

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: June 17, 2011

MEMORANDUM

TO: Plan Commission

FROM: Katherine C. Noonan, Asst. City Attorney, Planning Staff

RE: St. Francis Episcopal Student Center, 1001 University Avenue

Staff has been asked how the Plan Commission should address the Urban Design Commission's expressed concern about this project maintaining the religious corridor. There is no defined religious corridor in this area or anywhere in the City, so the religious nature of past or present uses on the site is not relevant except to the extent of allowable uses under the zoning code. As is the case for all proposals before the Plan Commission, it is the ordinance standards and the Comprehensive Plan that guide the analysis.

In this case, the Comprehensive Plan, which as the staff report notes, includes the subject site and block in the Campus designation. The Campus designation recommends a mix of land uses, including educational facilities; student, faculty and employee housing; and other institutional uses, which staff has broadly interpreted to include religious institutions. The Comprehensive Plan also suggests that outside of the core of the UW campus west of Park Street and north of University Avenue, the interlacing of University and compatible non-University uses is specifically recommended. The numerous religious institutions and student-housing developments should be considered compatible non-University uses.

Standard 1a. of the PUD standards requires compatibility with the physical nature of the site or area. Sec. 28.07(6)(f), MGO. This standard relates to the location of buildings on the site and may suggest, as is shown in the site plan, that locating the original 1929 building right next to the church rather than somewhere else on the lot is more compatible with the area than having the new structure located between the older buildings. This determination, however, is not based on the religious nature of the buildings but on the buildings themselves.

As stated above, the ordinance standards and Comprehensive Plan provide the basis for analysis. Because religious corridors are not identified in either of these sources or in other planning documents, the religious nature of the student center and the Church should not guide the Plan Commission's consideration.

AGENDA # 8

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: September 7, 2011
TITLE: 1001 University Avenue – PUD(SIP), St. Francis Episcopal Student Center Redevelopment – Relocation of the St. Francis House and Construction of an Eight-Story, 80-Unit Residential Building. 8 th Ald. Dist. (21945)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: September 7, 2011	ID NUMBER:

Members present were: Richard Wagner, Marsha Rummel, Todd Barnett, Dawn O’Kroley, Richard Slayton, Henry Lufler, Mark Smith and John Harrington.

SUMMARY:

At its meeting of September 7, 2011, the Urban Design Commission **GRANTED INITIAL APPROVAL** of a PUD(SIP) located at 1001 University Avenue. Appearing and speaking on behalf of the project were Randy Bruce, representing John Leja; Noah Van Dam, Leigh Vicens, Andy Jones, James Stopple, Charles Quagliana, Kevin Delorey, John Leja, and Bill White, representing LZ Ventures. Appearing in support and available to answer questions were Steve Silverberg, representing LZ Ventures; and Bill Dunne. Appearing and speaking in opposition were Al Larson, Gary Brown, representing Luther Memorial Church; Brad Pohlman, Franklin Wilson, representing Luther Memorial Church; Douglas Swiggum, Brian Ohm, and Harvey Temkin, representing Luther Memorial Church. Appearing in opposition but not wishing to speak were Robert Steffen, Marsha Steffen, and Lynn Washington. The current proposal lowers the building to a maximum of eight stories, reducing the mass significantly by four stories. On floors 2-5 there is a projection of 8-feet to essentially reduced the unit count from 90 to 80 units; this gives a 14% reduction in total mass. Vehicular access has been changed to Brooks Street to relieve congestion issues on Conklin Place. Bruce presented shadow studies and discussed the shadows caused on Luther Memorial by other buildings in the area.

Al Larson spoke as congregation president of Luther Memorial Church in opposition. He doesn’t see much change in this plan; the reduction in number of beds is minimal. They still have concerns with light, congestion, traffic, parking, etc. He feels Luther Memorial will suffer a slow demise as people find challenges with coming to services. This project is too big for the space and brings in too much congestion.

Noah Van Dam spoke in support as a member of the board of St. Francis House. The location of the project site is very convenient for students.

Gary Brown spoke representing Luther Memorial. He feels the mass is too much for the context of this site. The same basic number of students would be housed here; the plans haven’t changed enough for Luther Memorial to feel positive them. The height overpowers the prominence of Luther Memorial.

Leigh Vicens spoke as a priest from St. Andrew's Church in Madison, and a former member of St. Francis House. She presented photos of the old chapel and talked about why the St. Francis chaplaincy is so important. College is an existing and unsettling time for students. Campus ministry can serve as a safe haven amidst all the change students go through.

Brad Pohlman spoke as a pastor of Luther Memorial. He reiterated the lack of space that would be between the buildings. He also talked about not only the impact on interior lighting but on exterior lighting as well. They are currently repairing the west side of the building and are finding that the limestone of the building envelope is not drying out and seeing significant disrepair. A lack of exterior lighting would further damage the exterior building materials.

Andy Jones spoke in favor of the project as a way to sustain college ministry. St. Francis House has been a good neighbor for over 90 years and would like to continue that with this proposal while still enabling them to fund this important ministry and keep it vibrant.

Franklin Wilson spoke in opposition to the proposal's mass and scale. He spoke to the importance of pastoral contemplative greenspace which would be destroyed if this project were to move forward. Their desire is to preserve mutual ministry.

James Stopple spoke in support and pointed out that Madison Property Management has been a good neighbor.

Charles Quagliana spoke as the preservation architect on the project. The 1964 addition is to be removed to restore the west façade and return the interior to its original state. A balance between historic preservation with new use will be provided. O'Kroley inquired about the building's appropriateness of the entry to a public right-of-way. He replied it is at the edge of where it is comfortable for him.

Harvey Temkin spoke about their desire for a 5-story building on the southern portion of the lot. This would help preserve the greenspace and avoid any problems with shadowing, and take away the mass. Luther Memorial has been named a landmark since their last meeting with the Urban Design Commission.

John Leja considered that great compromise has gone into this project and that it is now 51% of the size of Grant Central. Compared to other projects on University Avenue this is small. They have 4, 6 and 8-story versions of this project built on the south part of the lot that didn't make any sense to the developers from design or financial standpoints, which is why they weren't brought forward.

Bill White spoke to the viability of the congregation of Luther Memorial as not a struggling one.

Comments and questions from the Commission were as follows:

- The viability of Luther Memorial is not part of our purview; the viability of Luther Memorial is speculation.
- The applicant has gone above and beyond what is normally called for in being a good neighbor.
- The work has been incredibly thorough. I can't remember a project that has gone through this amount of work in response.
- Cities evolve and we have to adapt to what is around us.
- I'm not sure it's St. Francis' responsibility to preserve the greenspace for the use of Luther Memorial.
- The scale of the buildings built along University Avenue is an extremely valid point. With the Business School, Fluno Center, Grand Central (made possible in concert with Luther Memorial), etc. Luther

Memorial helped facilitate the benchmark for this property so in context of the site you've got a building that's twice the size already.

- In terms of preserving the building, its relationship to the street is something I would need to see and understand better.
- Still not comfortable with the treatment of the moped/bicycle parking surrounding the building in terms of it being an appropriate way to wrap that structure.
- How this project moving forward is going to affect pedestrian traffic will be very important to see.
- When there is some relief between the Conklin Street elevation parapet and the more forward University Avenue it more successfully feels like it's nestled into this site. It would have a better relationship to the remainder of the block if the Conklin Street side parapet were brought up a bit.
- Intrigued by the cantilevers.
- To successfully have this building strengthen the St. Francis House, the elevation studies of the horizontal datum will need to be included, more particularly in detail with the St. Francis House.
- Overall the massing and density being added to the site is a positive thing.
- Think about the views out of St. Francis House out onto that outdoor space. Either create some kind of optical illusion on the outside of the greenspace, or be very strategic about how you screen the proposed apartment complex or court.
- Rehabbing St. Francis is a win-win all the way around.
- The building design is nearly an ideal compromise between the materiality of it, the temperature, the scale, and now that it's lower, it fits into that procession of buildings on that side of University Avenue.
- It seems to be a really good high quality background building for the landmark buildings that are right next to it. The recommendations of the National Park Service for building next to a historic building are met with this design.
- There is a context we have to pay attention to. The building and landscaping are not separate issues. Things do change but the reason we're here is to guide that change.
- There is a way here to become more welcoming on that block.
- Put some green along the building so you wouldn't necessarily see the walk but see the green.
- Concerns that the precast will not maintain its quality appearance.
- Consider the east-west and the north-south planes having a slightly different texture.
- This space is important and you're doing a wonderful job with the space you have left.

Randy Bruce noted that the City Attorney has released a memo stating that this area of University Avenue cannot be considered a "religious corridor." Rummel stated that the Landmarks Commission did not agree with staff's assessment of no adverse impacts on the neighboring property. She stated that the Landmarks Commission is expressing concern and wants to make sure attention is paid.

ACTION:

On a motion by Lufler, seconded by Smith, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a vote of (5-2) with Rummel and Harrington voting no.

The motion requested the applicant to look at the following:

- The interior L-shaped courtyard features discussed by Slayton.
- Development of the building's "skin."
- Play with the potential for variation on parapets and building heights and provide elevational studies as previously noted.

- Consideration of the street/plaza features for the dead end of the court to be more than a bike storage area.
- Approach to St. Francis and creation of greenspace aren't solved by changing the surface. The setback off of University may need to increase including better integration of the courtyard between St. Francis House and the new structure to enhance and enlarge the green open space at University Avenue.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 6, 7, 7, 7 and 8.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 1001 University Avenue

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	6
	7	6.5	7	7	-	8	8	7
	-	-	-	-	-	-	-	8
	6	7	6	-	-	7	7	7
	6	7	-	-	-	6	7	7

General Comments:

- Mixed review. Benefits and trade-offs.
- Too much mass for space “footprint.”
- Applicant has done an excellent job of addressing neighbors’ concerns.
- High quality background building for adjacent landmark buildings. Appreciate the effort in the shadow studies.

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date: July 8, 2011

MEMORANDUM

TO: Plan Commission

FROM: Katherine C. Noonan, Asst. City Attorney

RE: Rezoning 1001 University Ave.

A letter has been submitted to you by Brian Ohm expressing concerns about the City's legal liability should the rezoning of 1001 University Avenue be approved. Planning staff has distributed a thorough response to the specific points regarding consistency of this project with the Comprehensive Plan. I agree with the conclusion of staff that it meets the consistency requirement.

Beginning in January, 2010, Wis. Stat. §66.1001(3) required map amendments to be consistent with the Comprehensive Plan. Recent amendments to this legislation added a definition of "consistent with" and expressly stated that the Comprehensive Plan is not a regulation. See Wis. Stat. §66.1001(1)(am) and §66.1001(2m). "Consistent with" mean "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."

There have been no published or unpublished Wisconsin decisions on the application of the consistency requirement since it took effect in 2010. There is, however, a 1985 case, *Lake City Corp. v. City of Mequon*, 207 Wis.2d 155, where the court considered consistency between a master plan and zoning map in the context of a plat approval. After much discussion, the court found that consistent means "not contradictory". *Id.* at 164. The court also noted that the master plan and zoning map need not be identical, and the fact that one may contain elements not found in the other does not make them inconsistent. *Id.* at 165. This point is important because plans are conceived as guidelines rather than regulations. An exact match between a Comprehensive Plan created to address current growth as well as growth well into the future and the details of a specific project is unlikely.

There is no legal prohibition against considering future land use maps when determining whether a rezoning is consistent with the Comprehensive Plan. In fact, the plans are a visual expression of the Plan's underlying goals, policies, and policies. Maps need not be ignored and alternatively, they should not be treated an exact representation of the future.

July 11, 2011
Page 2

There has been some discussion of whether or not the Grand Central development is consistent with the Comprehensive Plan. Mr. Ohm is correct that it was approved prior to the consistency requirement. For that reason, it is irrelevant whether it is or is not consistent with the Comprehensive Plan. Grand Central's importance is the fact that it is part of the context or as-built environment and as such, plays a role in application of the PUD standards.

Finally, in response to Mr. Ohm's letter, staff made a very important point. An interpretation of consistency that brings development and redevelopment to a halt is not a reasonable interpretation. It likely is possible to find some statement in the extensive text of Comprehensive Plan that seems at odds with an individual project. That practice, however, does not really address the underlying purpose of the consistency requirement that development proceed in a way that reflects an agreed-upon vision of the City as expressed in its Comprehensive Plan.

AGENDA # 4

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION	PRESENTED: August 22, 2011
TITLE: 1001 University Avenue – PUD(SIP), St. Francis Episcopal Student Center Redevelopment – Relocation of the St. Francis House and Construction of a Twelve-Story, 90-Unit Residential Building. 8 th Ald. Dist. (21945)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Amy Scanlon, Secretary	ADOPTED: POF:
DATED: August 22, 2011	ID NUMBER:

Members present were: Marsha Rummel, David McLean, Robin Taylor, Michael Rosenblum and Erica Fox Gehrig, Vice Chair.

SUMMARY:

Registered and speaking in support were J. Randy Bruce, representing LZ Ventures; Kevin Delorey, Dave Black, both representing St. Francis House; Rev. Art Lloyd, Noah Van Dam and John Leja. Registered in support and available to answer questions were Steve Silverberg and Bill White, both representing LZ Ventures. Registered in support but not wishing to speak was William H. Dunlop. Registered and speaking in opposition were Gary Brown and Harvey Temkin, both representing Luther Memorial Church; Franklin Wilson, Douglas Swiggum and Brad Pohlman. Registered in opposition but not wishing to speak were Neal Deunk, Marsha Steffen, Robert Steffen and Lynn Washington. Registered neither in support nor opposition and available to answer questions was Alder Scott Resnick, 8th District.

Randy Bruce and John Leja provided a brief presentation about the revised project proposal that now consists of a 8-story building with 60-units.

Kevin Delorey explained that there have been numerous meetings between St. Francis and Luther Memorial.

Lynn Washington explained that as a musician, she appreciates the acoustics of the St. Francis 1960s addition that would be lost if this development were to move forward.

Noah Van Dam worships at St. Francis and he stated that the congregation prefers to use the 1920s chapel for services and that the project must move forward to keep the ministry on-site.

