

From: Barbara Noeldner <barbnoeldner@msn.com>
Sent: Wednesday, January 19, 2022 9:46 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Zoning 1017 N. Sherman

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

Please protect wetland that is currently zoned IGW, W=wetland. This area, behind Esquire Club and other commercial businesses has been side aside for parkland. This should be kept a natural area, which we have precious little of in this neighborhood.

Thank you,
Barbara Noeldner

From: Beth Sluys <sluysb@aol.com>

Sent: Sunday, January 23, 2022 5:44 PM

To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>

Subject: Agenda Item #3 - Plan Commission Meeting Jan 24, 2022

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

Dear Plan Commission,

I am writing in opposition to the zoning map amendment that is on the Jan 24, 2022 agenda, Item #3.

Please review the attached document.

Many thanks,

Beth Sluys
District 18

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

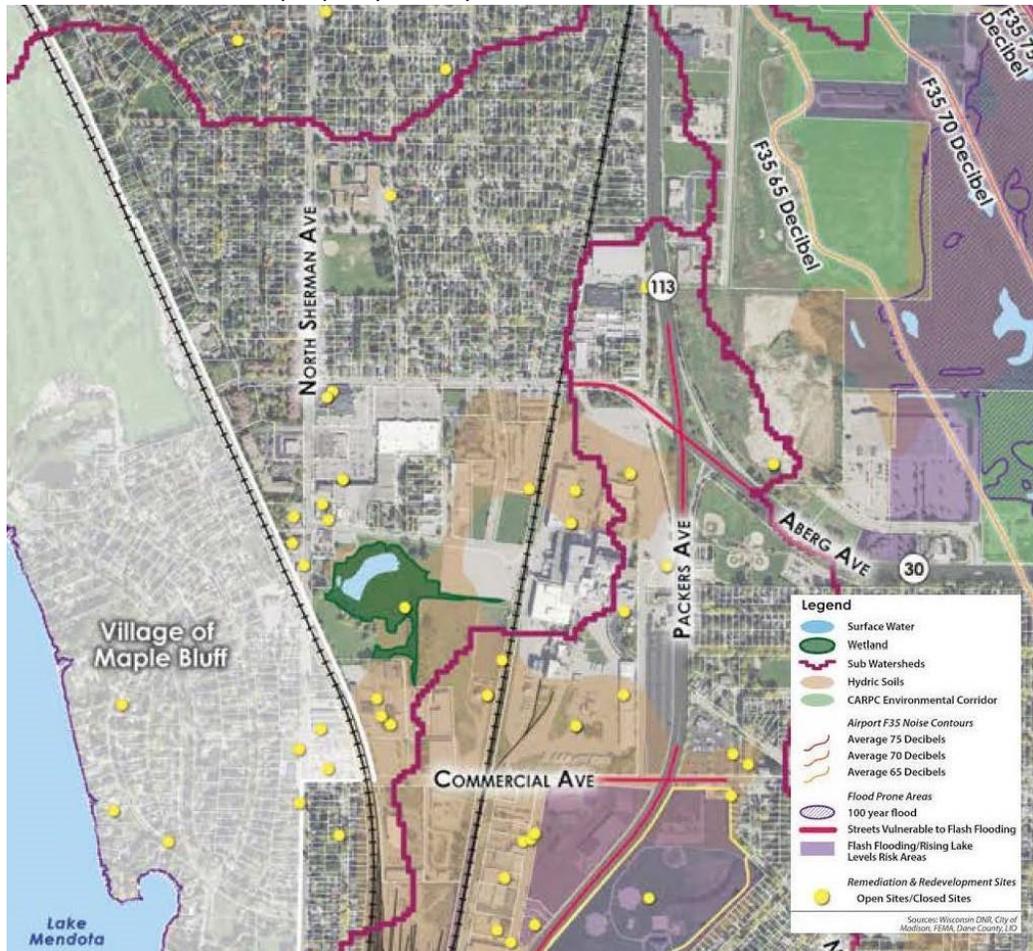


When there are rain events, the back area behind the building is often full of water, and ducks are often seen swimming near the base of the building. During the rain episode of 2018, the water was very high, up into the building. (The ducks were reported by area bird watcher Paul Noeldner who manages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

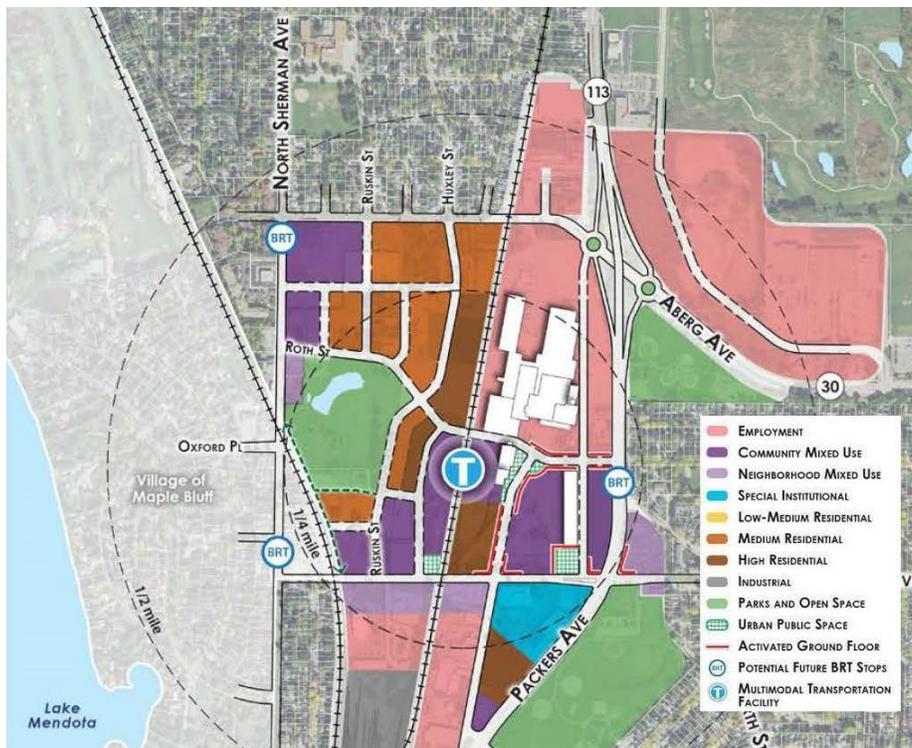
Environmental Conditions Map, based on the delineation, Oscar Mayer Special Area Plan, yellow dot shows areas of contamination at the Roth Street property. July 2020



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: Jennifer Argelander <jargelander@yahoo.com>

Sent: Sunday, January 23, 2022 7:41 PM

To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>

Subject: Legistar 68639--Oppose

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: Paul Noeldner <paul_noeldner@hotmail.com>
Sent: Sunday, January 23, 2022 7:54 PM
To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>
Subject: Vote NO to CCT Rezoning at 1017 N Sherman

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.





