2583 parcel does not have the depth of the 2553 University Avenue parcel, but it has substantial frontage on both the University Avenue/Campus Drive side and on the Grand Avenue side.

The CMU definition in the Comprehensive Plan states that this classification is intended for a relatively high-density mix of residential and other uses in a compact urban setting. Further, the document states that CMU is to be placed adjacent to Medium and High Density Residential areas wherever possible. We submit that this is exactly the situation at this location, where the properties in question, while on University Avenue, effectively abut Campus Drive, are across University Avenue at an angle from the new Mullins mixed-use development on the north side of University Avenue which has 6 story components nearest to the 2553-2583 University Avenue parcels, and is across Campus Drive and University Avenue from the VA Hospital complex.

Given the underdeveloped nature of the 2553 and 2583 University Avenue parcels, their location in relation to Campus Drive and University Avenue, the existence of the transit corridor, the location in relation to the Mullins development on University Avenue, and the depth of the parcel at 2553 University Avenue, Goldleaf believes that this could be an excellent location for future five (5) story multifamily residential redevelopment, with an architecturally attractive new building being located at the corner of University/Campus Drive and Grand Avenue.

Redevelopment can be achieved at this location in the TSS zoning classification at a five (5) story height, but only with a conditional use permit (CUP). Goldleaf would like to know from the City if a CUP for a residential redevelopment at this location at a five (5) story height, with reasonable setbacks, is possible, or whether it will be blocked by incorporation of the Plan into the City comprehensive plan, thus making issuance of a CUP for five (5) stories problematic. Hence, we request that, if the City elects to incorporate the Plan into the City comprehensive plan, the following items in the Plan be amended by the City to make redevelopment of the 2553-2583 University Avenue parcels economically feasible:

- (a) The 2553-2583 University Avenue parcels should stay in the CMU classification, where now located, and should not be moved to the NMU classification.
- (b) While the 2553-2583 University Avenue parcels are technically on the south side of University Avenue, they should not be limited to a height of three (3) stories,

with a rear step back of 2 stories, as proposed in the Plan, and instead these 2553-2583 University Avenue parcels should be allowed to go to five (5) stories, just as the westerly portion of the Mullins project was allowed to develop at six (6) stories.

- (c) No setbacks for the front of the new buildings at 2553-2583 University Avenue should be required in this very urbanized location, in order to conserve valuable land and create an attractive urban streetscape, and the rear setbacks should be kept at the same distance as are now required in the TSS district.

In conclusion, as we stated in our August letter, we don't believe that the Plan recognizes the reality of the urban nature of the westerly portion of the University Avenue/Campus Drive corridor, and in particular, we believe that the Plan denies the benefits that can be achieved for the City and the neighborhood from slightly more dense development at this location. We don't believe that any of Goldleaf's suggestions will create any problems for the balance of the Regent Street neighborhood, but we do feel that our suggestions, and in particular the specific redevelopment potential for 2553-2583 University Avenue, will provide more high quality housing in the area, which is good for the businesses that the neighborhood is trying to foster, will provide a more aesthetically attractive entrance to the neighborhood at Grand Avenue, will make use of the transit corridor and other infrastructure provided by the City, and will complement the employment and educational opportunities of the University, UW Hospitals and the VA in the immediate area.

We look forward to working with the City staff and other City bodies in connection with this matter. If you have any questions, or would like to meet to discuss this, please feel free to contact me.