Brad Pohlman explained that Luther Memorial continues to be concerned about light and noise issues with the revised proposal because the issues were not addressed. Instead they were moved around on the site. He explained that the increased shadow would foster maintenance issues.

Doug Swiggum provided shadow studies and photos of Luther Memorial as a handout. He explained that the loss of direct natural light would impact the congregation's contemplative experience in the space.

Gary Brown reminded the Landmarks Commission of previous recommendations to Plan Commission. He read the recommendations and explained that the revised proposal has not addressed the concerns.

Art Lloyd explained that he supports the development as a way to keep the ministry of St. Francis on-site in the historic building intended for this purpose. He stated that there is a need for student housing in this area and that the St. Francis development is sensitively placed away from Luther Memorial.

Harvey Temkin explained that the proposed development project was not appropriate next to a landmark.

Dave Black stated that Luther Memorial has offered to purchase St. Francis numerous times. This tactic seems to be a waiting game to deny development so St. Francis has to sell.

William Dunlop explained the importance of the St. Francis connection to the University and keeping the ministry on its appropriate site. This development will allow it to stay and be economically responsible to the City.

Alder Resnick reminded the Commission to sort through all testimony and balance each side.

The Commission discussed the shadow studies provided by Randy Bruce and Doug Swiggum and how they differ. They discussed the light in the nave and the most suitable conditions for viewing stained glass. They discussed the times of the worship services and whether the increased amount of shadow would affect the interior space. They discussed maintenance issues that may relate to increased shade near the Luther Memorial building, since there is potential risk of damage to an exterior if there is a greater shadow cast. They discussed that they appreciate keeping the historic St. Francis building on-site and that the developer has been responsive to their concerns. They discussed the dramatic light and motion as an architectural element that is significant to the building's character and whether the ordinance allows the Commission to address concerns affecting the interior of a landmark.

The Secretary explained that the proposal at hand is what the Commission should address tonight. Compared to other proposals that could come before them; this one is saving a potential landmark (St. Francis), being sensitive to a landmark next door (Luther Memorial) and is trying to work with its context. She noted that the landmark is within an urban environment. Rummel stated that the code says "adversely affect," which is a pretty high standard for the proposed development.

The Commission discussed the recommendations from their review of the project from the meeting of May 9, 2011. These included adversely affecting the natural light, and adversely affecting the Luther Memorial site with increased noise and privacy issues.

A motion was made by Rosenblum, seconded by Taylor, to forward the following recommendation to the Plan Commission: While the Landmarks Commission appreciates the developers responsiveness to reducing the height of the development thereby positively improving the shadowing issues at Luther Memorial; keeping St. Francis on site; and locating the new development on the opposite corner from the landmark, the Commission still has concerns about the adverse affect of increased shadowing on the interior and exterior of Luther Memorial. The Commission believes that the increased shadow would affect the contemplative use and enjoyment of the space on the interior and that the increased shadow may cause damage to materials on the exterior. The motion passed by a voice vote/other.

Regarding: **1001 University Avenue – PUD(SIP), St. Francis Episcopal Student Center Redevelopment – Relocation of the St. Francis House and Construction of a Twelve-Story, 90 unit Residential Building, 8th Ald. District. (Legistar #20329)**

New development adjacent to a local Landmark.

Date: August 22, 2011
Prepared By: Amy Scanlon

General Information:

A proposal to develop a 12-story building on this site came before the Landmarks Commission on May 9, 2011 on a volunteer basis. Since that presentation, Luther Memorial Church at 1021 University Avenue (on an adjacent parcel) has been designated a local Landmark. The current 8-story proposal is returning to the Landmarks Commission for a recommendation to the Plan Commission and the Urban Design Commission for an advisory opinion regarding development adjacent to a Landmark.

Applicable Landmarks Ordinance sections:

The Landmarks Ordinance does not address development adjacent to Landmarks. The Zoning Code section states:

28.04(3) Scope of Regulations

- (n) Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission. (Cr. By Ord. 11,648, 8-20 & 8-26-96)
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Staff Comments:

Staff feels that the proposal does not have an adverse affect on the historic character and integrity of the adjacent landmark.

CITY OF MADISON STANDARDS FOR REVIEW OF CERTAIN TYPES OF DEVELOPMENT PROPOSALS

The following Standards are used to review development proposals

Excerpts* From The Following Sections Of Madison General Ordinances:

- | | |
|-------------------|-----------------------------------------|
| * Sec. 28.12(1) | Zoning Map & Text Amendments |
| Sec. 28.12(11) | Conditional Uses |
| ** Sec. 28.12(12) | Demolition and Removal |
| * Sec. 28.07(6) | Planned Unit Development District (PUD) |
| Sec. 28.04(19) | Waterfront Development. |
| Sec. 28.12(11)(k) | Planned Residential Development (PRD) |
| Sec. 28.12(9) | Variances (Zoning Board of Appeals) |

* FOR 9/19 PC MEETING
*, ** FOR 9/20 COUNCIL MEETING

*This packet includes portions of each of the sections noted above and does not contain the entire section. The reader is encouraged to refer to the ordinance for all of the requirements and process for each of these approvals.

Prepared by: Planning Division, November 2010

ZONING MAP & TEXT AMENDMENTS *

The Zoning Code Sec. 28.12(10) includes the following provisions regarding zoning map & text amendments:

- (a) Authority of Common Council. For the purpose of promoting the public health, safety, morals, comfort, prosperity and general welfare throughout the City and lessening or avoiding congestion in the public streets and highways, the Common Council may, from time to time, in the manner set forth in applicable Wisconsin Statutes, amend the regulations imposed in the districts created by this ordinance, provided that due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantages of the entire City and environs, the uses to which property is devoted at the time of the adoption of such amendatory ordinance, and in the case of map amendments, the cost of providing municipal services to the property and the uses accommodated by the map amendment. In the case of map amendments to the flood plain zoning district, actions which require an amendment shall include but not be limited to the following:
1. Any change to the official floodplain zoning map, including any change in the floodway lines or boundary of the floodplain area.
 2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
 3. Any fill to the floodplain which will result in raising the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 4. Any fill or floodplain encroachment that will obstruct flow, causing an increase of 0.01 foot or more in regional flood height.
 5. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
 6. All channel relocations and changes to maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by FEMA.
- (f) Recommendation by the City Plan Commission. After the public hearing on an amendment, the City Plan Commission shall submit its recommendation to the Common Council prior to the public hearing before such Council. The City Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant, and further shall not recommend a proposed amendment without due recognition of the master plan of the City of Madison. In addition, the City Plan Commission may recommend to the Common Council:
1. The adoption of a map amendment changing the zoning classification of the property in question to any classification higher than that proposed by the applicant. For this purpose, the conservancy district shall be deemed to be the highest classification and the M2 district shall be deemed to be the lowest classification.
 2. The amendment of a zoning text provision of this chapter when the repeal of such provision is proposed.

3. The minor modification of a proposed zoning text amendment, including the deletion of portions thereof.
4. That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area.
5. That a rezoning may be subject to any of the following conditions:
 - a. The ordinance shall take effect immediately upon passage and publication as provided by law;
 - b. The rezoning shall occur when the conditions in this ordinance are met;
 - c. That a building permit be obtained within eighteen (18) months of the effective date of this ordinance under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted;
 - d. In the event any of these conditions are not met within twenty-four (24) months of the effective date of this ordinance, the ordinance shall be null and void and the property shall retain the original zoning;
 - e. That the intended use of the property be designated;
 - f. The rezoning shall occur when a conditional use is approved by the Plan Commission;
 - g. In case of map amendments obstructing flow, or increasing regional flood height .01 foot or more, that flooding easements or other appropriate legal arrangements are obtained from all adversely affected property owners and that local units of government are notified;
 - h. Other conditions as the Plan Commission feels necessary to protect the public interest.

CONDITIONAL USES

The Zoning Code Sec. 28.12(11) includes the following provisions regarding conditional uses:

- (a) Statement of Purpose. The development and execution of this ordinance is based upon the division of the City into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development, and operation of such uses. Such uses are classified as conditional uses and fall into two (2) categories:
 1. Uses publicly operated or traditionally affected with a public interest.
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

- b. For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City plans.
- (e) Every person who is required to submit a reuse and recycling plan pursuant to (c)5. above shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

PLANNED UNIT DEVELOPMENT DISTRICT (PUD) *

The Zoning Code Sec. 28.07(6) includes the following provisions regarding Planned Unit Developments:

- (a) Statement of Purpose. The Planned Unit Development District is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent, it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning.
- (f) Criteria for Approval. As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design. For Planned Unit Development Districts with Residential Components in Downtown Design Zones, the Design Criteria adopted by the Common Council shall be used as guidelines for determining whether the following criteria are met.
 - 1. Character and Intensity of Land Use. In a Planned Unit Development District, the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - a. Are compatible with the physical nature of the site or area.
 - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
 - c. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.
 - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.
 - 2. Economic Impact. Planned Unit Development District shall not adversely affect the economic prosperity of the City or the area of the City where the Planned Unit Development is proposed including the cost of providing municipal services.

3. Preservation and Maintenance of Open Space. In a Planned Unit Development District, adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.
4. Implementation Schedule. A Planned Unit Development District shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

WATERFRONT DEVELOPMENT

In addition to the conditional use standards, Zoning Code Sec. 28.04(19) includes the following provisions applicable to waterfront development:

- (a) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development.
- (b) General Regulations. The following regulations shall apply to all new development except a Civic Auditorium Complex. No building permit shall be issued for any new development of a waterfront or shoreland zoning lot without first obtaining a conditional use permit therefore. For purposes of this section, new development shall be a new principal building, an addition or additions to an existing principal building totaling in excess of five hundred (500) square feet of floor area during any ten (10) year period, or an accessory building. The conditional use permit shall be issued pursuant to the procedure set forth in Section 28.12(11) of this ordinance. In addition to the review standards set forth in Subdivision (g) therein all waterfront development shall be subject to the following standards.
 1. The principal building setback from the water shall be:
 - a. For all zoning lots where the principal use is residential, where the zoning lot is vacant, or where proposed development consists of the construction of a new principal building, the setback from the water shall be not less than the average setback of the five (5) developed zoning lots to each side of the proposed zoning lot.
 - b. For all other zoning lots, the applicant shall choose, for the location of any additions, alterations, or expansions of an existing principal building, a setback from the water that is not less than seventy-five (75) feet the setback calculated in (a) or the setback of the existing building that is being added to, altered, or expanded.
 2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading, or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.

date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension according to Section 28.12(11)(h)2. for up to twenty-four (24) months from the expiration date.

4. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Subdivision (g) or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards 1 and 2 in Subdivision (g) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subdivision (i) hereunder. (Cr. by 6732, 8-30-79)

DEMOLITION AND REMOVAL *✧

The Zoning Code Sec. 28.12 (12) includes the following provisions regarding approval of the Demolition (Razing, Wrecking) and Removal of buildings:

- (a) Statement of Purpose. It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available at reasonable prices, and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing

codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.

(b) Application for Permit.

1. No building as defined in Section 29.03 of the Madison General Ordinances shall be demolished or removed without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development. Applications for demolition or removal permits shall be submitted to the Director of the Building Inspection Division. An application for a demolition or removal permit shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved. An application for a permit also shall include a site plan for any proposed future use, the length of the current ownership, and photographs of the building(s). If the proposed demolition is to be accomplished by fire, the application shall designate the proposed method of demolition. (Am. by Ord. 12,760, 2-27-01; Ord. 13,713, 10-26-04; ORD-08-001909, 10-7-08)
2. Except for applications submitted pursuant to (d), below, at least thirty (30) days prior to submitting an application for a demolition or removal permit, the applicant shall notify the Alderperson of the district where the demolition or removal is proposed. The applicant also shall notify any neighborhood association registered within the City that serves the area where the demolition or removal is proposed, any business association that serves the area and is listed by the City, and any person registered with the Department of Planning and Community and Economic Development to receive notice of proposed demolitions or removals. The above notice shall be provided sixty (60) days prior to submitting an application for demolition or removal for buildings constructed prior to 1940. Notification shall be by mail, or electronic mail, with a copy to the Director of the Department of Planning and Community and Economic Development. Failure to provide such notification shall not invalidate any action on the application taken by the Plan Commission or Common Council but may delay consideration of the application. The notice requirement for all but the registered persons may be waived, if approved by the Alderperson, President of the Neighborhood Association, and Director of the Department of Planning and Community and Economic Development. For registered persons, the notice period may be reduced to fourteen (14) days, if approved by the Alderperson, President of the Neighborhood Association, and Director of the Department of Planning and Community and Economic Development. (Am. by ORD-09-00074, 5-21-09)

(c) Standards. Applications for demolition or removal permits shall not be approved, except as provided in Section 28.04(22)(d) of the Madison General Ordinances, unless the following standards are met:

1. Applications With a Proposed Future Use.

- a. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code, Chapter 28, Madison General Ordinances.
 - i. If the Zoning Administrator finds that the proposed use of the property is not in

compliance with the provisions of the Zoning Code, the applicant for a demolition or removal permit may follow the procedures provided by the Zoning Code to apply for a map or text amendment pursuant to Section 28.12(10) of the Madison General Ordinances or for a conditional use permit pursuant to Section 28.12(11) for the proposed use. All of the provisions of Sections 28.12(10) and 28.12(11) shall apply to said applications, except that the time limit for commencement of the conditional use, pursuant to Section 28.12(11)(b)3., shall be eighteen (18) months instead of twelve (12) months.