City of Madison

Rezoning

Location

1017 N Sherman Avenue

Applicant

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

Request

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

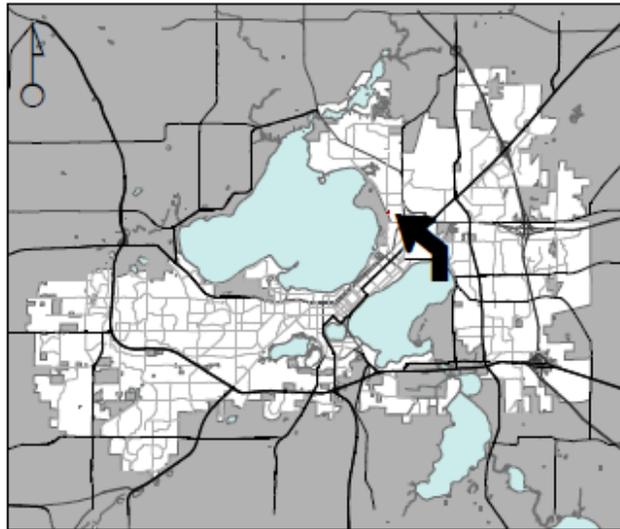
Public Hearing Dates

Plan Commission

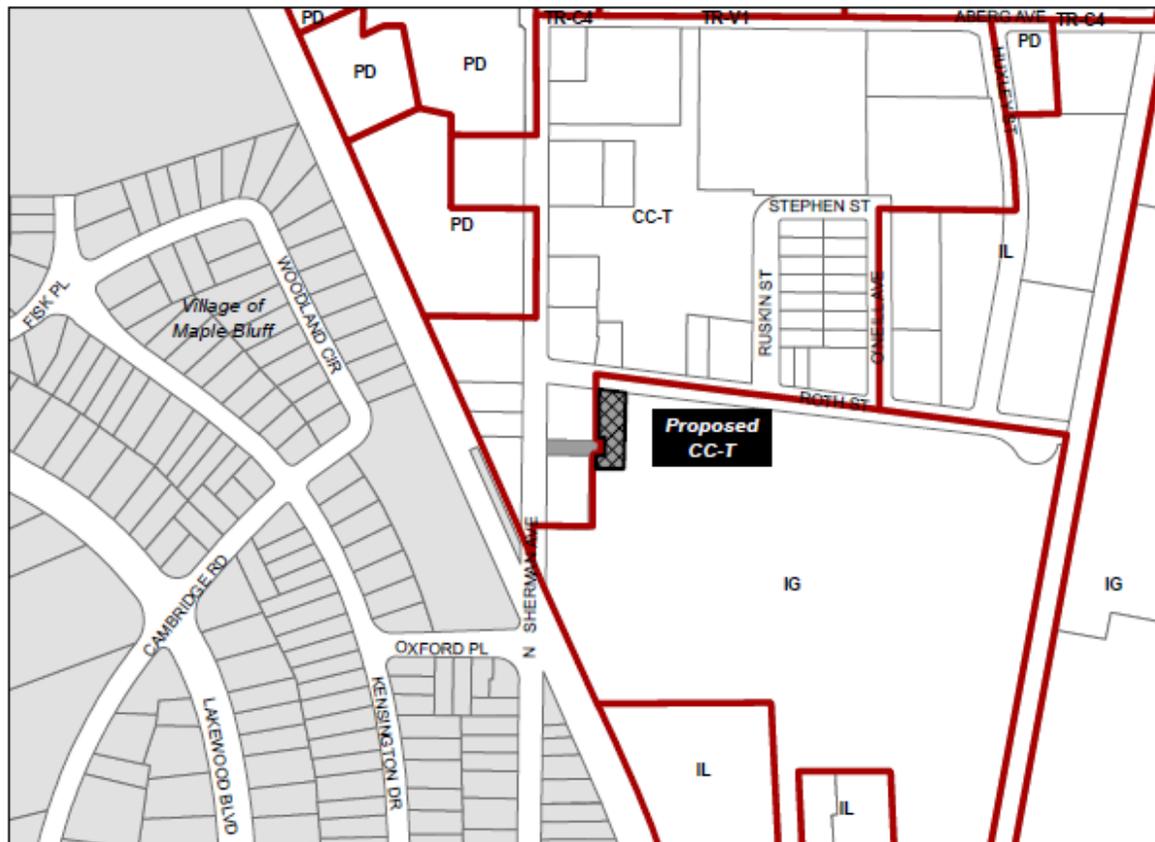
December 13, 2021

Common Council

January 4, 2022



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



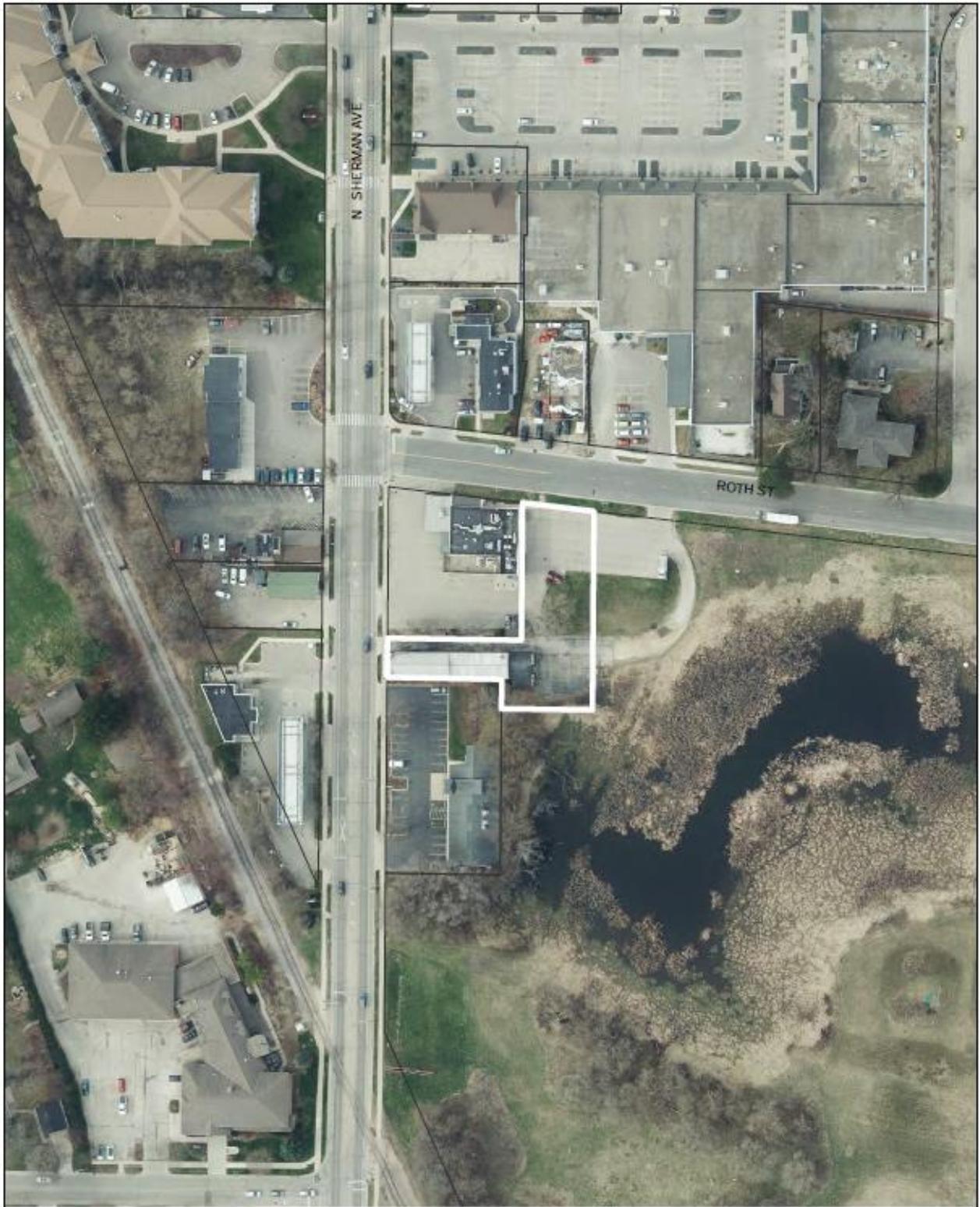
Scale : 1" = 400'

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



City of Madison

1017 N. Sherman Avenue



Date of Aerial Photography : Spring 2020

From: ljmeister <frdm1203@gmail.com>

Sent: Sunday, January 23, 2022 8:44 PM

To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>

Subject: hartmeyer wetland

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: Joan A Bell-Kaul <joan.bellkaul@wisc.edu>

Sent: Sunday, January 23, 2022 10:09 PM

To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>

Subject: Proposal to Rezone the property at 1017 North Sherman Avenue

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: Henry Anderson <anderha@sbcglobal.net>

Sent: Sunday, January 23, 2022 11:02 PM

To: pccoments@cityofmadison.com; All Alders <allalders@cityofmadison.com>

Subject: 1/24/2022 Plan Commission meeting agenda item #3

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

I oppose the proposal in Legistar item 68639 to rezone a parcel at 1017 North Sherman Ave to Commercial Corridor-Transitional.

Attached are comments concerning agenda item #3. I will not be able to attend Monday's meeting and provide testimony so please consider my attached comments.

Henry A. Anderson, MD
200 Lakewood Blvd
Madison, Wi 53704

HENRY A. ANDERSON M.D.

Occupational and Environmental Medicine
200 Lakewood Blvd., Madison, WI 53704 • (608) 241-1227

January 23, 2022

Madison Plan Commission
pccoments@cityofmadison.com
allalders@cityofmadison.com

1/24/2022 Plan Commission meeting - Agenda Item #3

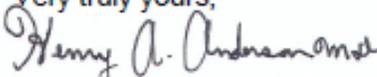
I am opposed to the proposal to rezone the parcel referred to in Legistar 68639 from IG to CC-T. I support the Sherman Neighborhood Association's position on protecting the Hartmeyer wetlands, especially the pond behind the former Fox Water building at 1017 North Sherman Avenue which should be zoned as CN (Conservancy Natural) and not CC-T.

A great deal of time and community effort went into the development of the Oscar Mayer Special Area Plan (OMSAP) which designated 16 acres of wetlands as green space. The parcel in the proposal to rezone is part of that OMSAP designated green space. In April 2021, the Plan Commission voted to recommend that the green space outlined in the OMSAP be designated a conservancy natural area. Unfortunately that recommendation has not been implemented. Before it is too late, now is the time to move that forward. If so zoned the State can then further protect the land by including it in the state's wetland inventory; the City protects the resource by putting it in a wetland overlay district.

Urban wetlands such as the Hartmeyer wetlands are rare ecologic natural gems which are disappearing. Once they are lost they can never be recovered. I have spent the past 35 years studying the impact of environmental conditions on public health and documenting the importance of prevention. I have learned the immense value of the complex environmental services wetlands provide that are simply irreplaceable. The OMSAP expects to accommodate at least 4,000 new North Side residents. With the changing climate and storm water runoff and groundwater challenges mounting, wetlands have grown in conservation value well beyond their community recreational use value.

Now is the time to formally set aside all 16 acres recommended as open green space by the Oscar Mayer Special Area Plan (OMSAP) and rezone that land to a Conservancy Natural (CN) district with wetland overlay. This change would preserve the wetland area on the site in its natural state.

Please let me know if I can be of further assistance.

Very truly yours,

Henry A. Anderson, M.D.

From: Bernice Armould <barmould@gmail.com>
Sent: Monday, January 24, 2022 6:12 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Hartmeyer wetland

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: Michael D. Barrett <mikeb@urbanthoreau.com>

Sent: Monday, January 24, 2022 6:53 AM

To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>

Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639

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: anewalker@homelandgarden.com <anewalker@homelandgarden.com>
Sent: Monday, January 24, 2022 8:24 AM
To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>
Subject: Please Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639

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

From: Mary Jo Walters <waltersmaryjo@gmail.com>
Sent: Monday, January 24, 2022 8:55 AM
To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>
Subject: This City, cement nightmare

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

From: Kester, Dolores <dakester@sbcglobal.net>
Sent: Monday, January 24, 2022 9:07 AM
To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>
Subject: Plan Commission January 24, 2022---Legistar #68639 Agenda Item #3, OPPOSE

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: Linda Szewczyk <linda.szewczyk@yahoo.com>

Sent: Monday, January 24, 2022 10:06 AM

To: All Alders <allalders@cityofmadison.com>

Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639

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

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: Dave J. Bierman <dbierman@watco.com>
Sent: Monday, January 24, 2022 10:13 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Plan Commission Exhibit Document for 1/24/22 Meeting-Agenda Item 3 (legistar 68639)

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

From: Dave J. Bierman
Sent: Monday, January 24, 2022 7:55 AM
To: pccomments@cityofmadison.com
Subject: Plan Commission Exhibit Document for 1/24/22 Meeting-Agenda Item 3 (legistar 68639)

Plan Commission and Staff

Attached above, please find exhibit document, Suter_1017 Sherm_site_elevcontours_1-20-22.pdf

Please distribute this document to Plan Commission Members and have it presentable and available for staff to place on screen when it is my turn to speak during 1/24/2020 Plan Commission Meeting, Agenda Item 3 (legistar 68639).

Thank You

David Bierman
514 Nova Way
Madison WI 53704
608-370-3701
dbierman@watco.com

From: Barbara Noeldner <barbnoeldner@msn.com>

Sent: Monday, January 24, 2022 10:54 AM

To: All Alders <allalders@cityofmadison.com>

Subject: City Planning Meeting item 3

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

Please vote no on item #3 to protect the wetland boundary for the 17 acre park that has been set aside.

Thank you

Barbara Noeldner

From: Amanda W <werhane@live.com>

Sent: Monday, January 24, 2022 11:04 AM

To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>

Subject: Vote NO on Plan Commission agenda item #3, Legistar #68639 (Rezoning of 1017 N. Sherman)

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

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: Karen Reger <ksreger1926@charter.net>
Sent: Monday, January 24, 2022 11:13 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Hartmeyer Natural Area Wetland

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

Please vote NO to Agenda Item 3 regarding the CCT rezoning at 1017 N. Sherman Ave. The size of the wetland has already been shrunk – please don't let it be downsized again. It should ideally have a buffer zone around it.

Karen Reger
1926 Shelley Lane
Madison, WI 53704

From: Jaime Lee <jkeno322@gmail.com>
Sent: Monday, January 24, 2022 2:59 PM
To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>
Subject: Vote NO to CCT rezoning at 1017 N Sherman on Plan Commission agenda Item 3, Legistar #68639

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: Barbara Noeldner <barbnoeldner@msn.com>
Sent: Sunday, January 30, 2022 9:00 PM
To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>
Subject: Meeting of Common Council, Tues Feb 1, 2022

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

PLEASE MAKE A MOTION AND VOTE TO

1. PRIORITIZE AGENDA ITEM 75 69498 OMSAP PLAN APPROVED CN ZONING FOR THE 16 ACRE WETLAND NATURAL AREA PUBLIC PARK. THIS NEEDS TO BE DONE, BEFORE CONSIDERING AGENDA ITEM 6 AND OTHER OMSAP REZONING

2. VOTE NO ON AGENDA ITEM 6 68639

The Plan Commission voted NO on January 24 to piecemeal rezoning a part of the OMSAP approved CN zoned 16 acre wetland nature park adjacent to N Sherman Ave and Roth Street. Vote No to Item 6 and do the 16 acre CN zoning FIRST to establish boundaries and reduce confusion and contention.

The strongly public supported and OMSAP plan approved recommendation for CN zoning needs to be adopted FIRST in order to clearly establish boundaries, protect the wetland, and help reduce confusion and contention about surrounding rezoning proposals, boundaries, and regulations.

To consider rezoning of surrounding areas in reverse order, or to chip away parts of the OMSAP approved CN zoning piecemeal based on old zoning, would put the cart before the horse.

Thank you,
Barbara Noeldner

From: Janet Battista <janet.r.battista@gmail.com>
Sent: Sunday, January 30, 2022 10:58 PM
To: All Alders <allalders@cityofmadison.com>; pccommission@cityofmadison.com; Plan Commission Comments <pccomments@cityofmadison.com>
Cc: Mayor <Mayor@cityofmadison.com>
Subject: Vote No on CCT rezoning - City of Madison Plan Commission Legistar Item #68639

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

City of Madison Plan Commission Alders,

>

> Proposed zoning changes for parcels adjacent to or within the approved Hartmeyer Natural Area (OMSAP) should be categorically denied. The likelihood of increased surface and groundwater levels in the area makes additional development imprudent and unconscionable.