Sincerely,

BOARDMAN & CLARK LLP



Michael J. Lawton

MJL:tept

cc: Mayor Paul R. Soglin
Ald. Shiva Bidar-Sielaff
Ms. Katherine Cornwell [by e-mail]
Mr. Ronald G. Fedler [by e-mail]
Ms. Heather Stouder [by e-mail]
Ms. Jule Stroick [by e-mail]



August 26, 2013

Regent Neighborhood Association
c/o Jon Miskowski
PO Box 5655
Madison, WI 53705

**RE: Goldleaf Development LLC Comments – Aug. 2013 Draft University
Corridor Plan**

Dear Officers/Directors of the Regent Neighborhood Association:

We represent Goldleaf Development LLC (“Goldleaf”), which directly or through its affiliated companies, owns residential rental properties in the 2300 block (in the “Highland node”) and 2500 block (in the “Walnut node”) of University Avenue, Madison. These properties are located in the area subject to the August 2013 Draft University Avenue Corridor Plan (“the Plan”), on which the Regent Neighborhood Association (“Association”) is presently working. Goldleaf has reviewed the Plan and wishes to make several comments concerning the Plan from the point of view of an existing landowner, as a firm with a lot of experience in owning rental properties in Madison and other urban areas, and as a party who may wish to redevelop properties in the University Avenue Corridor in the future.

Goldleaf appreciates very much the long hours that you have put in on the Plan, but we have several concerns that we want you to know about before this Plan is adopted, in the hope that you will revise the Plan to deal with these questions before you send it on to the City for their extensive review.

Building Height

The 2300 and 2500 blocks of University Avenue are in the TSS-Traditional Shopping District under the City of Madison zoning code, with the exception of parcels zoned PUD (planned unit development). The TSS zoning district allows buildings to be 3 stories in height, with more stories allowed if a conditional use permit (CUP) is approved allowing the additional height.



Our concerns regarding the Plan in relation to the issue of building height are the following:

1. The Plan preemptively states, without regard to the quality, design or need for the project, that the lands on the north side of the 2300 block on University Avenue must be limited to a maximum of three (3) stories or 40 feet on the street side along University, and to a maximum of five (5) stores or 55 feet on the Campus Drive side of this block.
2. The Plan preemptively states, again without regard to the quality, design or need for the project, that the lands on the south side of both the 2300 and 2500 blocks on University Avenue must be limited to a maximum of three (3) stories or 40 feet in height.

While we don't have any immediate plans for redeveloping any of our properties on these blocks, Goldleaf is opposed to imposing such strict height limits in this corridor, which may affect its properties, given the following facts:

- Attractive residential buildings have been built in this general area of University Avenue which exceeds the three (3) story height limit, without adversely impacting the neighborhood. Hence, these preemptive limitations are unnecessary and conflict with recent experience in this neighborhood.
- This corridor is next to one of the major employment centers in the region, if not the state, the University of Wisconsin-Madison, and in particular, the UW Hospitals and Clinics. These institutions are constantly growing, which is good for all of us, as owners of houses and other real estate in the area, and as people generally sharing in the prosperity of this part of the City. Consequently, there may be demand for more housing along the University Avenue corridor in the future. It is better for the economy of the City, the environment and for reduction of traffic congestion, if housing is provided closer to the University and UW Hospitals than further away.
- In addition, these blocks are on or near the well-traveled arterial routes of University Avenue and Campus Drive, and the rail line along the north side of these streets. These blocks fit the definition of a transit corridor by anyone's definition. If transit is to be successful, additional density along the transit corridor should not be preemptively stopped by the Plan. In particular, additional density on parcels of land which either directly abut, or which are practically adjacent to Campus Drive, such as the north side of the 2300 block and the south side of the 2500 block, should be allowed, given that the future residents in these buildings will be well aware of the proximity of their location to Campus Drive, in regard to traffic, noise and light. With good quality design, residential



buildings with more height than permitted in the Plan can be developed and approved through the conditional use process, without adversely impacting the neighborhood, provided that they are not preemptively cut off by the Plan.

- Preemptively trying to block CUP's in this way will cause owners to go back to PUD zoning to get their projects approved, which the City consciously has tried to get away from with the new zoning code.

Accordingly, we respectfully ask that you reconsider the preemptive height limitations in the Plan and remove them.

Setbacks

The TSS zoning classification allows for either limited or no setbacks, which is typical of urban commercial districts. However, the Plan is proposing to impose more strict setback requirements, particularly with respect to residential uses, than the zoning code requires, and we ask that the Association look further at this issue and stay with the requirements of the zoning code.