- ii. If after the procedures provided in Paragraph 1. are followed, the proposed use of the property would be in compliance with the provisions of the Zoning Code, the Zoning Administrator shall grant a zoning certificate for the proposed use, pursuant to Madison General Ordinance Section 28.12(5)(a).
 - b. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be consistent with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building, and the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing. (Am. by Ord. 12,279, 12-14-98; Ord. 13,248, 2-11-03; Ord. 13,713, 10-26-04)
 - c. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Section 33.01(5)(c) of the Madison General Ordinances.
 - d. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.
 - e. If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator.
2. Application With No Proposed Use. In addition to the above standards in (c)1.c-e:
- a. The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Neighborhood Preservation and Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or

Protest Petition (Filed By Luther Memorial Church)

Demolition Permit Appeal (Filed by LZ, LLC)

and

Related Staff Comments



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building, Suite LL100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
FAX 608 267-8739
PH 608 266-4635

TO: Mayor Paul R. Soglin
Madison Common Council

FROM: Bradley J. Murphy, Planning Division Director

DATE: July 15, 2011

SUBJECT: Legislative File 22443, Rezoning 1001 University Avenue from R6 to PUD: the St. Francis House Development

On the Common Council agenda for the meeting of July 19, 2011 is a request to rezone property at 1001 University Avenue from R6 to PUD for the St. Francis House redevelopment project. The Plan Commission recommendation is to place this item on file without prejudice. That recommendation followed a motion to approve the project, which failed by a 3 (in support) to 5 (in opposition) vote. As part of the same action, the Plan Commission did not approve the demolition permit requested for the project to relocate the original portion of the St. Francis House to a different portion of the property, and to demolish the 1964 addition to the building.

Since the Plan Commission meeting a protest petition has been filed against the zoning map amendment by Luther Memorial Church, a neighboring property. The petition has been reviewed by the City Attorney's Office and the Planning Division. While there appear to be some minor irregularities in the protest petition (e.g., City records show the owner to be "Luther Memorial Evangelical Lutheran Church of Madison" and the petition was signed in the name of "Luther Memorial Church"; the name of the President of the Church is spelled both Al Larsen and Al Larson), staff has concluded that the petition in all likelihood is one that meets the requirements under the ordinance. The petition represents the owners of 20% or more of the land immediately adjacent to and extending 100-feet from the proposed zoning map amendment. As a result, the zoning map amendment shall not become effective except by a favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change.

In addition, applicant for the demolition, LZ, LLC has submitted an appeal from the decision of the City's Plan Commission on the denial of the demolition permit to remove the 1964 addition to the building and allow the relocation of the original portion of the St. Francis House to a different location on the property. The zoning ordinance provides that the appeal shall be filed with the Zoning Administrator and forwarded to the Clerk and Common Council and that the Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. The ordinance requires a favorable vote of two-thirds (2/3) of the members of the Common Council voting on the matter to reverse or modify the action of the Plan Commission. The intent of the Ordinance, MGO Section 28.12(12)(h) is

that the Council consider the appeal of the demolition permit at the same time that it considers the PUD map amendment.

In order to allow sufficient time to provide notice and scheduling of the public hearing on the appeal of the Plan Commission's decision on the demolition permit, the Planning Division and City Attorney's Office recommend that Legislative File 22443, the zoning map amendment for 1001 University Avenue be referred to the Common Council meeting of August 2, 2011 and that the public hearing on the appeal of the Plan Commission's action on the demolition permit also be scheduled for the same meeting.

Questions have also been raised by some Council members regarding the appropriate standards to use to review the Planned Unit Development and the demolition permit appeal. In brief, the standards used by the Plan Commission should also be used by the Common Council in deciding these matters. The applicable standards are those related to the following:

- Section 28.12(1) Zoning Map and Text Amendments
- Section 28.12(12) Demolition and Removal
- Section 28.07(6) Planned Unit Development Districts (PUD)

A copy of these standards is attached.

In advance of the Common Council meeting of August 2, staff will prepare a more detailed memo which will outline more specifically the standards that should be used by the Common Council in considering these requests.

C: Michael May, City Attorney
Kitty Noonan, Assistant City Attorney
Steven Cover, Director, Department of Planning and Community & Economic Development
Anne Monks, Assistant to the Mayor
Maribeth Witzel-behl, City Clerk
Bill White
Harvey Temkin



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 600
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-229-2100
Toll Free: 800-728-6239
reinhartlaw.com

September 15, 2011

Harvey L. Temkin
Direct Dial: 608-229-2210
htemkin@reinhartlaw.com

DELIVERED BY MESSENGER

Maribeth Witzel-Behl, City Clerk
City of Madison
City-County Building, Room 103
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703

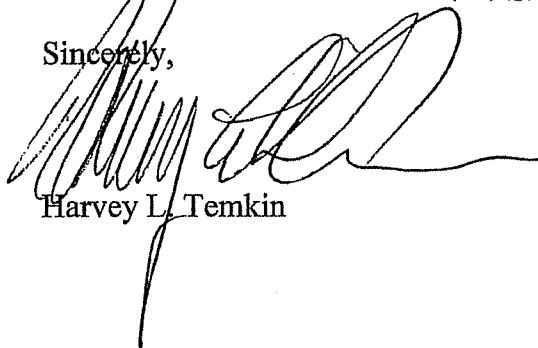
Dear Ms. Witzel-Behl:

Re: Protest Petition

On July 14, 2011, we submitted a verified petition protesting the proposal to amend the zoning of the property located at 1001 University Avenue, Madison, Wisconsin, from the R6 Zoning District to a PUD-GDP-SIP. The enclosed petition is being filed in abundance of caution to correct two minor irregularities referenced in Mr. Murphy's July 15, 2011 Memorandum to Mayor Soglin and the Madison Common Council in regards to the petition filed July 14, 2011, and in no way do we relinquish any interest or rights established under the petition filed on July 14, 2011.

The enclosed petition is being filed, pursuant to Wisconsin Statutes Section 62.23(7)(d)(2m) and Madison General Ordinance Section 28.12(10)(g)(2).

Sincerely,

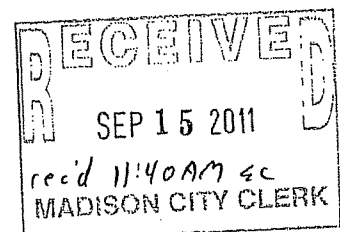


Harvey L. Temkin

REINHART\7804372JT:JT

Enc.

cc Brad Pohlman



PROTEST AGAINST ZONING CHANGE

The undersigned hereby make and file formal protest, under the provisions of Sec. 28.12(10)(g) of the Madison General Ordinances of the City of Madison, and Sec. 62.23(7)(d)2m. of the Wisconsin Statutes, against the proposed rezoning of the following described property: _____
1001 University Avenue, Madison, Wisconsin
which is currently zoned as a R6 District and is proposed to be zoned as a FUD-GDP-SIP District. In support of said protest I/we represent and show the Honorable Mayor and Common Council of the City of Madison as follows: That I/we am/are the owner(s) of land immediately adjacent extending 100 feet from the land area proposed to be rezoned.

Name (Print)	Signature	Date Signed	Address of Land Owned
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See attached Verified Petition.

VERIFIED PETITION

Regarding the Proposal to Amend the Zoning of the Property located at
1001 University Avenue, Madison, Wisconsin from the
R6 Zoning District to a PUD-GDP-SIP.

Pursuant to Wisconsin Statutes section 62.23(7)(d)(2m).

The undersigned property owners do hereby protest against the rezoning of the property located at 1001 University Avenue, Madison, Wisconsin, from the R6 Zoning District to a PUD-GDP-SIP that would relocate a portion of an existing church and student center elsewhere on the same parcel and demolish the remainder to allow construction of an apartment building. The undersigned property owners represent the owners of 20% or more of the area of the land immediately adjacent extending 100 feet from the land included in the proposed zoning amendment.

Pursuant to Wisconsin Statutes section 62.23(7)(d)(2m), the proposed amendment may not be enacted except by the favorable vote of three-fourths of the members of the Council voting on the proposed amendment.

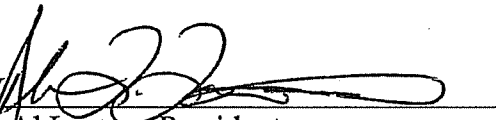
Dated: September 15, 2011

Respectfully submitted,

LUTHER MEMORIAL EVANGELICAL
LUTHERAN CHURCH OF MADISON,
WISCONSIN

(1019 University Avenue; 1021 University
Avenue; 1024 Conklin Place; 1036 Conklin
Place; 315 N. Mills Street)

BY


Al Larson, President

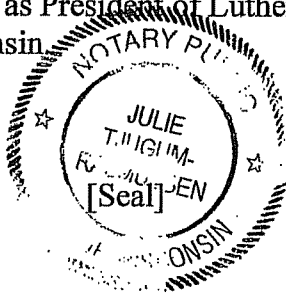
Attest:


Brad Pohlman, Pastor

[ACKNOWLEDGEMENT TO FOLLOW]

State of Wisconsin)
 : SS
Dane County)

This instrument was acknowledged before me on September 15, 2011 by Al Larson as President of Luther Memorial Evangelical Lutheran Church of Madison, Wisconsin



Julie Tjugum-Rasmussen
Printed Name: JULIE TJUGUM RASMUSSEN
Notary Public, State of Wisconsin
My commission: 12-14-2014

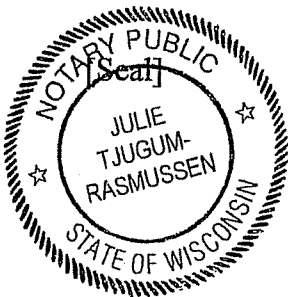
Dated: September 15, 2011

STUDENT CENTER FOUNDATION, a/k/a
CHRISTIAN SCIENCE STUDENT CENTER
FOUNDATION (315 N. Mills Street)

BY Martin Evanson
Martin Evanson, President

State of Wisconsin)
 : SS
Dane County)

This instrument was acknowledged before me on September 15, 2011 by Martin Evanson as President of Student Center Foundation.



Julie Tjugum-Rasmussen
Printed Name: JULIE TJUGUM RASMUSSEN
Notary Public, State of Wisconsin
My commission: 12-14-2014

APPEAL OF THE CITY PLAN COMMISSION
DECISION DENYING DEMOLITION PERMIT



To: City of Madison, Common Council

The undersigned applicant LZ, LLC hereby appeals from the decision of the City Plan Commission denying a demolition permit for the property located at 1001 University Avenue which decision was made at a duly called and noticed meeting of the Plan Commission on July 11, 2011. The two (2) grounds for denial identified by the City Plan Commission are erroneous and contrary to the provisions of MGO § 28.12(12)(c)1. The first basis for denials is sub b:

The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the zoning code for the zoning district in which the property is located. Furthermore, the proposed use should be consistent with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. In making this finding the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the effects of the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building, and the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.

In addition, the Plan Commission identified the provisions of MGO § 28.12(12)(c)1.d.:

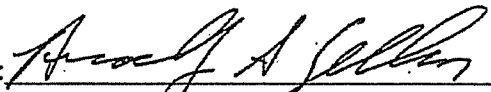
The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

The Staff Report and Addendum issued by the City of Madison Planning Unit clearly indicate that the proposed demolition is compatible with the purpose of this section of the Madison General Ordinances and the intent expressed in the Zoning Code for the R-6 Zoning District. In addition, the proposed use which was coupled with the proposed demolition is fully consistent with, and furthers the goals of the City of Madison's Comprehensive Plan. In addition, the report of the City's historic preservation planner regarding the historic value of the property and the report of the Landmarks Commission was advisory in nature and clearly did not prohibit the demolition of the subject property at 1001 University Avenue.

WHEREFORE, the applicant respectfully requests that the action of the City's Plan Commission be reversed by a two-thirds vote of the members of the Common Council voting on the matter after referral to a subsequent meeting of the Common Council for purpose of hearing this appeal.

Dated this 15th day of July, 2011.

LZ, LLC

By: 
Bradley S. Zellner, Member

**New Public Comments
Please See:**

<http://legistar.cityofmadison.com/detailreport/?key=24806>

For Previously Provided Comments

Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 8:30 AM
To: Firchow, Kevin
Subject: FW: St. Francis House Episcopal Student Center - Sept. 19

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Byram, Susan [mailto:Sue.Byram@bruker-axs.com]
Sent: Wednesday, September 14, 2011 4:17 PM
To: hiwayman@chorus.net
Subject: St. Francis House Episcopal Student Center - Sept. 19

Dear Michael Rewey, Planning Commission member:

Please vote YES when the planning commission meets Sept 19 to consider this important new project, to support the wonderful St Francis House Episcopal Student Center. This will bring in new tax dollars to City of Madison. The proposal for the new student center has been sincerely redesigned from 12 to 8 stories, and it is a good design for the location. I am one of many Episcopal church members in Madison who want this to go forward to support our new student members. We strongly support the ministry there. I help them in small ways now but we all need this project to be self-sustaining. NO public money is requested. Please consider this important proposal favorably.

Best regards

Sue Byram

PS Hello Mike! From Sue and Aicardo. I did not know you were on the planning commission until this occasion arose. It must be interesting.

.....
Susan K. Byram
1628 Waunona Way
Madison, WI 53713
Cell: (608) 347-6035
sue.byram@bruker-axs.com
.....

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Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 8:30 AM
To: Firchow, Kevin
Subject: FW: St Francis House Project

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Sharon Bloodgood [mailto:sbloodgood@charter.net]
Sent: Wednesday, September 14, 2011 4:55 PM
To: hiwayman@chorus.net
Subject: St Francis House Project

Dear Michael,

I urge your support for the proposed St Francis House project. A campus ministry was a lifeline for me when I came to a big university. I know how important it can be in the lives of students.

This project ensures the ongoing service provided by St Francis House while providing additional campus housing and will add to the Madison tax base. It seems like a win-win situation to me.

Please support this project.

Thank you,
Sharon Bloodgood
1807 Dewberry Dr.
Madison, WI 53719

Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 8:30 AM
To: Firchow, Kevin
Subject: FW: Proposed St Francis House Development

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Bill Braham [mailto:bill_braham@yahoo.com]
Sent: Wednesday, September 14, 2011 9:50 PM
To: ALL ALDERS; erics@cow.org; jolson@operationfreshstart.org; michael.heifetz@deancare.com; hiwayman@chorus.net; Murphy, Brad; avandrzejews@wisc.edu
Subject: Proposed St Francis House Development

14 September 2011

Dear Member of the City of Madison Plan Commission and Common Council:

We are writing regarding the proposed student apartment development on the St. Francis House site next to Luther Memorial Church on University Avenue.

We are members of Luther Memorial Church. We oppose the development and urge you to vote against it.

There are many reasons we are opposed to the project and we are sure you have heard most, if not all, of them. However, the primary reason we are against the development is the further congestion it will cause. Even Mayor Soglin mentioned how crammed the area is surrounding the high rise student apartment which is located just south Luther Memorial Church. He specifically mentioned the congestion, and fire danger, which he encountered on a Sunday morning! Luther Memorial deals with this congestion every Sunday morning, as well as the congestion during the week when folks are trying to attend meetings, concerts, classes, to say nothing of our pre-schoolers and their safety.