>

> Groundwater:

>

> In about 2005, as DNR hydrogeologist, I attended a meeting to discuss potential effects of abandoning four high capacity pumping wells in use at Oscar Mayer. The group* determined that a significant rise in the water table would be the most likely effect of stopping pumping.

>

> To assess whether the water table rise would harm local infrastructure, the group recommended that groundwater conditions be observed over time. Unfortunately, no monitoring wells were ever installed for this purpose, and no systematic review attempted.

>

> The high capacity wells have now all been abandoned. However, the water table may not yet be in equilibrium. Clay layers that underlie the region may slow the water table rise. (Well construction logs for the abandoned Oscar Mayer wells, and construction logs for the monitoring wells at Demetral Field nearby, indicate that there are deep clay layers beneath much of the region. This clay is at least 200 feet thick in places.)

>

> Surface water:

>

> Long time area residents have noticed that surface water at Hartmeyer is more extensive than previously and lasts longer. This increase may continue since more precipitation and more intense precipitation events are projected for our area (Wisconsin Initiative on Climate Change Impacts (WICCI)).

>

> Inspection of Parks Department maps and air photo of the area show how close the proposed 1017 N. Sherman Avenue parcel is to the current wetland delineation and to open water. Considering the substantial risks from groundwater and/or surface water level rise, rezoning to allow any nearby development should be denied.

>

> *(The group included Rob Sherman of Oscar Mayer; Larry Nelson, City of Madison Engineering; Kenneth Bradbury, Director of the Wisconsin Geologic and Natural Survey, and myself of DNR.)

>

> Janet Battista

>

- > Retired DNR hydrogeologist
- > 154 Kensington Drive
- > Maple Bluff, Wisconsin 53704

From: Linda Szewczyk <linda.szewczyk@yahoo.com>
Sent: Monday, January 31, 2022 6:16 AM
To: All Alders <allalders@cityofmadison.com>; pccommission@cityofmadison.com
Subject: Protect the Natural Hartmeyer Area

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

Dear Alders,

It looks like we're not there yet. I guess it just takes a lot of effort and detail to get this accomplished, which you know, I'm sure, all too well. I am so pleased to be a part of this effort.

As I understand it, the CN zoning needs to be established first in order to protect this wetland with clearly established boundaries. This would also smooth the process when surrounding zoning issues are dealt with that could be problematic. To consider rezoning of surrounding areas in reverse order, or to chip away parts of the OMSAP approved CN zoning piecemeal based on old zoning would only complicate the process.

So I ask the following please (sorry, not in my own words but in terms all familiar to you, I'm sure):

1. **PRIORITIZE AGENDA ITEM 75 69498 OMSAP PLAN APPROVED CN ZONING FOR THE 16 ACRE WETLAND NATURAL AREA PUBLIC PARK. THIS NEEDS TO BE DONE, BEFORE CONSIDERING AGENDA ITEM 6 AND OTHER OMSAP REZONING**

2. **VOTE NO ON AGENDA ITEM 6 68639**

The Plan Commission voted NO on January 24 to piecemeal rezoning a part of the OMSAP approved CN zoned 16 acre wetland nature park adjacent to N Sherman Ave and Roth Street. Vote No to Item 6 and do the 16 acre CN zoning FIRST to establish boundaries and reduce confusion and contention.

Again, I thank you for all your work and effort in this cause.

Linda Szewczyk

From: Read Eldred <reldred@tcsbasys.com>

Sent: Monday, January 31, 2022 8:13 AM

To: All Alders <allalders@cityofmadison.com>; pccommission@cityofmadison.com

Subject: ADOPT CN ZONING FOR THE OMSAP APPROVED 16 ACRE PUBLIC NATURAL AREA PARK BEFORE CONSIDERING ITEM 6 68639 OR OTHER SURROUNDING REZONING PROPOSALS

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

I am deferring to the judgment of my friend Paul Noeldner, whom I know personally and respect greatly in asking you to please consider the following;

I am not an expert on municipal zoning, however, I do love this natural area dearly, I keep it clean, I find it a wonderful spot for observing the spring migration. It is a prime piece of habitat for flyover in the 4-lakes region.

PLEASE MAKE A MOTION AND VOTE TO

1. PRIORITIZE AGENDA ITEM 75 69498 OMSAP PLAN APPROVED CN ZONING FOR THE 16 ACRE WETLAND NATURAL AREA PUBLIC PARK. THIS NEEDS TO BE DONE, BEFORE CONSIDERING AGENDA ITEM 6 AND OTHER OMSAP REZONING

2. VOTE NO ON AGENDA ITEM 6 68639

The Plan Commission voted NO on January 24 to piecemeal rezoning a part of the OMSAP approved CN zoned 16 acre wetland nature park adjacent to N Sherman Ave and Roth Street. Vote No to Item 6 and do the 16 acre CN zoning FIRST to establish boundaries and reduce confusion and contention.

The strongly public supported and OMSAP plan approved recommendation for CN zoning needs to be adopted FIRST in order to clearly establish boundaries, protect the wetland, and help reduce confusion and contention about surrounding rezoning proposals, boundaries, and regulations.

To consider rezoning of surrounding areas in reverse order, or to chip away parts of the OMSAP approved CN zoning piecemeal based on old zoning, would put the cart before the horse. We don't need Groundhog Day every time a rezoning proposal comes up.

Thank You!

--

Read D. Eldred | Enterprise Account Manager

From: Becky Leidner <rwl1951@yahoo.com>
Sent: Monday, January 31, 2022 12:19 PM
To: All Alders <allalders@cityofmadison.com>
Subject: 2/1 agenda items 6 and 75

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

Dear Madison Alders,

I strongly support preserving the maximum number of acres in the Hartmayer Natural Area. Before shovels are even in the ground for the OMSAP project, neighboring property owners are attempting to chip away at the approved conservation zoning (itself a shadow of the existing natural area). I encourage you to act on the following agenda items:

1. PRIORITIZE AGENDA ITEM 75 69498 OMSAP PLAN APPROVED CN ZONING FOR THE 16 ACRE WETLAND NATURAL AREA PUBLIC PARK. THIS NEEDS TO BE DONE, BEFORE CONSIDERING AGENDA ITEM 6 AND OTHER OMSAP REZONING 2. VOTE NO ON AGENDA ITEM 6 68639 The Plan Commission voted NO on January 24 to piecemeal rezoning a part of the OMSAP approved CN zoned 16 acre wetland nature park adjacent to N Sherman Ave and Roth Street. Vote No to Item 6 and do the 16 acre CN zoning FIRST to establish boundaries and reduce confusion and contention. The strongly public-supported and OMSAP plan approved recommendation for CN zoning needs to be adopted FIRST in order to clearly establish boundaries, protect the wetland, and help reduce confusion and contention about surrounding rezoning proposals, boundaries, and regulations. To consider rezoning of surrounding areas in reverse order, or to chip away parts of the OMSAP approved CN zoning piecemeal based on old zoning, would put the cart before the horse. We don't need Groundhog Day every time a rezoning proposal comes up.

Thank you,

Rebecca Leidner
Sherman Neighborhood resident

From: kay hagerty <chzhed3@sbcglobal.net>
Sent: Monday, January 31, 2022 12:50 PM
To: All Alders <allalders@cityofmadison.com>
Subject: agenda item 75/69498

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

RE: item 75.....Please vote YES & approve CN zoning for the ENTIRE 16 acres. I respectfully encourage the prioritizing of item 75 ahead of item 6 so the vote is taken designating the entire area as CN prior to consideration of “death by a thousand cuts” item 6 rezoning request. Thank you, Kay Hagerty

From: Dave J. Bierman <dbierman@watco.com>
Sent: Monday, January 31, 2022 4:05 PM
To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>
Subject: City of Madison, Plan Commission and Common Council - Exhibit Document Opposing Rezoning of 1017 N. Sherman Ave. (legistar 68639)

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

Plan Commission and Staff

Attached above, please find exhibit document, Letter_in_Opposition_ Legistar 68639-1-31-22_DJB

Please distribute this document to Plan Commission Members and Common Council Members, and post to Legistar site 68639 as testimony in opposition to changing the zoning of property located behind 1017 N. Sherman Avenue, address know to be 2007 Roth Street, to Commercial Corridor Transitional (Legistar 68639).

Thank You

David Bierman
514 Nova Way
Madison WI 53704
608-370-3701
dbierman@watco.com

1/31/2022 Letter Opposing Action in regard to: opposition

Creating Section 28.022-00524 of the Madison General Ordinances to change the zoning of property located at 1017 N. Sherman Avenue, 12th Aldermanic District, from IG (Industrial - General) District to CC-T (Commercial Corridor - Transitional) District. (Legistar 68639)

To: City of Madison Plan Commission and City of Madison Common Council,

I urge the City of Madison Plan Commission and City of Madison Common Council to reject the rezoning initiative represented as 1017 N Sherman Ave parcel to CCT. This initiative for zoning change is miss representative of the true land parcel in question to be rezoned which is 2007 Roth Street, also known as a portion of the Kraft Hienz Foods Co (KHFC) 29.23 acre parcel # 0810-313-0099-0, currently zoned IG W (W = wetland overlay).

While the initiative innocently appears to consist of minor zoning change, the apparent ultimate goal of this action is to circumnavigate enacted land use and zoning initiatives is to add building structure, and which by designs provided thus far, will encroach into and cause irreparable harm to the adjacent wetland, and negatively increase flood volume area.

This initiative is inconsistent with and completely neglects the 2 year joint effort by City Constituents, Plan Commission in consensus plan development and Common Council enactment of the Oscar Meyer Special Area Plan (OMSAP) which designates this parcel, a portion within the 16 acre wetland green space dedicated, to be protected and preserved and zoned CN. These efforts cost the City and ultimately the tax paying constituents, hundreds of thousands of dollars in the effort. The City now has the legal and dutiful obligation to follow the enacted OMSAP plan and rezoning this parcel to CCT moves against committed legislation exposing the City to litigation in the matter.

The current application reveals many regulatory commitments omitted from the future development envisioned. Neglect of the enacted land use initiatives plan are serious, as so are many others. Inconsistent compliance or non-compliance with, wetland and surface water protection plans, well head protection plans, numerous Federal, State and local statutes, and regulations and indeed city ordinances and processes have been marginalized or omitted from the current parcel application.

One omission of serious concern for the existing and proposed development of the property is Flood Hazzard Mitigation.

Please reference the map attached page 3.

The existing and proposed building located at 1017 N. Sherman Ave., encroaches within 8 feet of the delineated wetland and its lower level is well below Federal Emergency Management Agency Flood Way Elevation of 853. The representative drawing indicates land elevation contours based on Lidar Datum of the United States Geological Survey and flood elevations witnessed at the property as the existing building has experienced flooding of the lower interior multiple times in recent past. These are not estimates, these are actual observed elevation flood levels at the parcel as well as inside the building. When water levels rise exceed elevation 852, the building experiences flooding of the lower level. It is not a question, it is fact. See recorded data from dates and elevations below and attached map page 3.

Recorded Water Levels -
June 6, 2000 = 852.72 - Water 8.98 inches above lower floor level Suter Building
June 15, 2006 = 852.37- Water 4.44 inches above lower floor level Suter Building (Water level remained above floor for 6 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

Any building or fill additions in the parcel wetland and immediate wetland set back area would experience flooding and further decrease the volume of the floodway.