In particular, the Plan is proposing that on the parcels on the 2300 and 2500 blocks that there be a front yard setback of at least 15 feet on residential parcels, except that this would be 20 feet on residential parcels on the south side of the 2300 block, whereas the zoning code has a maximum front yard setback but no minimum setback. Also, with respect to rear yard setbacks, the Plan is proposing a minimum rear yard setback of 20% of lot depth, with a 30' minimum, on the north side of these blocks, and 20% of lot depth with a 25' minimum, on the south side of these blocks, whereas the zoning code only requires the lesser of 20% of lot depth or 20 feet. Goldleaf believes that the Plan should not go beyond the setbacks that are required by the zoning code, for the following reasons:

1. This is an urban area, and placing buildings at or near the front property line on major streets is consistent with the design of urban commercial districts traditionally, including in Madison. The trend in urban planning has been to bring the buildings to the street to create an urban feel along major streets, like University Avenue.
2. There is really no point in having a wider setback area for a multifamily residential building, as compared with commercial buildings along University Avenue, as the setback areas will not be used by the residents along a busy street anyway, these areas are unlikely to develop significant or healthy landscaping given their small size, and they will just be a maintenance issue.



3. University Avenue, as the Plan states, was a commercial business area, so having buildings up to the street right-of-way went with the territory in this area historically.
4. Pedestrians will not be adversely affected by having little or no front yard setbacks on residential buildings. We don't think there is evidence that shows that pedestrians are deterred from walking on streets with little or no front yard setback. People walk on State Street and the outside of the Capitol Square all the time even though there are no front yard setbacks. Some of the most famous pedestrian streets in America have buildings without front yard setbacks.
5. As for rear yard setbacks, the Plan should not require more than 20 feet, particularly along Campus Drive. We fail to see how the rear yard setback of 20 feet v. 30 feet along Campus Drive adversely affects the Regent Neighborhood. It won't. If the architect and owner of the property in question can propose an attractive building and site plan with a 20' setback, on either side of University Avenue, this should be allowed under the Plan, as permitted in the TSS zoning district.

Comprehensive Plan Treatment

The Plan is also proposing that the City of Madison Comprehensive Plan ("Comp. Plan") treatment of the 2300 and 2500 blocks be changed, in effect a kind of "down zoning" of these blocks in our opinion. In particular, the Plan is proposing that the 2300 block be changed from HDR (High Density Residential), as the Comp. Plan provides, to NMU (Neighborhood Mixed Use), and that the 2500 block be changed from CMU (Community Mixed Use), as the Comp. Plan provides, to NMU (Neighborhood Mixed Use). We do not think these changes are appropriate, for many of the reasons discussed above with regard to height and setback, and we ask that the Plan be amended to stay with the existing Comp. Plan classifications. A lot of thought went into the Comp. Plan classifications that were placed on these blocks, and they reflect the types of buildings that have been constructed before and after the adoption of the Comp. Plan in 2006.

Switching to a different Comp. Plan treatment for these blocks at this point, seven (7) years from adoption, would deny reality based on the uses that exist in this area now, i.e. high or moderate density residential development, and will be a rejection of the important planning concepts discussed above for this area. Before preemptively rejecting buildings that would be suitable in the Community Mixed Use or High Density Residential categories, and forcing everything into the Neighborhood Mixed Use category, let's keep the door open to quality projects that involve some measure of additional density and judge them on their individual merits for the 2300 and 2500 blocks of University Avenue.



We would be happy to discuss these matters with you, or if you need further information, please let me know. Thank you for your consideration of this matter.

Sincerely,

BOARDMAN & CLARK LLP



Michael J. Lawton

MJL/tt

Cc: Ald. Shiva Bidar-Sielaff, District 5 (by email)
Katherine Cornwell, Director, Planning Division (by email)
Jule Stoick, Planner, Planning Division (by email)
Ronald G. Fedler (by email)