Luther Memorial has been a vibrant addition to the university community for a century. Luther Memorial has cooperated with many student activities and needs. The very large footprint that will be made by the proposed St. Francis House project will severely affect the ability of Luther Memorial to continue to thrive in such a dense urban setting.

Thank you for your thoughtful considerations.

Peace,
Bill and Judy Braham
5405 Temple Court

Madison WI 53705
608-238-7995

Bill Braham
Madison, WI
bill_braham@yahoo.com

Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 11:50 AM
To: Firchow, Kevin
Subject: FW: St. Francis House Episcopal Student Center

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Angelique Edgerton [mailto:angelique.edgerton@gmail.com]
Sent: Thursday, September 15, 2011 9:42 AM
To: hiwayman@chorus.net
Subject: St. Francis House Episcopal Student Center

Dear Mr. Rewey,

I am writing to express my support of the St. Francis House Episcopal Student Center. I am a former UW student, and spent many Sundays and other occasions at St. Francis House. When I arrived in Madison, I was welcomed and included in the community, and found my next four years greatly enriched by my experience with St. Francis House. I sincerely believe that their work is important and meaningful, and hope their ministry can continue and expand.

The church's current proposal for expanded development is a well-designed project in the right location, and their development team has recently made a sincere accommodation by reducing the proposed building from 12 to 8 stories. The proposal is 60% of the size of the nearby 14-story Grand Central Apartments, an adjacent development that Luther Memorial Church helped bring to pass and financially benefitted from. The St. Francis House proposal is both well-designed, and smaller, and I hope that you will treat our ministry fairly and equitably.

Furthermore, Luther Memorial's objection to the St. Francis House proposal – that student housing adjacent to its facility is a primary reason for their decline in membership – is inaccurate and misguided. Urban churches in general have experienced a decline in congregation size, from an array of reasons ranging from population shifts to the suburbs, a decline in membership in mainline denominations nationwide, and an overall decrease in religious involvement among Americans. It is unfair for our neighbor to use this unfounded correlation as an argument against our plans when there are many other legitimate reasons for the decline in their membership.

I ask that you consider these points, and I trust that you will vote fairly and justly.

Sincerely,

Angelique Edgerton

Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 11:50 AM
To: Firchow, Kevin
Subject: FW: St. Francis Development

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Mary Markwardt [mailto:pinwardt@sbcglobal.net]
Sent: Thursday, September 15, 2011 10:37 AM
To: King, Steve; Rummel, Marsha; Schmidt, Chris; erics@cows.org;
jolson@operationfreshstart.org; michael.heifetz@deancare.com; Mike Rewey;
avandrzejews@wisc.edu
Subject: St. Francis Development

Dear Members of the Plan Commission,

My husband, Larry Pinnow, a retired pastor, and I reside on the North side of Madison. We have belonged to Luther Memorial Church for about 10 years. We highly value the long and strong ministries, integrity of worship, and witness to the campus community, welcoming to all people.

We have a friend from India, whose father studied at the University in the 1970's. He was so happy to see the church where they had worshipped when he visited last winter in Madison.

One fall Saturday afternoon my husband was performing a wedding at the church. The University Marching Band was marching by and when they saw the doors open with the wedding couple coming out, they started playing. What a memorable, spontaneous moment for all. This is just one of many, many, mostly unrecorded, special Madison moments that make Madison such a great city. Our church is an important part of that history.

As is the St. Francis House.

We urge you to take this into consideration as you deliberate the many issues that affect this property in the future of both of these ministries, the life of the university and of Madison.

Please preserve the unique beauty of this property.

Sincerely,
Mary Markwardt
Larry Pinnow
4005 Hanover St.
Madison, WI

Firchow, Kevin

From: Murphy, Brad
Sent: Thursday, September 15, 2011 12:38 PM
To: Firchow, Kevin
Subject: FW: St. Francis House proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: The Rev. Dr. D. Jonathan Grieser, Rector [mailto:togracechurchrector@gmail.com]
Sent: Thursday, September 15, 2011 12:18 PM
To: hiwayman@chorus.net
Subject: St. Francis House proposal

I am the Rector of Grace Episcopal Church and a member of the Board of St. Francis House. I have participated in the board's lengthy discussions about the future of Episcopal Campus Ministry at UW Madison and believe this development is the best possible way to ensure that ministry's long-term viability and to create a vibrant campus ministry for the twenty-first century. We have listened carefully to our neighbors and have sought to address their concerns both in the revisions to the project and by assuring them that we will continue to be a presence on that block and work together with them to create sustainable and healthy ministries.

The proposal under consideration is the product of lengthy conversations among the St. Francis House Board, the developers, and our neighbors. The developers have worked hard to create a beautiful and sustainable project and they have been responsive to concerns expressed by Luther Memorial Church and at the various hearings. It accomplishes one of the city's long-term goals of bringing student housing closer to campus. It also adds significant revenue to the city's coffers during these difficult economic times.

I do not want to downplay LMC's concerns about noise, congestion, and vandalism. Their concerns are common to urban churches across the country, including my own. All of the challenges of being a university or urban church do not constitute a threat to that church's existence, they create an exciting opportunity for ministry.

St. Francis House is hoping to create a similarly exciting opportunity for ministry by providing firm financial grounding and a beautiful worship space for the future. We also look forward to many years of cooperation with Luther Memorial Church on our joint concerns about the quality of life in our neighborhood as well as our common ministry among the students, faculty, and staff of UW.

I urge you to support this proposal and look forward to answering any questions you might have.

Sincerely,

The Rev'd Dr. D. Jonathan Grieser
Grace Episcopal Church
c: 608-695-3887

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 5:18 PM
To: Firchow, Kevin
Subject: FW: Proposed Development at 1001 University Ave. (St. Francis House site)

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Rita Sweeney [mailto:rita.sweeney@gmail.com]
Sent: Wednesday, September 14, 2011 5:02 PM
To: Murphy, Brad
Cc: Bidar-Sielaff, Shiva; ALL ALDERS
Subject: Proposed Development at 1001 University Ave. (St. Francis House site)

Dear Mr. Murphy:

Please include this email in the packet you are preparing for the Plan Commissioners regarding the proposed development at 1001 University Avenue, the current site of St. Francis House.

Dear Plan Commissioners:

I have recently learned that the developers proposing to construct a large student apartment block at 1001 University Avenue have submitted a modified building plan to the City of Madison. After looking over this modified development proposal, I have the impression that the number of apartment units and number of beds included in this new proposal are similar to the apartment and bed counts in the proposal that the Plan Commission reviewed this summer and did not support. Although the tallest section of the building has been reduced from 12 to 8 stories in the current proposal, other sections of the proposed building are now taller. It also appears that the set-back from University Avenue has been reduced, and the former arched glass wall overlooking the proposed relocation site of the original St. Francis House chapel has been eliminated and replaced with a large block of apartment units closer to this historic chapel. Thus the modified building plan has similar overall bulk to the former building plan that did not receive approval from the Plan Commission.

I am struck by the fact that the developers told the Plan Commission at two meetings this summer that their earlier proposal was the only one that would be economically viable for this site and also eloquently described the aesthetic value of architectural features that have now been abandoned in the current proposal. In the span of a very few weeks, the developers have somehow been able to put together a new proposal to replace their previous proposal that they adamantly described as the only one that would work for them financially. They have also abandoned several of the architectural design features that they previously acclaimed.

I am not sure if the current proposal will alleviate to any extent the shadows cast on Luther Memorial Church's

(LMC's) stained glass windows during Sunday morning services or the increased damage to LMC's roofs, gutters, downspouts and walls due to the increased ice formations from the shadows cast by the proposed building. However, if the number of units and number of occupants remain similar to those in the earlier proposal, then the concerns about noise, traffic and safety expressed about the earlier proposal remain relevant to the current proposal. I am also greatly troubled that the current proposal, just like the earlier proposal, would greatly reduce the sunlight reaching the LM Preschool rooms, which are located on the lower level of the LMC education and office wing on the east-side of our church. I think it would be terrible if the preschoolers suffer a loss of sunlight during their school days, especially since it becomes dark so early during much of the school year when the preschoolers are at their homes.

As a social scientist, I am well aware that statistics can be used to misrepresent an issue. The developers' submission includes a statistic suggesting that their proposed building will reduce the potential sunlight reaching LMC by only a small percentage. I find this analysis submitted by the developers to be both purposefully misleading and disingenuous. I think the potential sunlight measured in the developers' analysis (a) may not include the potential sunlight reaching the preschool rooms and (b) includes both morning and afternoon hours. LMC members are especially concerned about morning sunlight in that our Sunday services are held at 8 am and 10:30 am, and the morning sun is especially important for melting the snow and ice developed during non-daylight hours. Thus the developers' analysis would have been more helpful if it measured how much of the potential "morning" sunlight or east-side sunlight would be blocked by the proposed apartment complex. If I have a correct understanding of the potential sunlight included in the shadow study presented by the developers, it is highly misleading to the concerns of the LMC congregation to give the same weight to potential afternoon sunlight as is given to potential morning sunlight. Also, since the windows in the Luther Memorial Preschool rooms are only on the east-side of the LMC property, any analysis of the blocked potential sunlight to the LMC Preschool should not include the potential sunlight from the west in the afternoons and should not include summer months when the LMC Preschool is not in session.

It is my understanding that LMC representatives have recently met with St. Francis House board members in an attempt to come up with an acceptable alternative plan for the St. Francis House site but the St. Francis House representatives rejected the several suggestions that were put forward by LMC folks. I find it especially disheartening that LMC's purchase options have been so badly misconstrued and inappropriately misrepresented to Plan Commissioners and other city officials by supporters of the proposed development. It is my understanding that prior to the proposed development of a large student apartment complex at the St. Francis House site, the LMC congregation did not have any interest in purchasing the St. Francis House site for LMC uses; LMC only suggested purchase offers when faced with the possibility of an inappropriately massive development at this relatively small site. (LMC's rental of St. Francis House's parking spaces seems beneficial to both entities.) When our congregation became aware of the financial difficulties at St. Francis House, LMC worked to come up with suggestions, including purchase options, that would make it economically feasible for the Episcopal Church to continue its student ministry at St. Francis House. LMC staff and members highly value the St. Francis House ministry and enthusiastically hope that it continues and thrives. Many LMC members also greatly appreciate the significance of the original chapel and the later addition to the St. Francis House facility. We are concerned about the potential damage to the original chapel from the developer's plan to move this section of St. Francis House, and from the shadows that would be cast on this chapel by the proposed apartment building. Given LMC's unfortunate experience of vandalism from the residents of the Grand Central apartments, we have well-founded concerns about the potential vandalism to both LMC and the old St. Francis House chapel. I and many other LMC members are dismayed that the proposed development includes the demolition of the St. Francis House addition from the early 1960s. If the St. Francis House ministry no longer needs the space provided by this building addition, I think it would be preferable to pursue a revenue-generating use for this addition to help support the St. Francis House ministry rather than destroying this structurally sound and visually attractive building.

Please consider the issues addressed in previous communications and public appearances concerning the problems with and deleterious impacts from the developers' earlier proposal that remain relevant to the consideration of their current proposal. Thank you very much for your service to the Madison community.

Respectfully,
Rita C. Sweeney
2130 Chadbourne Avenue
Madison, WI 53726

LMC member

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 12:23 PM
To: Firchow, Kevin
Subject: FW: (Fwd) Support of St. Francis House proposal before Planning Co
Attachments: ; -

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Wednesday, September 14, 2011 11:45 AM
To: Murphy, Brad
Subject: (Fwd) Support of St. Francis House proposal before Planning Co

----- Forwarded message follows -----

To: hiwayman@chorus.net
Subject: Support of St. Francis House proposal before Planning Commission
From: oneonta1@aol.com
Date sent: Wed, 14 Sep 2011 12:42:48 -0400 (EDT)

Dear Mihcael Rewe,

I am writing in support of the planned project for the St. Francis Episcopal Student Center. The existence of this ministry has affected our family personally. Our son attended UW for 7 years, completing 2 degrees in nuclear engineering. St. Francis House was his spiritual home and the environment in which he discerned a call to ordained ministry. He is now completing his 3 year study for his Masters in Divinity and ordination to deacon and priest. The planned housing project is reasonable in scale (especially since the reduction in the number of stories) and an appropriate way for the diocese to fund the ministry in a collegiate community. The architectural drawings show a much more atheistically- pleasing building than many that now surround St. Francis House.

The proposal deserves to be approved so that this ministry can thrive and be sustained for all students welcomed there.

Joanne Oliver
Waukesha, WI

----- End of forwarded message -----

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 12:22 PM
To: Firchow, Kevin
Subject: FW: (Fwd) Support for St. Francis House Project
Attachments: ; -

Follow Up Flag: Follow up
Flag Status: Completed

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Wednesday, September 14, 2011 11:39 AM
To: Murphy, Brad
Subject: (Fwd) Support for St. Francis House Project

----- Forwarded message follows -----

Date sent: Wed, 14 Sep 2011 11:21:04 -0500
Subject: Support for St. Francis House Project
From: Nikita Ernst <nernst@uwalumni.com>
To: district7@cityofmadison.com, district6@cityofmadison.com,
district11@cityofmadison.com, erics@cows.org, jolson@operationfreshstart.org,
michael.heifetz@deancare.com, hiwayman@chorus.net, avandrzejews@wisc.edu,
allalders@cityofmadison.com

To the Planning Commission and Madison Aldermen,

My name is Nikita Ernst and I am a recent UW Madison graduate. During my last year in Madison a friend of mine introduced me to St. Francis House and it immediately became a place I could call home on campus. I grew up with no religious education and continue to alternate between atheism and agnosticism, so religion has always been an uncomfortable thing for me. Not only was St. Francis House the first place I'd felt truly comfortable on a huge and sometimes impersonal campus, it was the first religious organization that truly welcomed me without judgment. While it is an important center for the Episcopal population on campus and in Madison, it plays an important role in serving the whole campus community, regardless of their faith. It makes me proud to know that many decades ago, St. Francis House was one of the first, and for a time the only places that LGBT groups and anti-Vietnam protestors could meet safely. Regardless of how one feels about those particular issues, the freedom to gather safely is something we all have a right to in the United States. The St. Francis House organization is, I believe, a vital component to the UW campus and to the city of Madison. The work they do is inherently good and they should be allowed to continue that work.