Parcel water levels are not driven only by localized runoff but are in direct correlation with Lake Mendota levels, which physically connect the parcel through hydric soils and existing drainage structures that predate City Storm Sewers and are Not City of Madison owned. The entire Roth Street Wetland and Surface Water Area reacts as Lake Mendota levels fluctuate and encroachment into this area in regard to infill and development will create translocation of the flood water impacting adjacent developed property causing asset damage. The City of Madison started a Watershed Study Program in January 2019 and identified flood risks in the Roth Street Wetland Area and adjoining parcels. (See attached pages 4 to 6. Full Study can be found at <https://www.cityofmadison.com/flooding/understanding-flooding/watershed-study-flood-risk-map>. It is clear the City of Madison has developed data and understands the flood risks that will effect this parcel and parcels adjoining the Roth Street Wetland. Why then does the city now entertain development into this zone which it understands will eventually be inundated and damaged by flood waters?

Diligent commitment and compliance with all wetland and water resource legislation and water resource protection measures is required to prevent costly mitigation, to the land owner, City of Madison and to ultimately ensure public safety.

FEMA is currently updating their area flood maps and the Roth Street Wetland Area will undoubtedly be included due to physical land elevation and watershed connections. The initiative to rezone this parcel CCT ignores the legalities in regard to this parcel, in diminishment and outright disregard of the consensus driven and legislative direction of land use through preservation and zoning agreed to and dictated by enactment of the Oscar Meyer Special Area Plan, and as a request for rezoning and land use in direct disregard of encroachment into a delineated and established wetland and floodway.

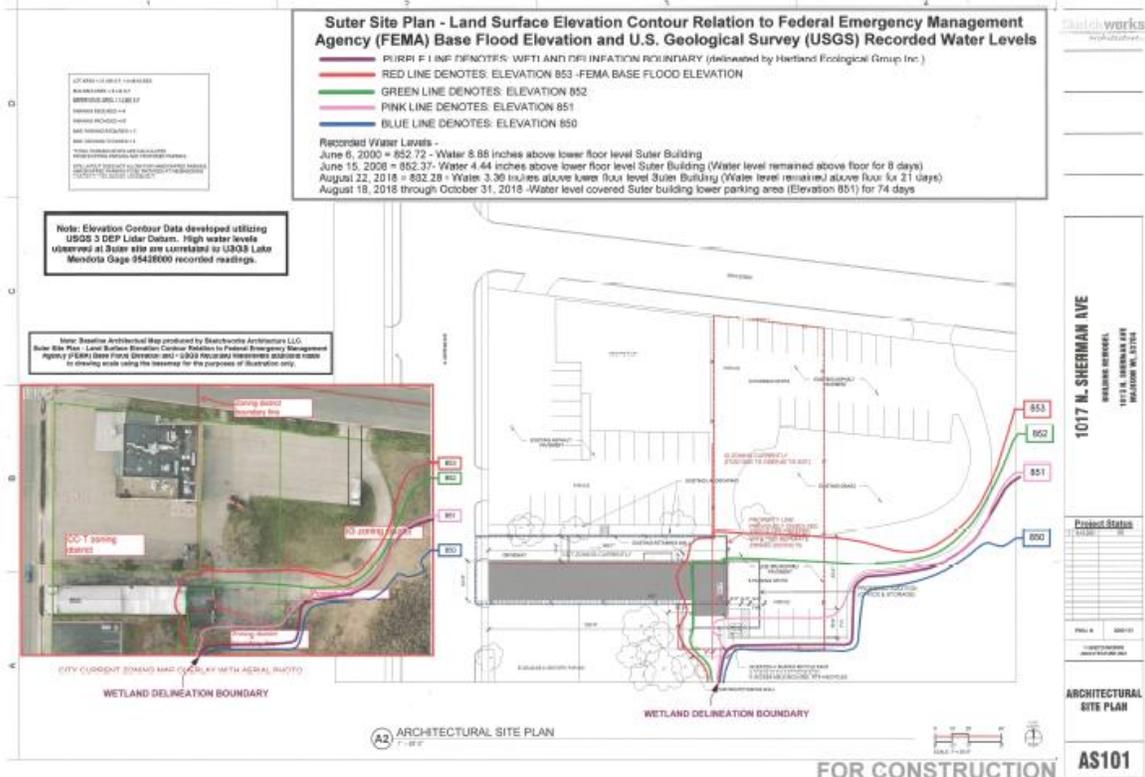
This parcel was rightly slated to be preserved and protected as green space with CN zoning through efforts of public action, the Plan Commission and the Common Council. Deny all future expansion into the Roth Street Wetland and floodway and follow the course as indicated by the legislatively enacted Oscar Meyer Special Area plan.

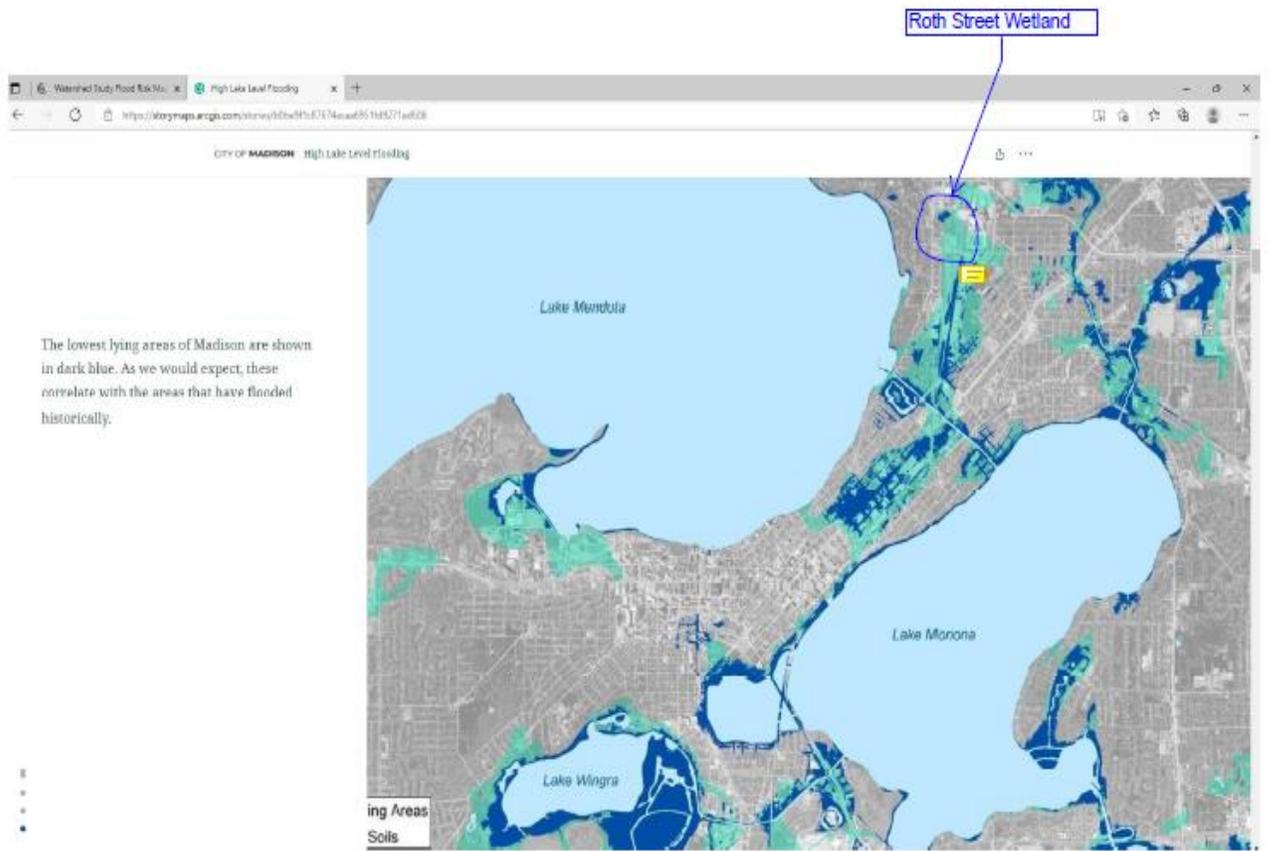
Anything less is exposure to potential damage of adjacent properties, endangerment of public safety, and outright willful diminishment and neglect of the obligation to uphold consensus driven, legal public land use process, all of which could lead to robust legal challenges and costly mitigation upon this City.

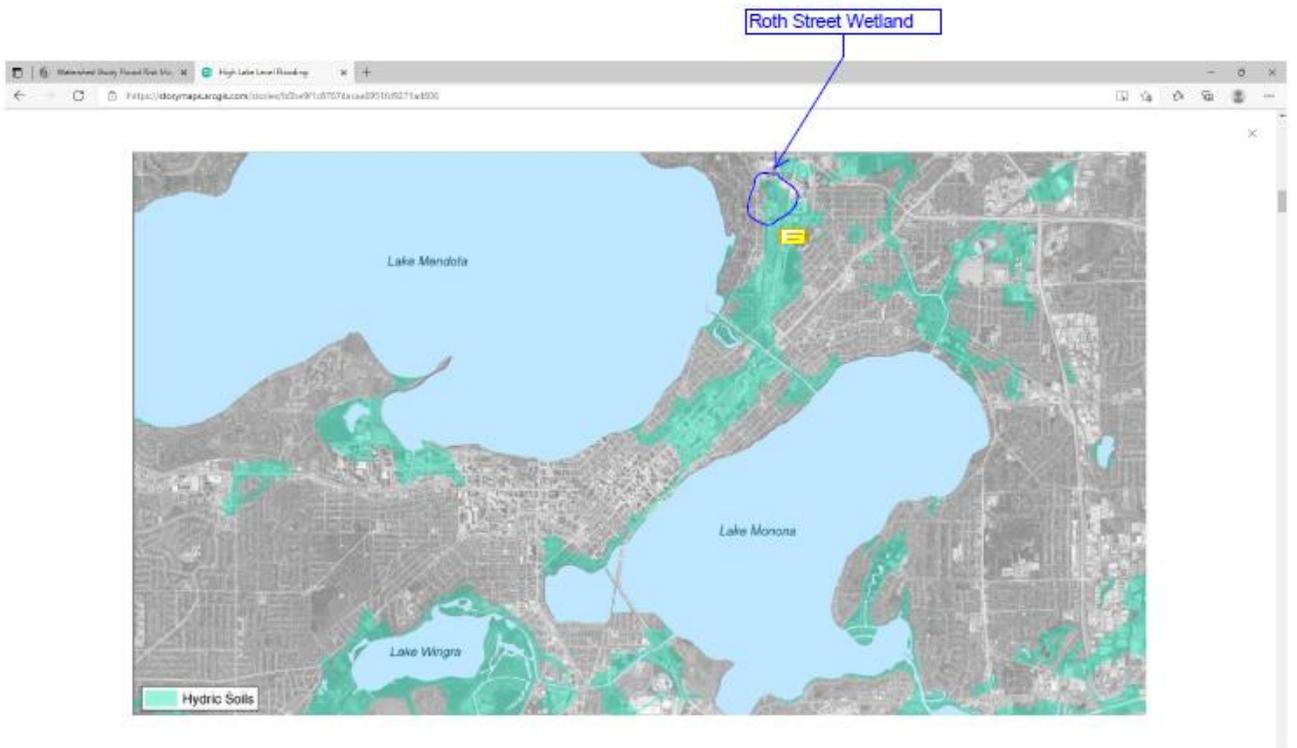
Vote no on rezoning this parcel to CCT and honor the established legislative direction of the Oscar Meyer Special Area plan protecting and designating the full 16 acre greenspace of the Roth Street Wetland Area.