Though I may not be on the St. Francis House board, I have many friends who are, or have been, and I have kept up to date on the proposed project. I know that the ministry needs this project to stay afloat and that there seem to be little negatives to the project. I also know

that St. Francis House and their design team have made every effort to accommodate the recommendations or demands of outside parties. I am still uncertain as to why Luther Memorial was happy to aid in the process of building Grand Central and yet St. Francis House is not allowed to break ground on a much smaller project. The two situations seem identical, save for the size of the projects. Both churches will have helped build always-needed on campus housing and will benefit financially from that housing. The St. Francis House project will pay property taxes, just like any other development, and will help increase the desirability of the neighborhood. So why is one church allowed to build and the other not?

I know that Luther Memorial is concerned about a decrease in membership as a result of this project, but I cannot understand why. Perhaps if some data could be provided proving an actual correlation, and definitive causation, between their building of Grand Central and the decrease in their numbers, I could take these claims about the St. Francis House project seriously. I would argue that migration to the suburbs and a general decrease in religious fervor are the reason Luther Memorial, as well as many other city churches, are losing members. I might even argue that political posturing and deliberate interference with another Christian group's attempt to save their ministry could put a bad taste in the mouths of current or future parishioners.

I just do not see a rational reason why this project cannot move forward. Building is good for the economy, especially right now, and St. Francis House is not even asking for any public subsidies to help do it. It would give students a comfortable and convenient place to live and in doing so bring more, potentially church-going, traffic to the area around Luther Memorial as well as St. Francis House. The project will bring in money for the city and much needed funds to a ministry that deserves its place on campus. St. Francis House is more than a historical building deserving of preservation, its ministry is a vital part of the history and future of the UW campus. By not allowing this project to move forward, the city of Madison is essentially condemning the St. Francis House ministry to inevitable disintegration. I would like to think that the city of Madison, which I grew to love and respect during my time there, does everything it can to help organizations that exist to do good, religious or not.

I am currently in graduate school and no longer live in Madison, or even close by, so I will not be able to attend the coming meetings to show my support, but if I could I would attend every one. I would even speak, if I felt I could keep my emotions on this issue under control. I fervently believe that a great injustice is being done by not allowing the St. Francis House project to move forward, considering the financial state of the ministry and the senseless and selfish nature of many of the objections.

Nikita Ernst

--

Graduate Assistant History Department
Morgan 451
Western Illinois University

----- End of forwarded message -----

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 12:07 PM
To: Firchow, Kevin
Cc: 'White, William F (22246)'; 'Delorey, Kevin A.'
Subject: FW: Luther Memorial - recent Shadow Study
Attachments: LMCshadingStudy[8]08-05-11_4_dates.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Kevin, Please provide to the Plan Commission.

Bill, Kevin, Share with your clients.

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

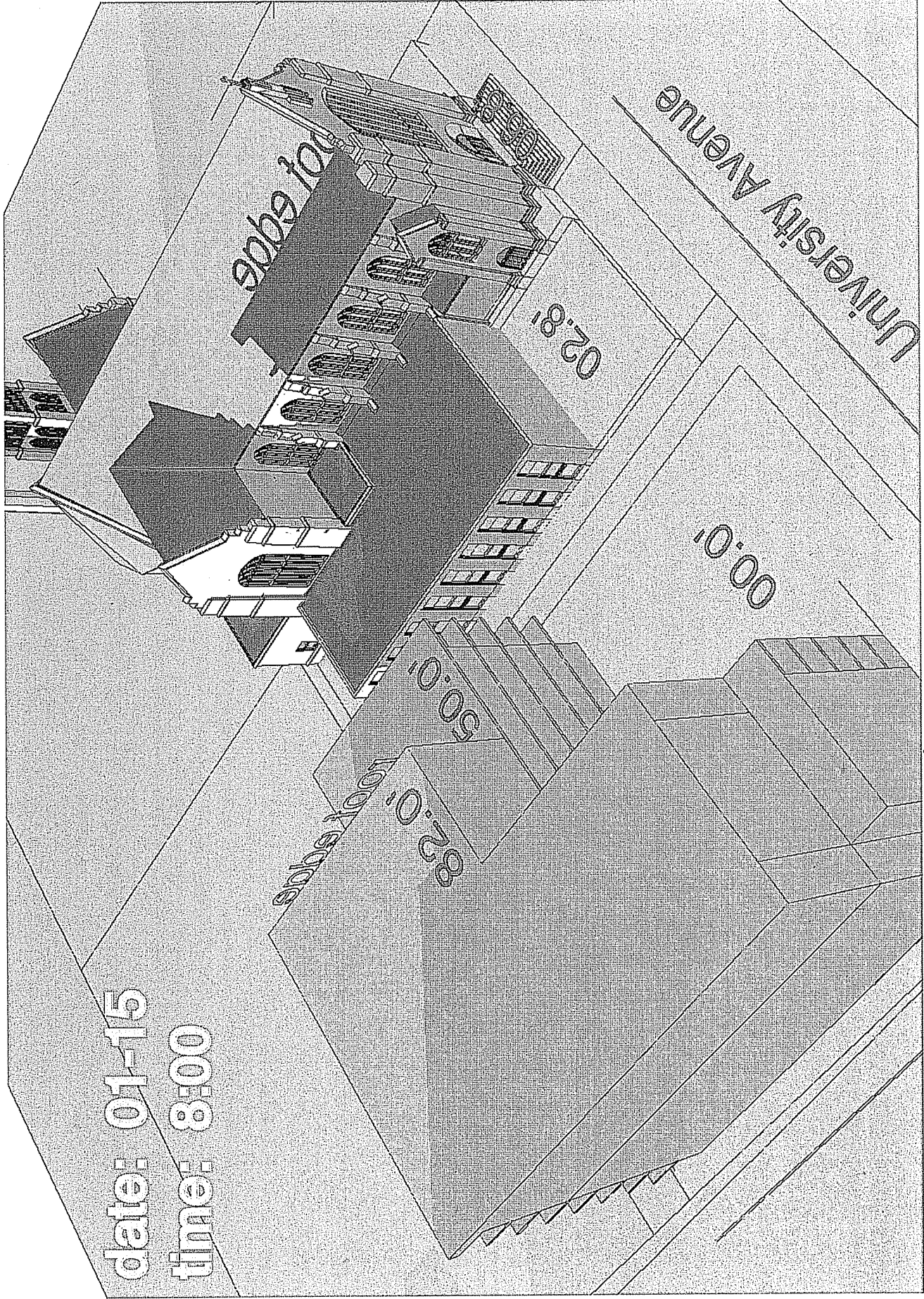
From: pohlman.lmc@gmail.com [mailto:pohlman.lmc@gmail.com] **On Behalf Of** Brad Pohlman
Sent: Wednesday, September 14, 2011 10:35 AM
To: Murphy, Brad
Cc: Harvey L. Temkin
Subject: Luther Memorial - recent Shadow Study

Dear Mr. Murphy,

Enclosed you will find several .pdf slides of a recent shadow study Luther Memorial did in response to the proposed 8-story building at 1001 University Avenue. We continue to have serious concerns over the negative impact the shadowing of this building will cause to both the exterior building envelope of the church and the decreased natural light and our enjoyment of it for morning services. I would ask that you please include them in the packet of information going to the Plan Commission Members. Should you have any questions, feel free to give me a call.

Thanks,

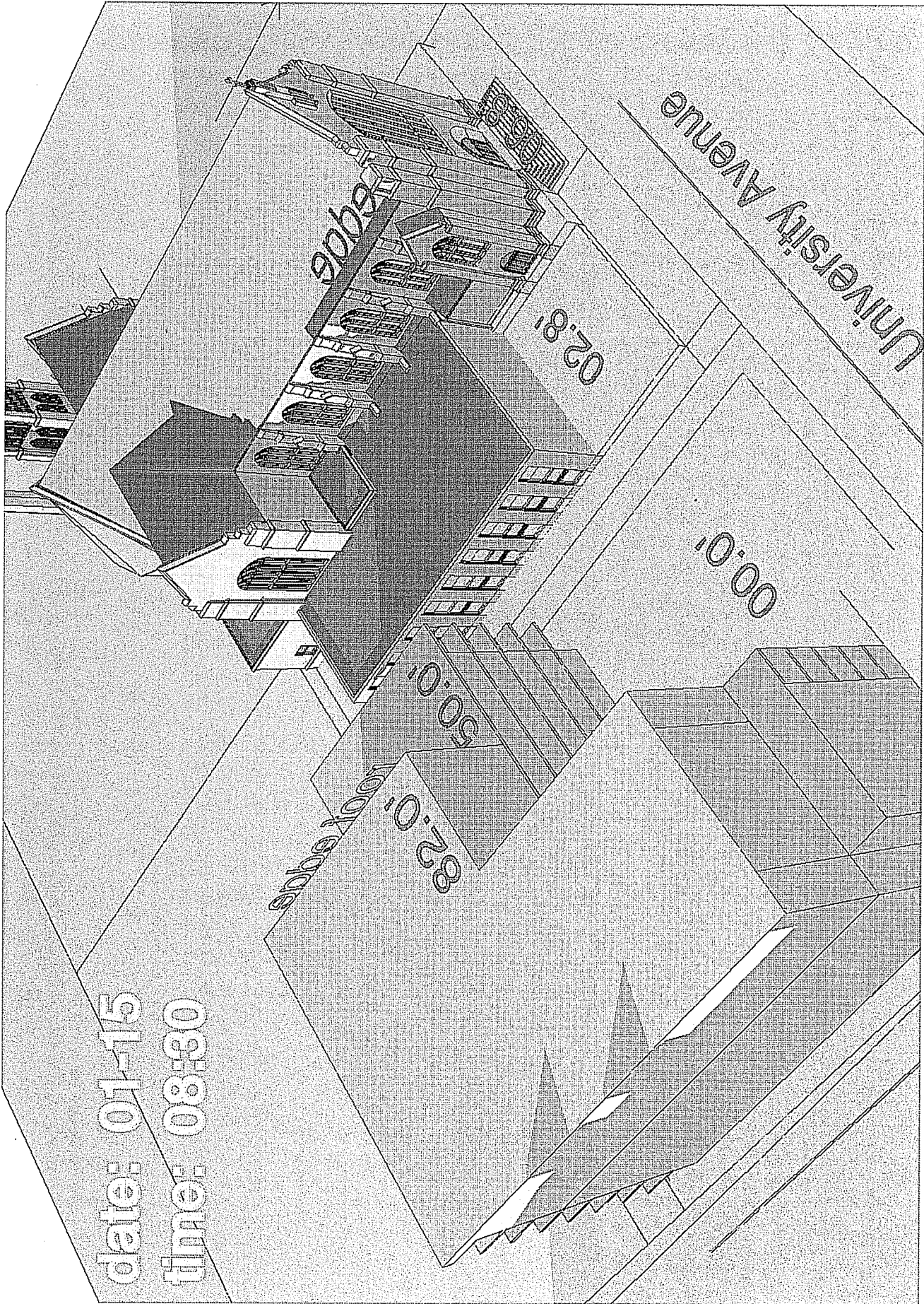
Brad Pohlman
Luther Memorial Church
1021 University Ave
Madison WI 53703
608-258-3160



date: 01-15
time: 8:00

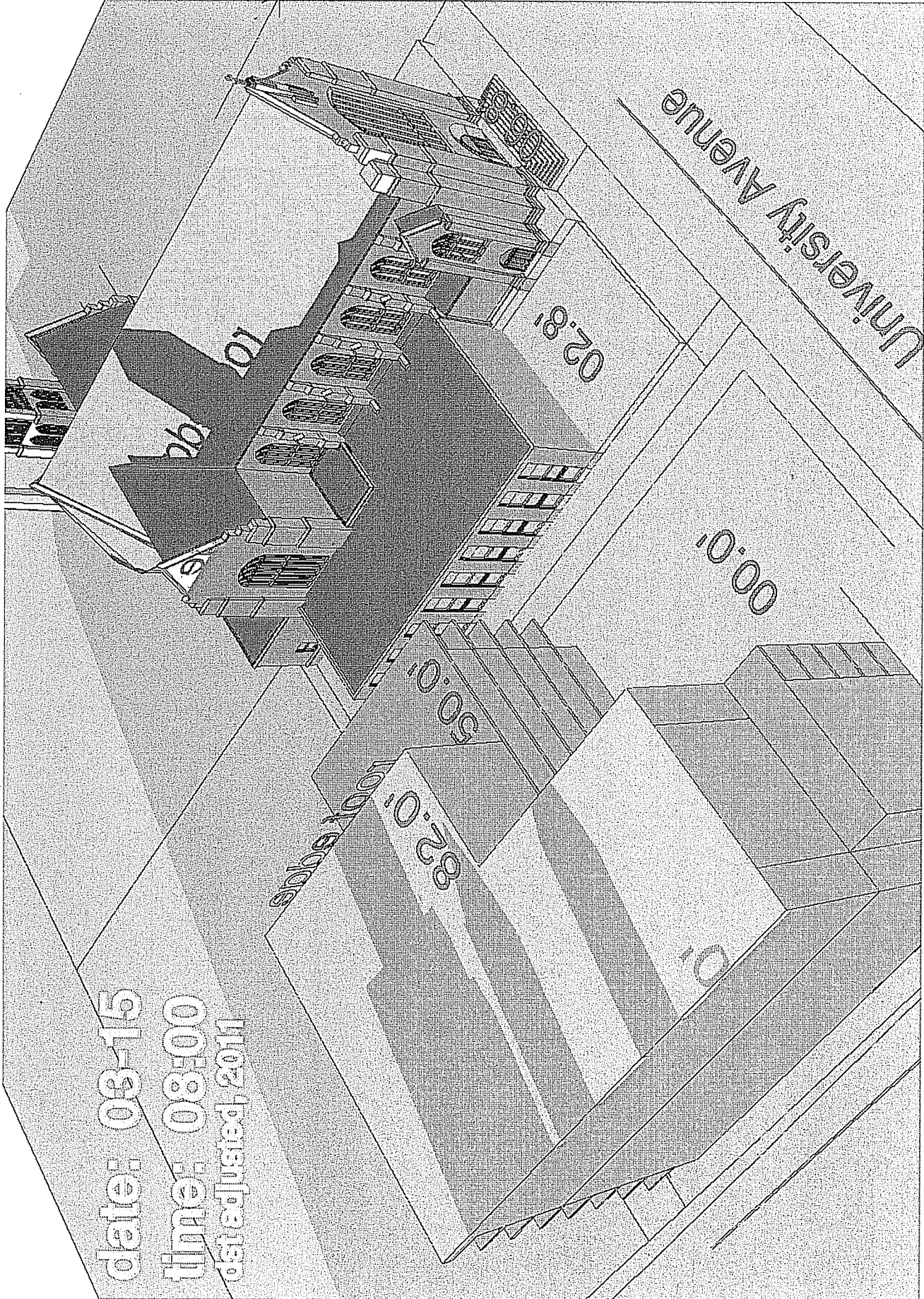
Luther Memorial Church Shading Study - Madison, WI
8 Story Option

The Kubala Washatko Architects
08-15-2011



Luther Memorial Church Shading Study - Madison, WI
8 Story Option

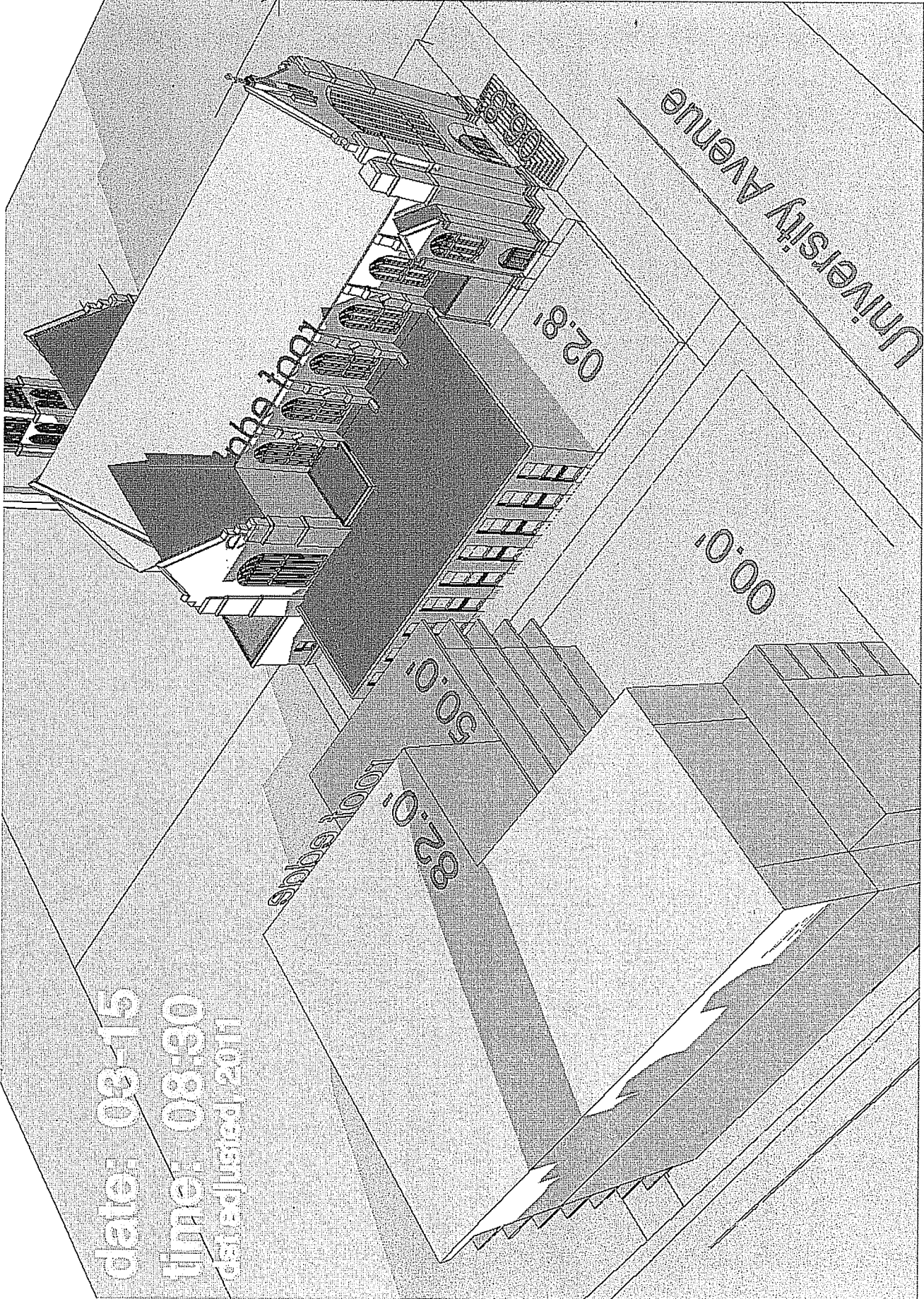
The Kubala Washatko Architects
08-15-2011



date: 08-15
time: 08:00
def adjusted, 2011

The Kubala Washatko Architects
08-15-2011

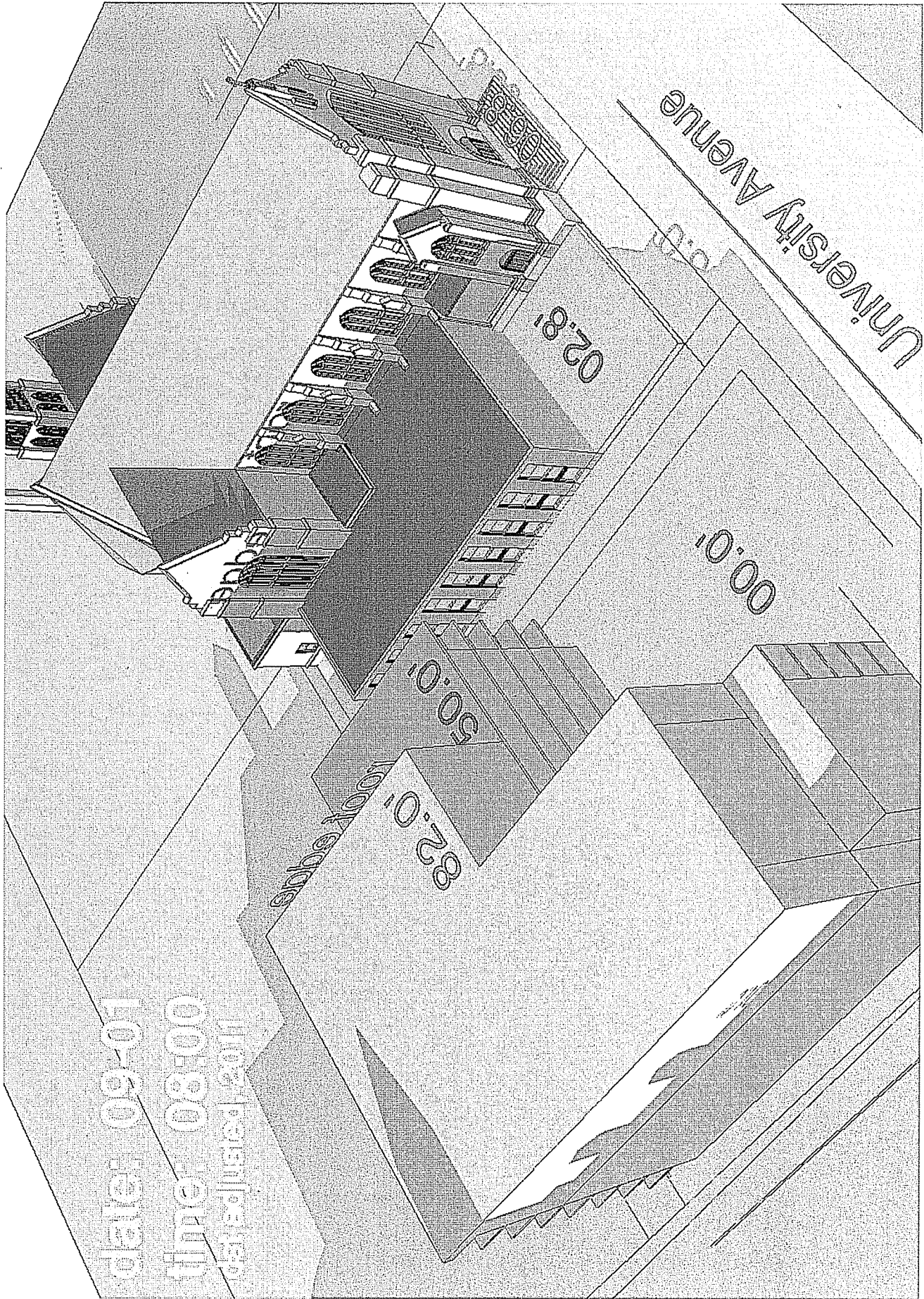
Luther Memorial Church Shading Study - Madison, WI
8 Story Option



date: 03-15
time: 08:30
cast adjusted, 2011

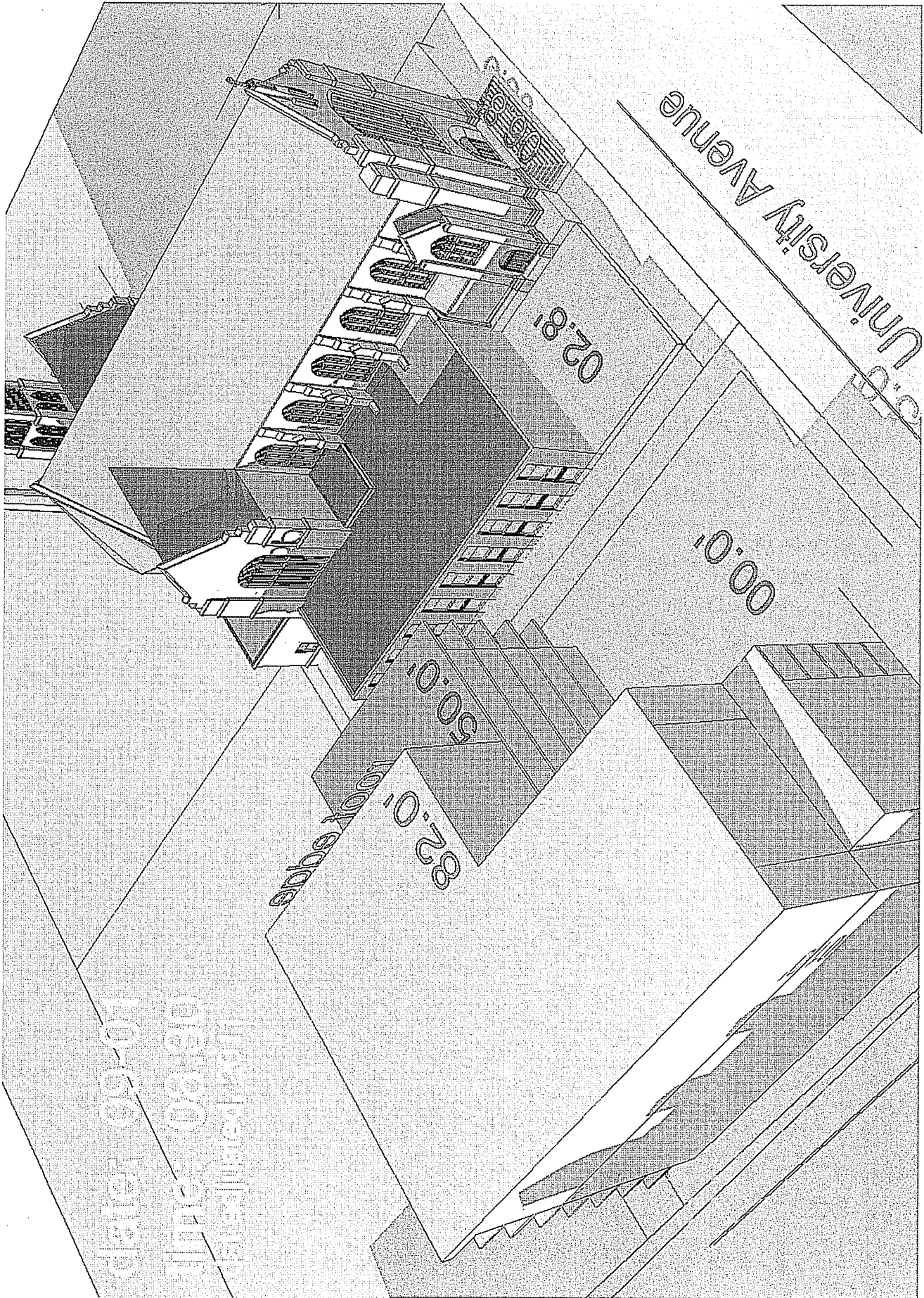
The Kubala Washatko Architects
08-15-2011