Thank You

David Bierman
514 Nova Way
Madison WI 53704







From: Joan A Bell-Kaul <joan.bellkaul@wisc.edu>
Sent: Tuesday, February 1, 2022 9:52 AM
To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>
Subject: RE-ZONING ISSUES: ITEMS 75 and 6/ Feb 1, Meeting

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

TO ALL ALDERS and PLAN COMMISSION MEMBERS:

As the Lead of Nextdoor Madison site's 550 member Environmental/Nature/and WILDLIFE Group, I propose-via agenda item 5-Public Comments- the following motions and subsequent votes at your Feb. 1 meeting:

1. ***MOTION: Please RESOLVE that Item 76-69517 be prioritized (to discuss and vote on) over Item 6-68639.**
2. ***ITEM 76: Please PROPOSE AND VOTE "YES," that the Zoning on the ENTIRE Hartmeyer Natural Area be CHANGED to CN zoning status. (This move will eliminate ambiguity regarding future rezoning issues for any properties that abut this area and to preserve the wetland that the area needs to retain its environmental integrity.)**
3. **Then, VOTE on Item 76: PLEASE Vote YES to REZONE the ENTIRE 16-acre Hartmeyer Natural Area to CN (conservation) Zoning Status.**
4. **ITEM 6: Please VOTE NO to REZONE the property at 2017 N. Sherman avenue from IG to CCT.**

****We believe that rezoning the entire acreage within the Hartmeyer Natural Area to CN status is needed to ensure that any peripheral activity which may potentially compromise the integrity of this area will not be allowed.***

With respect,

Joan Bell-Kaul
4225 Esch Lane
Madison, Wi 53704 608-347-0026/608-244-2335

From: Mary Johnston <me.johnston@sbcglobal.net>
Sent: Tuesday, February 1, 2022 11:11 AM
To: All Alders <allalders@cityofmadison.com>; Plan Commission Comments <pccomments@cityofmadison.com>
Subject: Adopt CN zoning for OMSAO nature area

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

As rezoning of the former Hartmeyer property is considered at today's meeting, it is imperative that item 75 69498 to **approve CN zoning** for the 16 acre wetland nature park adjacent to N.Sherman Ave and Roth St. be considered **FIRST** before considering item 6 68639 or other surrounding rezoning proposals.

Vote NO to item 6 and first do vote on CN zoning for the 16 wetland area. Doing so will establish proper boundaries and avoid confusion as protection of the wetlands should take precedence over other interests.

Thank you for taking community input into account on this matter. Development in Madison is important but preservation of natural areas is vital for keeping Madison the beautiful community it strives to be.

Sincerely, Mary Johnston, 1708 Fremont Ave., Madison 53704

From: Beth Sluys <sluysb@aol.com>
Sent: Tuesday, February 1, 2022 11:20 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Agenda Item #6 Comments and concerns

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

Dear Common Council Members,

Attached please find my comments related to Agenda Item #6, Legistar 68639.

Thank you,

Beth Sluys
District 18

Agenda Item #6, Legistar 68639
Common Council
February 1, 2022

Beth Sluys
Myadze, District 18

Alder Charles

“3. Protect natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.” (#3 top goal in the introduction to our Comprehensive Plan)

As two parcels are being considered, 1017 N Sherman Avenue (conveyed), and a newly created parcel at 2007 Roth Street (not yet conveyed or platted), the 1017 parcel is already zoned CC-T. The 2007 Roth St parcel however is part of the larger approximately 29-acre parcel that appears as a created parcel, just not yet subdivided. The owner does not have a plat, Certified survey map or other normal land transfer work has taken place due to this situation. This 2007 Roth parcel is zoned Industrial General Use, in a Wetland Overlay District. For good reason. Both the parking area behind the existing building and the lower area within the actual building have a history of flooding and often have standing water.

The Federal Emergency Management Administration (FEMA) is currently reviewing its high watermark levels, especially since the massive rain event we endured in 2018. Current 100-year flood level is 853 feet above Mean Sea Level (MSL). Throughout the last couple of decades, the high water levels have been as follows:

June 6, 2000 852.72 MSL Water stood 8.88 inches above lower floor level in 1017 N Sherman.

June 15, 2008 852.37 MSL Water stood 4.44 inches above lower floor level in 1017 N Sherman, remained 8 days.

August 22, 2018 852.28 MSL Water stood at 3.36 inches above lower floor level in 1017 N Sherman and remained for 21 days.

August 18 –October 31, 2018 851 MSL Water covered the lower level parking lot for 74 days. Ducks were observed swimming near the building.

Subarea plans, according to our adopted Comprehensive Plan supercede the Comprehensive Plan as they are the granular, broad communitywide exploration of future land uses. We as a community, you as our elected leaders, the Plan Commission in its recent proactive zoning, all decided in 2020, to conserve this wetland ecosystem by voting to protect 16 acres of land. Given this, it is not clear how this landowner and their licensed architects have ignored the future land use map showing this area as CN for a conservation park. It seems that this would be one of the first checkpoints in land purchases and in future zoning related to that future land use in the special area plan (July 2020).

What guidance has been provided by staff, as it relates to this land and the related rezoning transactions?

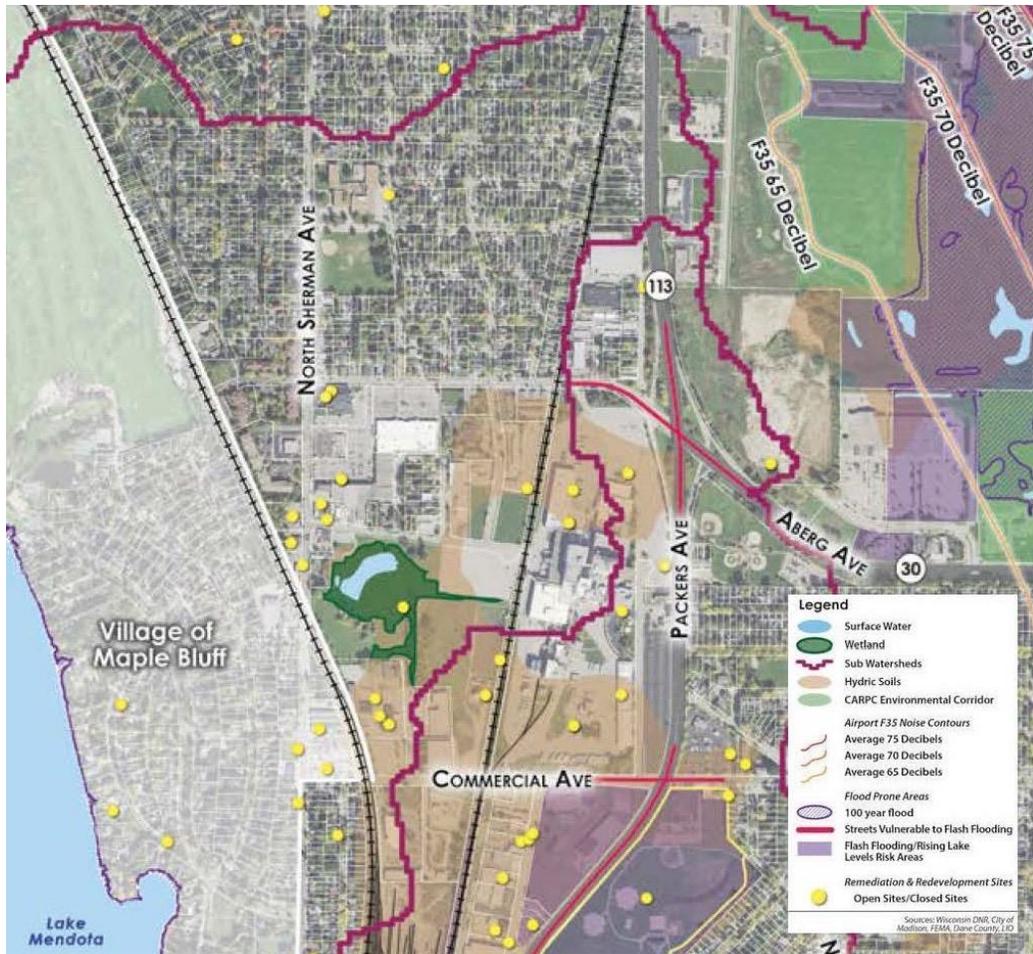
Areas of Concern:

- While this rezoning is presented as if it is one parcel of land, it is still a two-parcel project - with split zoning. One parcel is 1017 N Sherman (CC-T), the other newly created 2007 Roth Street (IG-Wetland Overlay District) parcel.
- To date, no conveyance of the 2007 Roth St. parcel has taken place (Assessor's website). However, the current GIS map related to the Assessor's site, shows the two parcels joined and already all zoned CC-T. Clearly not accurate.
- A new parcel is being shown as having been created. This rezoning appears to potentially involve three property owners (Suter, **Kraft** and Kavanaugh) and two land boundaries, it is questioned as to whether or not this is even allowable according to Wisconsin state statute 236.45 involving the subdivision of land and the "adjustment of common boundaries." If no "additional parcel has been created" through this land boundary adjustment, per staff comments, then how can we claim that the 2007 Roth Street parcel is separate from the 29-acre parcel for purposes of rezoning? Who owns this land actually, if a conveyance has not yet occurred? Why isn't Kraft Heinz asking for this land rezoning and doing it through certified survey map, plat etc. for the creation of this new parcel? No certified survey map or plat has been brought forward in this process.
- The 1017 parcel is zoned CC-T now. Residences are allowed. The existing footprint for the building allows for almost immediate access for the renovation and construction of the proposed commercial space at the street front area and the apartment towards the back, with basement, flood level, parking, a pool table room, and a stairwell to the upstairs apartment, with access off the alley. Although, it is not clear if this stairwell concept is ADA allowable without an elevator. In 2018, the lower level of the building held inches of water for 21 days. The parking lot at the back end of the building parking lot had water on it for 74 days. Our rain events only continue to intensify with climate change, not get less in volume when we have major events. Flooding is an issue here. It shows on the recently released storm water flood risk map as having hydric soils within an area that shows previous flooding.

- The 2007 Roth Street, zoned IG-W, is a section of the larger parcel shown in the Oscar Mayer Special Area Plan as Green and Open space. This small parcel being presented as having been created from the larger (~29 ac) Kraft Heinz parcel, zoned IG-W, should be a part of the land designated by this council as green and open space when it voted via resolution to adopt the special area plan.
- IG-W allows for *commercial* buildings within the wetland overlay district. **Allowed: 500 sq ft and on pilings.** Because the addition (attached at the back end of the existing building, zoned IG-W, has been shown and stated to be “office and storage”, and not residential, at least that is how it was presented in the plans shared with the public to date, the addition out into the wetland flood zone, would be for a building management and construction business. So if the current zoning on this split parcel, existing CC-T at 1017 N Sherman and the newly created parcel from the 2007 land existing IG-W, it is possible to complete what is being suggested, it would just take a different project plan. No new plans have been shared with the public since our last meeting hosted by President Abbas, which is not in keeping with what the architect stated at the last public meeting. What is the actual plan and what are the intended uses?
- In addition, this land was once home to Indigenous people and a known ancestral burial site area. I have spoken to this at previous meetings, and in previous submittals during the OMSAP process. As we look to conserve the 16 acres, so too can we look to conserving an un-surveyed archeological area within most of the borders of the 29 acres located at 2007 Roth Street. We owe this to our Ho-Chunk neighbors. We took the “first step” at Bascom Hall, witnessed the discovery of an ancient canoe in Lake Mendota and so too need to do the discovery in this area as well. We protect our gravesites and respect our deceased family members. Now it is time to offer the same respect to our brothers and sisters of the Ho-Chunk Nation, a better “second step.” There has been recently gained knowledge of a possible mound site on the 2007 Roth Street property, which is before the WHS, the Ho-Chunk Historic Preservation Officer, President Abbas, Vice President Martin and Alder Myadze, The Archeological Conservancy and other area archeologists. We need to be sure that we do no harm when considering any development in the area of 2007 Roth Street.