Luther Memorial Church Shading Study - Madison, WI
8 Story Option



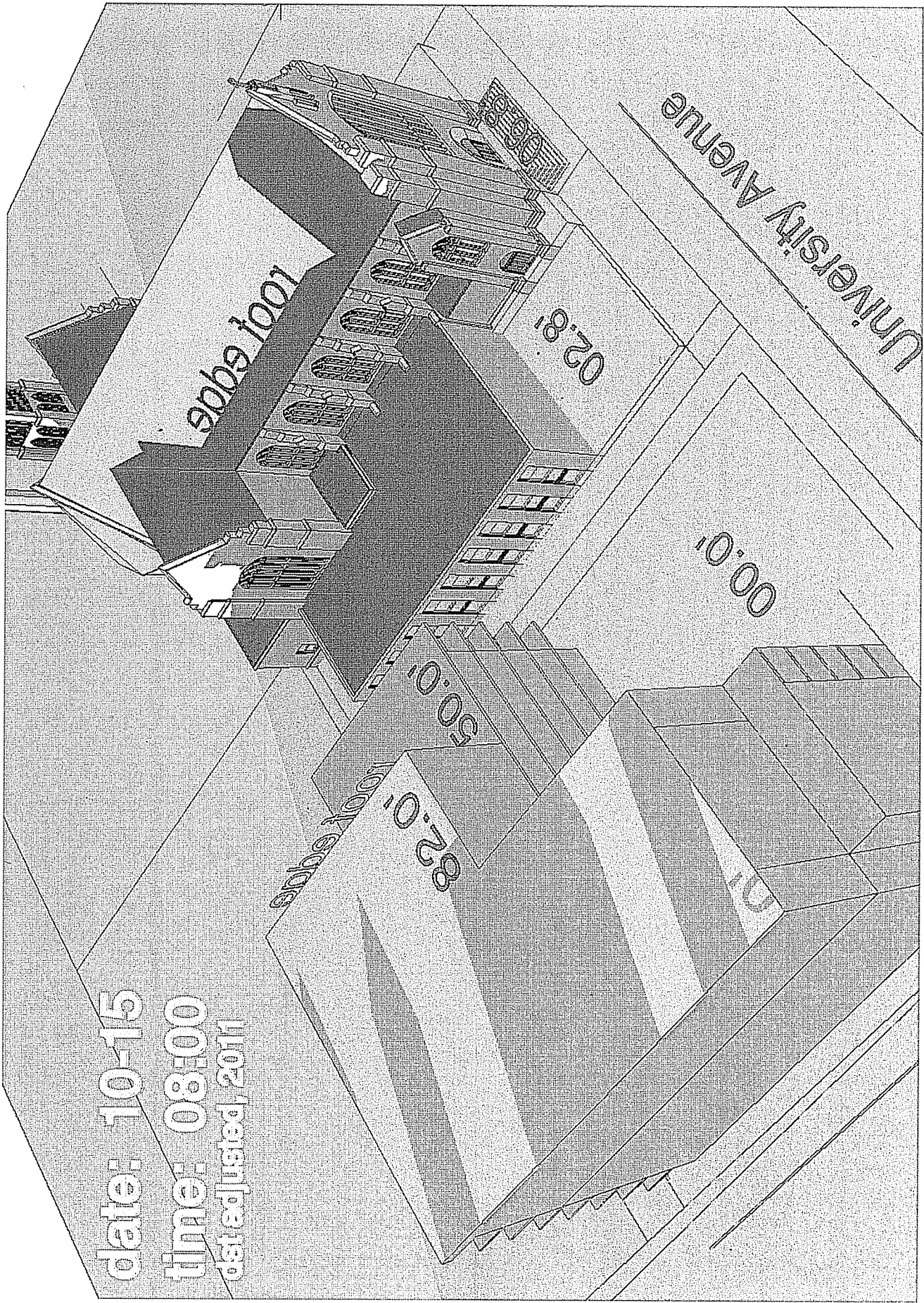
Luther Memorial Church Shading Study - Madison, WI
8 Story Option

The Kubala Washatko Architects
08-15-2011



Luther Memorial Church Shading Study - Madison, WI
8 Story Option

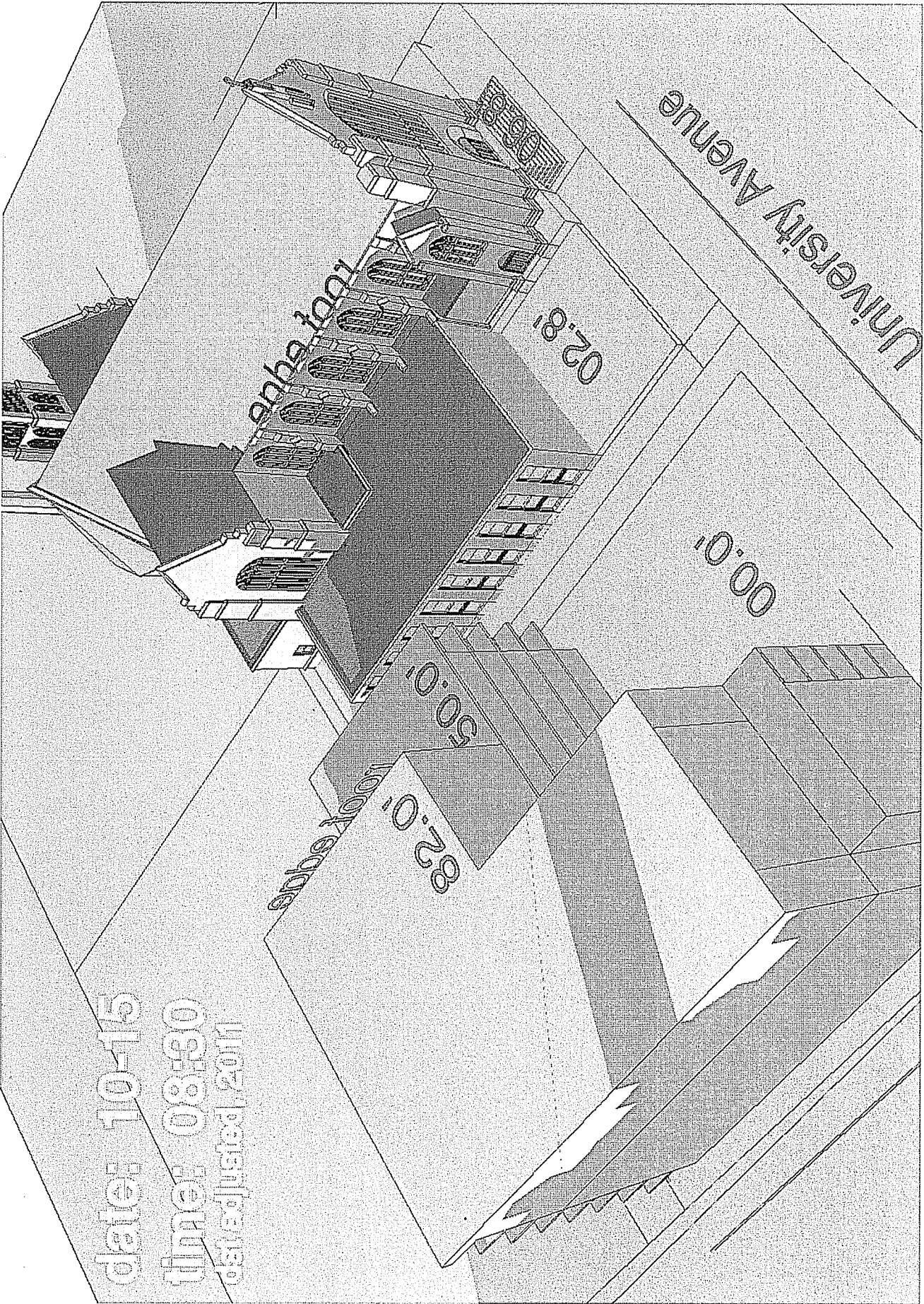
The Kubala Washatko Architects
08-15-2011



date: 10-15
time: 08:00
dst adjusted, 2011

Luther Memorial Church Shading Study - Madison, WI
8 Story Option

The Kubala Washatko Architects
08-15-2011



date: 10-15
time: 08:30
observed/adjusted: 2011

The Kubala Washatko Architects
08-15-2011

Luther Memorial Church Shading Study - Madison, WI
8 Story Option

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 9:29 AM
To: Firchow, Kevin
Subject: FW: (Fwd) ST. FRANCIS HOUSE PROJECT
Attachments: ; -

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Wednesday, September 14, 2011 7:28 AM
To: Murphy, Brad
Subject: (Fwd) ST. FRANCIS HOUSE PROJECT

----- Forwarded message follows -----

Subject: ST. FRANCIS HOUSE PROJECT
From: Art & Sue Lloyd <artsuelloyd@gmail.com>
Date sent: Tue, 13 Sep 2011 19:30:21 -0500
To: Michael W. Rewey <hiwayman@chorus.net>

Dear Michael Rewey, I write in support of the SFH project which will come to the Plan Commission next Monday. Since I will be out of town and unable to speak at that meeting, I want to share my reasons for supporting the proposal, in the hopes that you too will find it worthy of your support.

Incidentally I was the Chaplain at SFH from 1968-1977 and currently live with my wife Susan at 1104 A Mound Street, in a self-managed condominium association.

My reasons for supporting this project are as follows:

1. The proposed development (as revised) seems an appropriate design on an appropriate site. By moving the original building up next to Luther Memorial Church, and by putting the tallest housing on Brooks Street, the developers have come up with an attractive design and, I believe, have made a good faith effort to respond to LMC's concerns.

2. SFH has carried on its campus ministry on this site for 80 plus years. It has as much history here as LMC, even if the latter just recently received Landmark status. I think over its years SFH has been a progressive center of activity, supporting students, the University and the broader community. The new plans will permit that to continue, on a very special site.

3. However, like other campus religious centers - the Wesley Center in the 1100 block of University Avenue, Pres House, St. Paul's Catholic Center (and also at other universities) - SFH needs new funding sources if it is to continue. Unlike regular churches - Grace Episcopal Church or LMC, for example - SFH does not have a congregation of adults capable of providing the necessary financial support. SFH has an endowment (which came to the House when I was the

Chaplain, in the 1970s) but that endowment is no longer capable of fully supporting the ministry. Hence, like other

----- End of forwarded message -----

Firchow, Kevin

From: Murphy, Brad
Sent: Wednesday, September 14, 2011 9:24 AM
To: Firchow, Kevin
Subject: FW: Redevelopment of St Francis House

Follow Up Flag: Follow up
Flag Status: Flagged

For PC

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Al and Donna Larson [mailto:sideeki1981@gmail.com]
Sent: Tuesday, September 13, 2011 8:59 PM
To: Rummel, Marsha; King, Steve; Schmidt, Chris; erics@cows.org; jolson@operationfreshstart.org; michael.heifetz@deancare.com; hiwayman@chorus.net; avandrzejews@wisc.edu
Cc: Murphy, Brad; Parks, Timothy
Subject: Redevelopment of St Francis House

Alders: Rummel, King and Schmidt
Commissioners: Sundquist; Olson; Heifetz; Rewey and Andrzejewski

I write to you once again to ask that you oppose the proposed redevelopment at 1001 University Avenue. I am writing as the Congregational Council President of Luther Memorial Church and have a direct connection to this proposal and to the 1000 block of University Avenue. Putting an eight story apartment building with 246 beds next to Luther Memorial will negatively impact the landmark building, the use of our property, and the overall function of the church.

Luther Memorial Church has been seeking a compromise on this project and has been unsuccessful in developing a win win solution. As a veteran of the public participation paces set up for Madison Water Utility, I can safely and truthfully say that LZ Ventures has done virtually nothing to collaboratively work with its next door neighbor Luther Memorial on this project. We have gotten very little cooperation. The new 8 story proposal has virtually the same number of beds as the original 12 story proposal and none of the issues brought up during the first round of reviews have been addressed. In some ways the 8 story proposal is worse than the original. We continue to be concerned about size, congestion, light and shadow, noise, safety. traffic and the overall legitimacy of this development at this location with respect to zoning.

Luther Memorial Church enjoys having St. Francis House as a neighbor. We are willing to do what is necessary to help maintain the current arrangement, to help the current Episcopal Student Ministry to continue and to sustain the status quo. The green space and the common religious mission, our nationally shared ministry, and a focus on students makes for ideal partners on the 1000 block of University Avenue. We have been searching for ways to compromise, to come to a common solution. Luther Memorial Church has made several suggestions to lessen the impact on our landmark sanctuary. From a request to develop a shared

ministry, to discussions on various options for purchasing the property, to developing a lease back option, to exploring options of constructing a smaller building, leasing space, and even purchasing development rights to the property. All of these proposals were met with rigid opposition from the Episcopal Diocese of Milwaukee. It is Luther Memorial Church's objective to work to sustain the St. Francis House property in its current configuration and mission. Anything else would be a step in the wrong direction.

For these and many other reasons, I urge you to vote against this proposal.

Al and Donna Larson

5310 Dorsett Dr

Madison, WI 53711

608.271.6329

Firchow, Kevin

From: Murphy, Brad
Sent: Tuesday, September 13, 2011 5:12 PM
To: Firchow, Kevin
Subject: FW: (Fwd) Support for 1001 University Ave. Proposed Development (S
Attachments: ; -

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Tuesday, September 13, 2011 4:47 PM
To: Murphy, Brad
Subject: (Fwd) Support for 1001 University Ave. Proposed Development (S

----- Forwarded message follows -----

Date sent: Tue, 13 Sep 2011 12:46:26 -0700 (PDT)
From: Diana Hutchinson <dihutchinson@yahoo.com>
Subject: Support for 1001 University Ave. Proposed Development (Saint Francis House)
To: allalders@cityofmadison.com, district7@cityofmadison.com,
district6@cityofmadison.com, district11@cityofmadison.com, erics@cow.org,
jolson@operationfreshstart.org, michael.heifetz@deancare.com,
hiwayman@chorus.net, avandrzejews@wisc.edu

September 13, 2011

Dear Members of the Common Council and Plan Commission,

I am writing to express my full support for the development at 1001 University Ave. proposed by the Saint Francis House.

- * • The Saint Francis House Episcopal Student Center is committed to being a good neighbor to all in the community, including Luther Memorial Church and its congregation.
- * • Rental income from the housing project will fund and sustain the ministry of the Saint Francis House, which will benefit students and the community at large.
- * • The proposed project asks for no public subsidies and will pay property taxes to the city of Madison.
- * • The proposed plan does will not compromise the architectural integrity of the historic aspects of the Saint Francis House.

I urge you to approve the project as presented. Thank you so much for your consideration.

Best regards,

Diana Hutchinson
UW Madison Alumna, Member of St. Andrew's Episcopal Church
791 Edenberry Lane
Oregon, WI 53575

----- End of forwarded message -----

Firchow, Kevin

From: Murphy, Brad
Sent: Tuesday, September 13, 2011 5:11 PM
To: Firchow, Kevin
Subject: FW: (Fwd) Proposed St. Francis House development project
Attachments: Mail message body.PM\$

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Tuesday, September 13, 2011 4:48 PM
To: Murphy, Brad
Subject: (Fwd) Proposed St. Francis House development project

----- Forwarded message follows -----

Date sent: Tue, 13 Sep 2011 15:11:24 -0400
From: Kyle Matthew Oliver <kmoliver@uwalumni.com>
To: hiwayman@chorus.net
Subject: Proposed St. Francis House development project

Dear Mr. Rewey,

My name is Kyle Oliver, and I am writing in support of the proposed St. Francis House development project.