I continue to advocate for the preservation of the re-emerging and thriving wetland ecosystem at 2007 Roth Street and for the rightful protections of Indigenous sites. This re-emerging wetland that has been under industrial groundwater use stress for over a century, but showing its resilience. It has become a beacon of hope in a neighborhood that has long sat in the shadows of an industrial setting. Now we have an amazing opportunity to be progressive, proactive, include this area as a key part of our work on climate change, protecting our drinking water and focus on how we can protect our resources, both natural and cultural, as well as protect public health and safety in an area the city has recognized as one that floods.

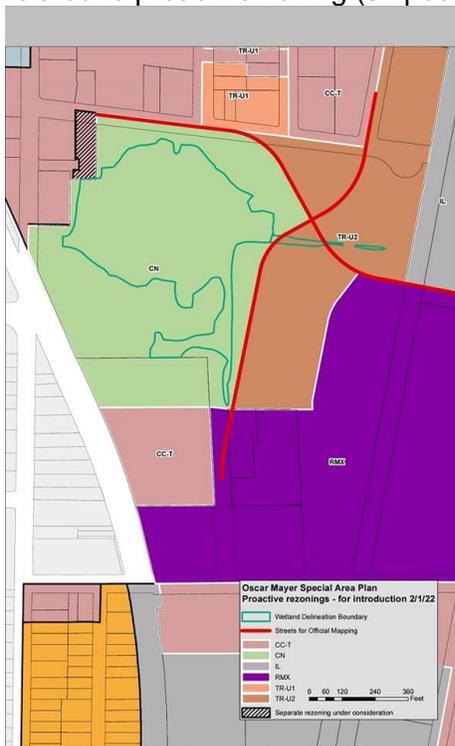
Environmental Conditions – OMSAP 2020 (showing delineation outline of entire 29 acres)



Future Land Use Map – OMSAP July 2020



Parcel showing within the 29 acres belonging to Kraft Heinz, per the information provided related to proactive zoning (striped area).



From: Jennifer Argelander <jargelander@yahoo.com>
Sent: Tuesday, February 1, 2022 11:49 AM
To: All Alders <allalders@cityofmadison.com>
Subject: Common council Item 6, #68639-Oppose

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: Jennifer Argelander <jargelander@yahoo.com>
Sent: Tuesday, February 1, 2022 12:51 PM
To: All Alders <allalders@cityofmadison.com>; Mayor <Mayor@cityofmadison.com>
Subject: Common Council Agenda 6 --#68639--Oppose

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

I am opposed to the re-zoning request of #68639 and requesting that all 16 acres dedicated in the OMSAP as Conversancy natural (CN) park.

I want to share parts of a wonderful speech by our Mayor at Olbrich Gardens. She spoke about studying botany and actually having a master's degree in ecology and how much she treasures her knowledge of science, botany, and ecology. She shared how it helps her think about the world and how important it is when young people have a chance to learn something about the world – whether it's about plants, animals, insects, water, the climate, or whatever it might be.

I was so pleased to hear this. Those are the reasons why we on the Northside are fighting so hard to protect the 16 acres of the Hartmeyer wetland. We have a gem in our midst in this city.

I have heard our Plan Department staff constantly refer to this wetland as low quality. Urban wetlands almost never meet the same level of condition or function as those in more rural settings. Due to the development that surrounds urban wetlands, they are often small, hydrologically isolated, polluted from the current land use practices surrounding the site. Thus urban wetlands frequently get lower ranking under state wetland monitoring and assessment programs. However, even if small, these urban wetland sites still provide massive benefits.

Wetlands help make urban areas more livable by lessening the impacts of flooding, diminishing the urban heat island effect, filtering stormwater, replenishing groundwater, improving air quality, and provided green spaces needed by people and wildlife alike in areas often dominated by development and impervious surfaces. However, local community leaders view these as being too degraded or facing too many stressors to be prioritized for restoration or protection. One of the most important benefits that wetlands provide in the urban context is hazard mitigation. By spreading and slowing water during peak rainfall events, dissipating energy from storm surge, and retaining water through dry periods wetlands help to mitigate numerous forms of natural hazards. As climate change advances and urban communities experience extreme weather events with greater frequency, the role that wetlands play in providing climate resiliency and hazard mitigation will become even more significant. Human also benefit from access to natural spaces. Green spaces alleviate mental fatigue, provide a place for outdoor activities, encourage learning, and allow us to disconnect from the stressors of our daily lives.

Urban wetlands such as the Hartmeyer wetlands are rare ecologic natural gems which are disappearing. Once they are lost they can never be recovered. There is immense value in the complex environmental services wetlands provide that are simply irreplaceable. The OMSAP expects to accommodate at least 4,000 new North Side residents. With the changing climate and storm water runoff and groundwater challenges mounting, wetlands have grown in conservation value well beyond their community recreational use value.

This wetland is located in the heart of the city where students could walk to the wetlands to study nature, plants, trees, wild creatures and learn about climate change and flood mitigation or just to enjoy nature. The folks from the retirement apartments come across the street to enjoy nature; people out walking love to see this natural gem; the patients being treated by the dental office with its windows facing the wetlands can overlook nature.

It is critical for this City that professes to be concerned with climate change, environmental protection, and for equity where all Madisonians can celebrate nature and escape the toxic stressors of life protect this wetland. It is time to stand up for those ideals. I am counting on our Mayor who says she loves nature to encourage the Plan Commission, the Planning Department, our alders to protect this gem of nature by zoning it as CN and preserve this wetland in its natural state.

Jennifer Argelander, 1715 Erie Court, Madison

From: Dave J. Bierman <dbierman@watco.com>
Sent: Tuesday, February 1, 2022 2:41 PM
To: Plan Commission Comments <pccomments@cityofmadison.com>; All Alders <allalders@cityofmadison.com>
Subject: City of Madison, Common Council and Plan Commission - Exhibit Document - 2/1/2022 Letter Opposing Action in regard to Agenda Item #6 - Legistar 68639

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

Common Council, Plan Commission and Staff

Attached above, please find exhibit document, Letter_in_Opposition_ Legistar 68639-1-31-22_DJB

Please distribute this document to Common Council Members, Plan Commission Members, and post to Agenda Item 6, (Legistar 68639) as testimony of record in opposition to rezoning of property located behind 1017 N. Sherman Avenue, address know to be 2007 Roth Street, to Commercial Corridor Transitional (Legistar 68639).

Thank You

David Bierman
514 Nova Way
Madison WI 53704
608-370-3701
dbierman@watco.com

2/1/2022 Letter Opposing Action in regard to Agenda Item #6:

Creating Section 28.022-00524 of the Madison General Ordinances to change the zoning of property located at 1017 N. Sherman Avenue, 12th Aldermanic District, from IG (Industrial - General) District to CC-T (Commercial Corridor - Transitional) District. (Legistar #68639)

To: City of Madison Plan Commission and City of Madison Common Council,

I urge the City of Madison Plan Commission and City of Madison Common Council to reject the rezoning initiative represented as 1017 N Sherman Ave parcel to CCT. This initiative for zoning change is misrepresentative of the true land parcel in question to be rezoned which is 2007 Roth Street, also known as a portion of the Kraft Heinz Foods Company (KHFC) 29.23 acre parcel # 0810-313-0099-0, currently zoned IG W (W = wetland overlay, See pages 3-5).

While this seems to consist of a minor zoning change, enabling a property owner to convert this split-zoning related to two parcels, into uniform zoning. However examination of the information related to these two parcels suggests there are several items that are not clear, based on the information provided by the owner of 1017 N Sherman Avenue parcel, and (perhaps) the owner of the second parcel at 2007 Roth Street. As staff mentioned during the neighborhood meeting hosted by President Abbas and attended by the 1017 N Sherman owner's brother and the architectural team, there are still several situations that are not clear.

The community and Our elected Council members have enacted and established future land use and zoning initiatives for land in this area through vast public planning process with rigorous participation. The Council's legislative resolution for the adoption of the Oscar Meyer Special Area Plan (OMSAP) (See page 6)

In review of the Madison Property Assessment Documents, as of today, the owner appears to be KHFC. It is not clear how a subdivision of the 2007 Roth Street property (29.23 acre un-platted parcel) was completed without compliance and fulfillment of subdivision regulations. Staff addressed this procedure at the Plan Commission meeting held January 24, 2022 and detailed how KHFC would be required to comply with the subdivision regulations to sell portions of the 29 acre contiguous parcel.

The representatives of XX I LLC spoke at several public meetings as to their ownership of both the 1017 N Sherman Parcel and the 2007 Roth Street parcel detailing the recent purchase of a portion of the 29.23 acre uniform parcel from KHFC. XX I LLC has provided illustrated map (See page 7) attached to City Plan documents detailing the sub-parcel and the request for zoning change to CCT to coincide with their building parcel located at 1017 N. Sherman Ave (parcel # 0810-313-0090-8, currently zoned CCT. (See page 8-10) It appears that KHFC remains the owner of the entire 29.23 acre parcel zoned IG-W without record of conveyance or subdivision to XX ILLC. (See page 3-5) If the purchase is through a land contract with contingencies, the owner still remains KHFC.

Review of the City of Madison Property lookup map (See page 11) currently details that the XX I LLC 1017 N Sherman Ave property and the 2007 Roth Street parcel are one and the same parcel owned by XXI LLC. The document displays the currently split zoned parcels as one entity zoned as CC-T. How odd for the applicant to express need to rezone a parcel CCT when City documents show the parcel is already contiguous and zoned CCT. Is it a forgone conclusion that these two parcels are already joined and approved as CCT? Perhaps it is a simple mistake of the GIS mapping department.

At the Plan Commission meeting held January 24, 2022, Plan Staff explained shared property boundary adjustment procedures provided by State of Wisconsin Statutes, describing how a shared property boundary can be shifted between two landowners in agreement, adjusting parcel size. Per explanation given by Staff testimony, this procedure would not be applicable to acquire the 2007 Roth Street parcel as the transaction can only take place between two landowners and with one single boundary, and the transaction would have involved three landowners making it an ineligible method.

Who owns 2007 Roth Street? How did the parcel become available or sold without due process of the required subdivision procedures? If the land is owned by KHFC why are contiguous unplatted subdivision regulations being ignored? Why are we considering rezoning outside of the enacted future land use plan? Why are City resources spent on a matter that already has State and local legal precedence?

One is left to conclude that neither the legal path to subdivision nor foundation for rezoning with current land use initiatives has been undertaken nor exist at this juncture. To say the least the legal and transparent, land use, subdivision rules, and rezoning procedures displayed thus far, and particularly parcel ownership and subdivision are not clear, and can be confusing for the public at large.

Please end this fractional zoning initiative at once, and consider all of the issues at hand.

The City has the legal and dutiful obligation to follow the enacted OMSAP plan and rezoning this 2007 Roth Street parcel to CCT moves against committed legislation. The current application reveals many regulatory commitments omitted from the future development envisioned. Action to proceed with this rezoning initiative could be considered contrary to legal public land use process, and lead to robust legal challenges and costly mitigation upon this City.

Deny the initiative for rezoning the 2007 Roth Street parcel to CCT and honor the established legislative commitment of the Oscar Meyer Special Area plan designating, dedicating, and protecting the full 16 acre Roth Street Wetland Area green space and zoned CN for a conservation park.

David Bierman
514 Nova Way
Madison WI 53704

Parcel Number 0810-313-0099-0

Situs 2007 Roth St

Assessment Area

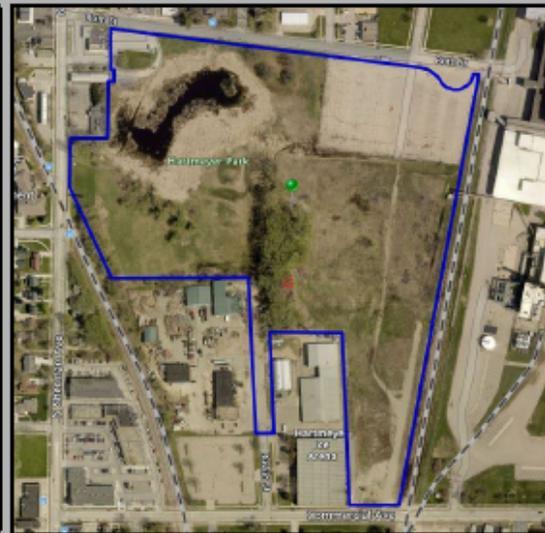
9912

Owner KRAFT HEINZ FOODS CO 801 WAUKEGAN RD GLENVIEW, IL 60025-0	Parcel Class: Commercial Parcel Code: School District: Madison TIF District: 0	Property Type: C-2 vacant Property Code: 332 Property Data Revised: 04/08/2011 Building Data Revised:
----------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

Record of Transfer of Ownership							
Grantor	Document #	Date	Parcels	Consideration	Convey	Mkt	Ratio
J.R. PIKE CORP ETAL	95677295	12/2020	1	3,025,000	W.D.	I	I
J R PIKE CORP	95668898	11/2020	1	0	OTHER	I	I
GINTHER, JANE HARTMEYER	94819319	12/2011	6	1	OTHER	I	I
PIKE, JOHN R	94760072	4/2011	4	0	OTHER	I	I
CITY OF MADISON	93956005	7/2004	2	0	L.C.	I	I

Zoning: IG W Width: 0 Depth: 0 Lot Size: 1,273,144 sqft Acres: 29.23 Buildability: 1-Buildable Lot	Lot Characteristics: 4-Thru-lot 1-Corner 1-Level 2-Medium 0-None	Utilities: Water: 1-In The Street Sewer: 1-In The Street Gas: 1-In The Street	Street: Paved Curb-gutter Sidewalk No Alley	Frontage: Primary: 1213.54 Secondary: 1520 Other 1: 162 Other 2: 358.1 Water: 0	Frontage: Roth St Soo Line RR Commercial Ave C And NW RR 0-No Water Frontage
-------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------	----------------------------------------------------------------	-------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

Parcel Building Summary			
Floor Area	GFA	PFA	Apartments
1st Floor:			Total Units:
2nd Floor:			Rooms:
3rd Floor:			Efficiency:
4th Floor:			1 Bdrm:
5th Floor:			2 Bdrm:
Above:			3 Bdrm:
Mezz Loft:			4 Bdrm:
Basement:			Other:
			Building Summary
Parking			Buildings:
Level 1:			
Level 2:			
Level 3:			
Other lvls.:			
Total:			
Total:			



Notes: 6/2007:CHANGED LEGAL DES PER LEASE AGREEMENT DATED 12/1964: -6,590 SQ FT NOW COMBINED W/0810-313-0090-8 PER LEASE AGREEMENT WITH JOHN M FOX. 8/2007:+6,590 SQ FT DELETED PREVIOUS CHANGE OF 6/07 PER APPRAISER DUE TO CLARIFICATION OF INFORMATION. 12/2020: PART-OF SALE, -15,196 SQ FT ATTACHED TO 0090-8. CLASS SHIFT FROM MAN TO COMMERCIAL FOR 2021 PER APPRAISER, PART OF THE OSCAR MEYER TRANSFER TO

Building Remarks:

Assessment changes			
Year	Correction	Correction	Correction
2018			
2019			
2020			
Hearing #	0000	0000	0000
Schedule #	000	000	000
Change	1,371,400	1,742,000	1,727,900

Assessment Record			
Change Code	2019	2020	2021
Land	1,695,600	1,681,800	1,681,800
Improvement	46,400	46,100	46,100
Total	1,742,000	1,727,900	1,727,900

Parcel Number 0810-313-0099-0

Situs 2007 Roth St

Assessment Area

9912

Produced: 5/3/2021 12:15:52 PM

City of Madison Property Information
Property Address: 2007 Roth St
Parcel Number: 081031300990

Information current as of: 2/1/22 12:00AM

OWNER(S)

KRAFT HEINZ FOODS CO
801 WAUKEGAN RD
GLENVIEW, IL 60025

REFUSE COLLECTION

District: 09A

SCHOOLS

District: Madison

- Emerson
- Sherman
- East

CITY HALL

Aldermanic District: 12
Alder Syed Abbas

PROPERTY VALUE

Assessment Year	Land	Improvements	Total
2020	\$1,681,800	\$46,100	\$1,727,900
2021	\$1,681,800	\$46,100	\$1,727,900

2021 TAX INFORMATION

Net Taxes:	\$37,060.88
Special Assessment:	\$0.00
Other:	\$0.00
Total:	\$37,060.88

PROPERTY INFORMATION

Property Type:	C-2 vacant	Property Class:	Commercial
Zoning:	IG, W	Lot Size:	1,273,144 sq ft
Frontage:	1,214 - Roth St	Water Frontage:	NO
TIF District:	0	Assessment Area:	9912

COMMERCIAL BUILDING INFORMATION

[Commercial Property Record](#)

SALE/CONVEYANCE DETAILS (includes sales and other forms of conveyances)

Information current as of: 2/1/22 12:00AM

Grantor:	J.R. PIKE CORP, ETAL		
Grantee:	KRAFT HEINZ FOODS CO		
Date of Conveyance:	12/2020	Conveyance Price:	\$3,025,000.00
Conveyance Type:	Warranty Deed	Conveyance Included:	1 Parcel
Grantor:	J R PIKE CORP		
Grantee:	J R PIKE CORP, ETAL		

Date of Conveyance:	11/2020	Conveyance Price:	\$0.00
Conveyance Type:	Other	Conveyance Included:	1 Parcel
Grantor:	GINTHER, JANE HARTMEYER		
Grantee:	GINTHER HOLDINGS LLC		
Date of Conveyance:	12/2011	Conveyance Price:	\$1.00
Conveyance Type:	Other	Conveyance Included:	6 Parcels
Grantor:	PIKE, JOHN R		
Grantee:	J R PIKE CORP		
Date of Conveyance:	4/2011	Conveyance Price:	\$0.00
Conveyance Type:	Other	Conveyance Included:	4 Parcels
Grantor:	CITY OF MADISON		
Grantee:	MADISON ICE HARTMEYER LLC		
Date of Conveyance:	7/2004	Conveyance Price:	\$0.00
Conveyance Type:	Orig. Land Contract	Conveyance Included:	2 Parcels
Grantor:	OLD SECOND NATIONAL BANK		
Grantee:	HOVEN CORPORATION		
Date of Conveyance:	6/1992	Conveyance Price:	\$138,420.00
Conveyance Type:	Other	Conveyance Included:	6 Parcels
Grantor:	OLD 2ND BANK AURORA ILL		
Grantee:	GINTHER, JANE HARTMEYER		
Date of Conveyance:	2/1992	Conveyance Price:	\$0.00
Conveyance Type:	Other	Conveyance Included:	6 Parcels

LEGAL DESCRIPTION

Information current as of: 2/1/22 12:00AM

Notice: This description may be abbreviated and is for assessment purposes only. It should not be used to transfer property

Lot Number: 0
Block: 0

T8N R10E, SEC 31, PRT SW1/4, DESC AS FOL BEG AT INTERS OF S LN ROTH AVE & W LN RR ROW, TH SWLY ALG SD R/W 1520 FT M/L TO N LN COMMERCIAL AVE, TH W ALG SD LN 162 FT M/L, TH N 04 DEG 39 MIN 30 SEC W 600.9 FT, TH S 88 DEG 55 MIN W 250 FT, TH S 03 DEG 40 MIN E 350 FT TO NE COR RUSKIN ST, TH W 66 FT TO NW COR RUSKIN ST, TH N 02 DEG 36 MIN W 537 FT M/L, TH W 462.95 FT TO E LN RR ROW, TH N 23 DEG 23 MIN W 358.1 FT, TH N 01 DEG 05 MIN E 161.9 FT, TH S 88 DEG 29 MIN E 117 FT, TH N 01 DEG 05 MIN E 200 FT, TH S 88 DEG 29 MIN E 33 FT, TH N 01 DEG 05 MIN E 40 FT, TH N 88 DEG 29 MIN W 13.5 FT, TH N 01 DEG 07 MIN E 140.75 FT TO S LN ROTH AVE, TH S 82 DEG 32 MIN E 1287.2 FT TO PT OF CUR, TH ALG CUR TO RIGHT, RAD 100 FT, CHRD BRS S 58 DEG 54 MIN E 83.2 FT TO PT OF REV CUR, TH ALG CUR TO LEFT, RAD 60 FT, CHRD BRS N 78 DEG 01 MIN E 111.2 FT, TH S 83 DEG 42 MIN E 20 FT TO POB, EXCEPT THAT PART DESC IN DOC 5668898 AS FOL; COM AT THE INTER E LN OF NORTH SHERMAN AVE AND S LN ROTH ST, ALSO KNOWN AS MOST NW COR OF THE 'ESQUIRE CLUB'; TH S 83 DEG 08 MIN 44 SEC E ALG S ROW LN OF SD ROTH ST, 137.66 FT TO MOST NE COR OF SD 'ESQUIRE CLUB' AND THE POB; TH CONT S 83 DEG 08 MIN 44 SEC E ALG S ROW LN OF SD ROTH ST, 73.66 FT; TH S 00 DEG 27 MIN 14 SEC W, 202.85 FT; TH N 89 DEG 07 MIN 49 SEC W, 93 FT; TH 00DEG 27 MIN 14 E, 30 FT; TH S 89 DEG 07 MIN 49 SEC E, 33 FT; TH N 00 DEG 27 MIN 14 SEC E, 39.97 FT; TH N 89 DEG 07 MIN 49 MIN W, 13.20 FT; TH N 00 DEG 27 MIN 14 SEC E, 140.55 TO POB.

Property Information Questions?

Assessor's Office
210 Martin Luther King, Jr. Boulevard, Room 101
Madison, Wisconsin 53703-3342
Phone: (608) 266-4531
Email: assessor@cityofmadison.com

REAL PROPERTY TAX INFORMATION FOR 2021

Information current as of: 1/31/22 07:00PM



Parcel Number 0810-313-0090-8

Situs 101 / N Sherman Ave

Assessment Area 9912

Owner XXI LLC 1017 N SHERMAN AVE MADISON, WI 53704-0	Parcel Class: Commercial Parcel Code: School District: Madison TIF District: 0	Property Type: Store & office small Property Code: 400 Property Data Revised: 12/07/2021 Building Data Revised:
---------------------------------------------------------------	-----------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------

Record of Transfer of Ownership							
Grantor	Document #	Date	Parcels	Consideration	Convey	Mkt	Ratio
J.R. PIKE CORP HOVEN CORP ET AL	95725682	4/2021	1	115,000	W.D.	I	I
MAYNE, RAY T	95725681	4/2021	1	1,150	OTHER	I	I
FOX EST, JOHN M	94635457	12/2009	1	141,813	OTHER	I	I

Zoning: CC-T Width: 0 Depth: 0 Lot Size: 21,192 sqft Acreage: 0.49 acres Buildability: 1-Buildable Lot	Lot Characteristics: 2-Irregular 0-None 1-Level 2-Medium Traffic 0-None Wooded	Utilities: Water: 2-Stubbed In Sewer: 2-Stubbed In Gas: 2-Stubbed In	Street: Paved Curb-gutter Sidewalk No Alley	Frontage: Primary: 40 N Sherman Ave Secondary: 73.66 Roth St Other 1: 0 Other 2: 0 Water: 0 0-No Water Frontage
-----------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------	---------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------

Parcel Building Summary			
Floor Area	GFA	PFA	Apartment:
1st Floor:	3,576	3,576	Total Units:
2nd Floor:			Rooms:
3rd Floor:			Efficiency:
4th Floor:			1 Bdrm:
5th Floor:			2 Bdrm:
Above:			3 Bdrm:
Mezz Loft:			4 Bdrm:
Basement:	2,880		Other:
			Building Summary
Parking			Buildings: 1
Level 1:			Office 3,048
Level 2:			Shop 528
Level 3:			
Other lvls.:			
Total:			
Total:	6,456	3,576	



Notes: 6/2007:CHANGED LEGAL DES PER LEASE AGREEMENT DATED 12/1964; +6,390 SQ FT FROM 0810-313-0099-0 COMBINED W/ THIS PARCEL. BLDG OWNED BY JOHN M FOX ON LAND LEASED FROM HARTMEYER ESTATE PER LEASE FROM 12/1964. 8/2007:-6,390 SQ FT DELETED PREVIOUS CHANGE OF 6/07 PER APPRAISER DUE TO CLARIFICATION OF INFORMATION. BLDG ON LEASED LAND (NOT RECORDED) EXTENDED THRU 1/1/2015. MAYNE, RAY T, BAY RE TAXES CO.

Building Remarks:

Assessment changes:			
	Board of Review	Board of	Open Book
Year	2007	2007	2017
Hearing #	0021	0372	0000
Schedule #	009	011	000
Change	0	0	-20,000

Assessment Record			
	2019	2020	2021
Change Code			/ 8
Land	40,000	40,000	40,000
Improvement	178,000	189,000	178,000
Total	218,000	229,000	218,000

Parcel Number 0810-313-0090-8

Situs 1017 N Sherman Ave

Assessment Area 9912

Produced: 1/14/2022 1:12:04 PM

City of Madison Property Information
Property Address: 1017 N Sherman Ave
Parcel Number: 081031300908

Information current as of: 2/1/22 12:00AM

OWNER(S)

XX I LLC
1017 N SHERMAN AVE
MADISON, WI 53704

REFUSE COLLECTION

District: 09A

SCHOOLS

District: Madison
• Emerson
• Sherman
• East

CITY HALL

Aldermanic District: 12
Alder Syed Abbas

PROPERTY VALUE

Assessment Year	Land	Improvements	Total
2020	\$40,000	\$189,000	\$229,000
2021	\$40,000	\$178,000	\$218,000

2021 TAX INFORMATION

Net Taxes:	\$4,601.09
Special Assessment:	\$0.00
Other:	\$0.00
Total:	\$4,601.09

PROPERTY INFORMATION

Property Type:	Store & office small	Property Class:	Commercial
Zoning:	CC-T	Lot Size:	21,192 sq ft
Frontage:	40 - N Sherman Ave	Water Frontage:	NO
TIF District:	0	Assessment Area:	9912

COMMERCIAL BUILDING INFORMATION

[Commercial Property Record](#)

SALE/CONVEYANCE DETAILS (includes sales and other forms of conveyances)

Information current as of: 2/1/22 12:00AM

Grantor:	J.R. PIKE CORP, HOVEN CORP ET AL		
Grantee:	XX I LLC		
Date of Conveyance:	4/2021	Conveyance Price:	\$115,000.00
Conveyance Type:	Warranty Deed	Conveyance Included:	1 Parcel
Grantor:	MAYNE, RAY T		
Grantee:	XX I LLC		

Date of Conveyance:	4/2021	Conveyance Price:	\$1,150.00
Conveyance Type:	Other	Conveyance Included:	1 Parcel
Grantor:	FOX EST, JOHN M		
Grantee:	MAYNE, RAY T		
Date of Conveyance:	12/2009	Conveyance Price:	\$141,813.00
Conveyance Type:	Other	Conveyance Included:	1 Parcel

LEGAL DESCRIPTION

Information current as of: 2/1/22 12:00AM

Notice: This description may be abbreviated and is for assessment purposes only. It should not be used to transfer property

Lot Number: 0
Block: 0

T8N R10E, SEC 31, PART NW 1/4 SW 1/4, BEG AT PT ON E LINE SHERMAN AVE 188.2 FT S FROM C/L ROTH ST, TH S ALG E LINE N SHERMAN AVE 40 FT, TH E 150 FT, TH N 40 FT, TH W 150 FT TO POB, ALSO THAT PART DESC IN DOC 5668898 AS FOL; COM AT THE INTER E LN OF NORTH SHERMAN AVE AND S LN ROTH ST, ALSO KNOWN AS MOST NW COR OF THE 'ESQUIRE CLUB'; TH S 83 DEG 08 MIN 44 SEC E ALG S ROW LN OF SD ROTH ST, 137.66 FT TO MOST NE COR OF SD 'ESQUIRE CLUB' AND THE POB; TH CONT S 83 DEG 08 MIN 44 SEC E ALG S ROW LN OF SD ROTH ST, 73.66 FT; TH S 00 DEG 27 MIN 14 SEC W, 202.85 FT; TH N 89 DEG 07 MIN 49 SEC W, 93 FT; TH 00 DEG 27 MIN 14 E, 30 FT; TH S 89 DEG 07 MIN 49 SEC E, 33 FT; TH N 00 DEG 27 MIN 14 SEC E, 39.97 FT; TH N 89 DEG 07 MIN 49 MIN W, 13.20 FT; TH N 00 DEG 27 MIN 14 SEC E, 140.55 TO POB.

Property Information Questions?

Assessor's Office

210 Martin Luther King, Jr. Boulevard, Room 101
Madison, Wisconsin 53703-3342
Phone: (608) 266-4531
Email: assessor@cityofmadison.com

REAL PROPERTY TAX INFORMATION FOR 2021

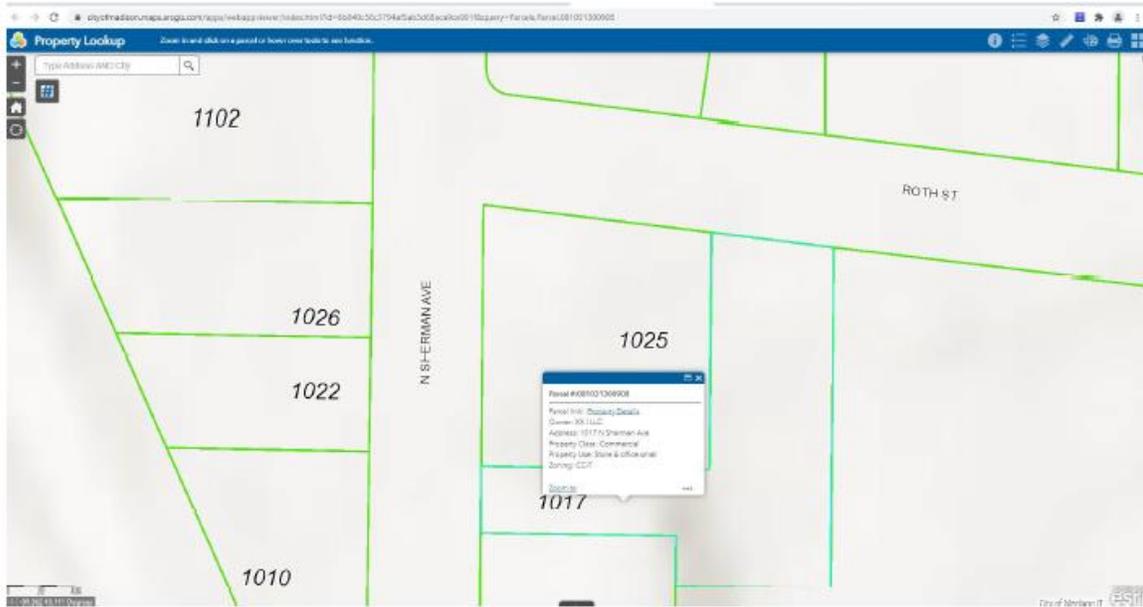
Information current as of: 1/31/22 07:00PM

Category	Assessed Value	Average Assessment Ratio	Est. Fair Market Value
Land	40,000	99.275003%	40,292
Improvements	178,000	99.275003%	179,300
Total	218,000	99.275003%	219,600
Net Assessed Value Rate (mill rate)			0.021498
School Levy Tax Credit			-397.66

Taxing Jurisdiction	2020 Net Tax	2021 Net Tax	% Tax Change
WISCONSIN	0.00	0.00	0.0%
DANE COUNTY	650.71	587.48	-9.7%
CITY OF MADISON	1,981.61	1,812.81	-8.5%
MATC	211.44	177.00	-16.3%
MADISON SCHOOLS	2,301.28	2,109.27	-8.3%
Total	5,145.04	4,686.56	-8.9%
First Dollar Credit	-79.01	-85.47	8.2%
Lottery & Gaming Credit	0.00	0.00	0.0%
Net Property Tax	5,066.03	4,601.09	-9.2%

Total Due

Installment	Due Date	
First Installment	1/31/2022	\$1,150.25



From: Janet Battista <janet@grammata.com>
Sent: Tuesday, February 1, 2022 10:24 PM
To: pccomments@cityofmadison.co; All Alders <allalders@cityofmadison.com>
Subject: Vote NO on CCT Rezoning - Legistar Item #68639

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

City of Madison Plan Commission Alders,

Proposed zoning changes for parcels adjacent to or within the approved Hartmeyer Natural Area (OMSAP) should be categorically denied. The likelihood of increased surface and groundwater levels in the area makes additional development imprudent and unconscionable.

Groundwater:

In about 2005, as DNR hydrogeologist, I attended a meeting to discuss potential effects of abandoning four high capacity pumping wells in use at Oscar Mayer. The group* determined that a significant rise in the water table would be the most likely effect of stopping pumping.

To assess whether the water table rise would harm local infrastructure, the group recommended that groundwater conditions be observed over time. Unfortunately, no monitoring wells were ever installed for this purpose, and no systematic review attempted.

The high capacity wells have now all been abandoned. However, the water table may not yet be in equilibrium. Clay layers that underlie the region may slow the water table rise. (Well construction logs for the abandoned Oscar Mayer wells, and construction logs for the monitoring wells at Demetral Field nearby, indicate that there are deep clay layers beneath much of the region. This clay is at least 200 feet thick in places.)

Surface water:

Long time area residents have noticed that surface water at Hartmeyer is more extensive than previously and lasts longer. This increase may continue since more precipitation and more intense precipitation events are projected for our area (Wisconsin Initiative on Climate Change Impacts (WICCI)).

Inspection of Parks Department maps and recent air photo of the area show how close the proposed additional 1017 N. Sherman Avenue parcel is to the current wetland delineation and to open water. Considering the substantial risks from groundwater and/or surface water level rise, rezoning to allow any nearby development should be denied.

*(The group included Rob Sherman of Oscar Mayer; Larry Nelson, City of Madison Engineering; Kenneth Bradbury, Director of the Wisconsin Geologic and Natural Survey, and myself.)

Janet Battista

Retired DNR hydrogeologist

(608) 242-9006

154 Kensington Drive

Madison, Wisconsin 53704 (Maple Bluff)