I am a UW-Madison alumnus (B.S. '06 and M.S. '09 in nuclear engineering) and a candidate for priesthood in the Episcopal Diocese of Milwaukee. St. Francis House is my sponsoring congregation. If all goes well, I will finish my Master of Divinity degree at Virginia Theological Seminary in May and be ordained to the clergy of the Diocese of Milwaukee. I will also be married in May at St. Andrew's Episcopal Church (Regent St.) to another UW-Madison alum, St. Francis House member, and aspiring priest. Thus, I am writing as a seven-year (though not current) citizen of Madison, as a member of St. Francis House and passionate supporter of campus ministry, and as an observer of the many changes that have taken place downtown since my arrival in August 2002.

Although my now-fiancée and I were student representatives on the St. Francis Board during the initial phases of the planning for this project, and I have followed that planning in the intervening time, I will spare you the talking points that my colleagues in ministry have highlighted regarding the soundness and fairness of the project (although I agree with them). No doubt you have heard these from other St. Francis House supporters. The point I would like to address is twofold: (1) the way St. Francis House changed my life, helping make me a more responsible and engaged member of the Madison and UW communities, and (2) the way this proposal is crucial to the continuing ministry of St. Francis House in and to those communities.

Like many college freshman, I was for a time a sub-par citizen of Madison. I attended and over-consumed at events like State Street Halloween and the Mifflin Street Block Party. I voted in local elections about which I was under-informed. I occasionally sang obnoxiously in the wee hours on public transportation. I was a college freshman, and I had a lot of growing up to do.

St. Francis House was one of the places where I did that growing up in the years that followed. It was a place--maybe /the/ place--where I learned to prioritize service, responsibility, and genuine fellowship in community over some of the trappings of undergraduate life (though I still enjoy a couple of beers before a Badger game and look forward to returning to Madison as soon as my career will let me). St. Francis House was where I discovered the vocation to which I believe I am called. And it was where I met the woman I'm going to marry.

I believe with all my heart that the four chaplains who ministered to me at St. Francis House during those six years were there at a time when I genuinely needed them and in a way that a dormitory House Fellow or even a parish priest could not have been. The same goes for my fellow students at St. Francis House, who were for me a much closer-knit Christian community than I was ready to be a part of at a more traditional "all-ages" church. College is a confusing and difficult time for even the best students, and finding a spiritual home at St. Francis

House provided dozens of us with important direction and grounding in a moderate religious context on campus.

As you may know, St. Francis House and campus ministries like it are an endangered species. Most church bodies can no longer afford to support them directly, as was the practice for much of the twentieth century.

This is an especially distressing situation because so many young church leaders hear their first call through the collegiate din in these very holy places. As someone whose vocation was formed at a campus ministry and who now works as an Episcopal campus minister at George Washington University, I am very familiar with the challenges facing places like St. Francis House, and I believe they--like almost all urban churches serving low-income communities--need to be allowed to explore as many creative means of self-support as they can find.

A full-time chaplaincy on the current St. Francis House site, supported by income from the proposed housing development, will continue to touch the lives of UW-Madison students, both Episcopal and not, and the wider Madison community. Organizations like ours are an important part of the spiritual and also civic education that is so strongly needed in our places of higher learning. I strongly encourage you to approve the plan my colleagues have so carefully prepared. Thank you for your time and for your service to my favorite city in the world.

Sincerely,

Kyle Oliver
Virginia Theological Seminary
www.kyleoliver.net

----- End of forwarded message -----

Firchow, Kevin

From: Murphy, Brad
Sent: Tuesday, September 13, 2011 9:49 AM
To: Firchow, Kevin
Subject: FW: (Fwd) Proposed Development at 1001 University Avenue
Attachments: -;-

Follow Up Flag: Follow up
Flag Status: Flagged

For the pc

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Monday, September 12, 2011 11:48 AM
To: Murphy, Brad
Subject: (Fwd) Proposed Development at 1001 University Avenue

----- Forwarded message follows -----

From: Andy Jones <revrhinoandy@gmail.com>
Subject: Proposed Development at 1001 University Avenue
Date sent: Mon, 12 Sep 2011 10:34:18 -0500
To: hiwayman@chorus.net

Dear Member of the Planning Commission

I write to express my support for the development project at 1001 University Avenue. I am an Episcopal Priest, the Rector of Saint Andrew's Episcopal Church on Regent Street, a member of the Saint Francis House Board, and a member of the Executive Council of the Episcopal Diocese of Milwaukee. I am also a resident of the city of Madison, District 14 residing at 2920 Pelham Road.

Saint Francis House has a long and storied history in our community. In the 96 years since its founding and in the 81 years since the opening of the building that currently resides at 1001 University Avenue, the Saint Francis House ministry has represented an inclusive, progressive voice, addressing the needs, challenges and concerns of the student at the University of Wisconsin - Madison. The proposal that we have placed before you represents our efforts to strengthen, revitalize and renew that ministry.

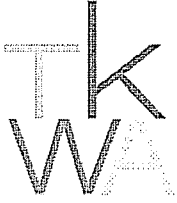
The revenue generated by the student apartments that we propose to build on that site will help us to rehabilitate, protect and preserve our historic building. It will allow us to restore the ministry to full time chaplaincy status, and it will ensure that Saint Francis House is there to serve the needs of students for generations to come.

This project also represents our commitment to the students of the UW - Madison and to the community that we serve. Our only goal here is to maintain our presence and our ministry in the community where we live. The revenue generated by our proposed project will be used to serve the community and the population that creates those revenues.

"Let us run with perseverance the race that is set before us" (Hebrews 12:1) Fr. Andy Jones
Saint Andrew's Episcopal Church
1833 Regent Street

Madison, WI 53716
(608)233-3249
Rector@standrews-madison.org

----- End of forwarded message -----



Adam Voltz
Allen Washatko
Ariel Steuer
Chris Socha
Donna Weiss
Erin Lawrence
Ethan Bartos
Jim Read
Joel Krueger
Justin Racinowski
Kirk Lundgren
Leta Flom
Mark Lefebvre
Paul Rushing
Rich Hepner
Tim Hansmann
Tom Kubala
Vicki Yurske
Vince Micha
Wayne Reckard

August 18, 2011

Ms. Amy Scanlon
Preservation Planner
Department of Planning and Development
City of Madison
215 Martin Luther King Jr. Blvd
Madison WI 53701

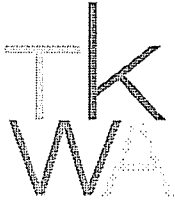
RE: Thoughts on proposed development east of Luther Memorial Church

Dear Madam:

I am writing share my thoughts on the proposed housing development east of Luther Memorial Church located at 1021 University Avenue.

As having been the architect that has worked on numerous projects at Luther Memorial Church (LMC) over many years I have come to know and appreciate the significance of this beautiful historic building and have concerns about the adverse effects from the proposed housing development to it's east. I would like to highlight those concerns from an architectural perspective.

- A. The shadowing of the LMC Nave's east stained glass windows from the proposed project as demonstrated in our recent shading studies has indicated a negative shadowing effect on the original design intent. Morning sunlight was intended to naturally illuminate the east stained glass windows and enhance the architectural beauty of the Worship Space. The enjoyment of this quality of light will be forever diminished with the proposed development.
- B. The increased shadowing will have a long term negative impact on the building envelope. This is currently being experienced on the LMC's west side. When the roofs and exterior walls have diminished access to sunlight, snow and ice accumulates and remains longer on roof surfaces and adjacent to walls which increases the potential for moisture intrusion through the building envelope. This results in increased maintenance costs and decreases the integrity of a landmark building.
- C. The proximity of the proposed project is visually and audibly intrusive for Luther Memorial Church both along it's east side as well as on University avenue. The significant increase in noise from a large number of short-term renters will likely pass through thin stained glass windows.



Adam Voltz
Allen Washatko
Ariel Steuer
Chris Socha
Donna Weiss
Erin Lawrence
Ethan Bartos
Jim Read
Joel Krueger
Justin Racinowski
Kirk Lundgren
Leta Flom
Mark Lefebvre
Paul Rushing
Rich Hepner
Tim Hansmann
Tom Kubala
Vicki Yurske
Vince Micha
Wayne Reckard

I would like to also comment about the historic significance of both the 1929 St Francis House designed by Eschweiler & Eschweiler Architects as well as the 1963 Chapel designed by William Horne and Associates. These building play an important role in the context of the beautiful historic University Avenue Corridor along with Luther Memorial Church and the historic University buildings across the street. The proposed destruction of the Chapel and random relocation of St Francis House would create a significant negative impact to this historic fabric. The proposed development pays no attention to the context of the St Francis House and how it was originally intended to beautifully address the corner of Brooks Street and University Avenue.

I encourage the Landmarks Commission members to carefully consider these negative impacts not only to Luther Memorial Church but also to the historic University Avenue Corridor. Please also base your decision on whether to support or reject this proposal based on city statutes. I've listed the relevant statute below.

28.04(3) Scope of Regulations (n) Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission. (Cr. By Ord. 11,648, 8-20 & 8-26-96)

Thank you for your consideration,

Vincent B. Micha
Senior Project Architect



Luther
Memorial
Church

August 2, 2011

Dear Common Council Members:

As you know, you have on your agenda this evening three items of critical importance to Luther Memorial Church—the landmarking of Luther Memorial; the rezoning of the St. Francis parcel; and a demolition permit involving the 1964 structure on the St. Francis site. We hope that you follow the Landmarks Commission's recommendation and vote to landmark Luther Memorial this evening. We understand that the other two items will likely be referred.

Meanwhile, as you continue to discuss the future of Luther Memorial Church and the historic block on which it sits, we encourage you to visit our beautiful Cathedral and its surroundings. The Church is truly one of our city's cultural and architectural gems. It's such a gift to our city that we think it almost speaks for itself in this debate. The Madison Isthmus Vocal Ensemble, a local choral group that has annually performed at Luther Memorial for years, will again sing in our nave this Friday, August 5, beginning at 7:30 PM. We would be happy to give any alder a tour.

Meanwhile, we feel compelled to reaffirm our core beliefs about this project, especially in light of the pointed (and mildly accusatory) "position paper" you recently received from our neighbor's lawyer.

We strongly believe that the block on which Luther Memorial sits is a place of peaceful reflection – a small, but important part of what makes Madison a special place in which to live, study, and work. It seems fairly obvious that the proposed massive housing project would destroy one special place of reflection (St. Francis House and Chapel) – and truly threaten another (Luther Memorial Church).

Luther Memorial was built by Claude and Starck to last a millennium. But like all great architectural works, its walls are only as strong as the human will and resources necessary to maintain them.

As such we're grateful for the overwhelming support we've received from you in the process to declare Luther Memorial a landmark. Throughout the process, our committee volunteers and elected alders have, quite appropriately, considered Luther Memorial a special part of our city's architectural culture and history. That's hardly cynical. In fact, it seems rather genuine.

This isn't just about our church –and it isn't just our issue. Luther Memorial and its beautiful arches and stained glass windows are part of the whole city. Places like Luther Memorial unite a city across generations. The same is true of the green space next door and the historic St. Francis House. As a congregation, we share a special bond with our Episcopalian neighbors, and a mutual civic responsibility to preserve and enhance this place. We join with everyone who values Madison and the university community, in preserving this oasis reflection and spiritual pursuit.

We find it mildly humorous that our neighbor would actually accuse us of “coveting” their property. In fact, we are willing to do whatever we can to help our neighbors continue their student ministry on that site, including making a formal offer to purchase the land at a price that would enable them to do so. We have practically begged them to talk with us about this. But we have heard nothing. We doubt that most Episcopalians in the Diocese of Milwaukee have any idea of the St. Francis proposal.

As such, we’re a little reserved about talking about “compromise” on a plan no one has had a full opportunity chance to review, especially after the current plan was unchanged for many months and, then decisively rejected by the Plan Commission. We’re always happy to talk, of course. But it seems a little late in the process to introduce a massive “compromise” that appears to be the same overall mass and (as the attorney of the developers stated in today’s paper) contains the same number of beds as the already rejected proposal.

Is that really how this process is supposed to work?

Finally, we willingly acknowledge our neighbors’ property rights. But part of the point of having neighbors and living in a community is learning to exercise our rights in appropriate fashion. We simply think that, in the exercise of their property rights, the St. Francis Board and the Diocese of Milwaukee needs to conform to the various civil and procedural standards established by the City of Madison for the benefit of the common good. We think that we need to exercise our personal property rights in a manner appropriate to local scale and human need—not merely for housing only, but also for visual, aesthetic, and spiritual value. As such, the St. Francis proposal is not merely a Luther Memorial issue, but a city-wide concern, and that whatever develops on this (or any) city block exemplify the best process and the best result possible for Madison.

We urge you to support the Plan Commission and the process in which your fellow alders and committee volunteers have already spent hundreds of hours studying and evaluating before rejecting the project. Thank you so much for seeing Luther Memorial Church as the landmark it truly is.

Please do visit this sacred space. People of all faiths and traditions have been moved by Luther Memorial’s tranquil beauty and openness to the whole human community within the University’s lively neighborhood. We will be glad to welcome you.

Sincerely,

The Reverend Franklin Wilson,
Senior Pastor
Wilson@luthermem.org

The Reverend Brad Pohlman,
Associate Pastor
pohlman@luthermem.org

Firchow, Kevin

From: Murphy, Brad
Sent: Tuesday, September 13, 2011 9:48 AM
To: Firchow, Kevin
Subject: FW: (Fwd) I support St Francis House Episcopal Student Housing Cen
Attachments: ; -

Follow Up Flag: Follow up
Flag Status: Flagged

For the pc

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

-----Original Message-----

From: Michael Rewey [mailto:hiwayman@chorus.net]
Sent: Monday, September 12, 2011 2:00 PM
To: Murphy, Brad
Subject: (Fwd) I support St Francis House Episcopal Student Housing Cen

----- Forwarded message follows -----

From: "Morris Sadicario" <morris000@ameritech.net>
To: "Myself" <morris000@ameritech.net>
Subject: I support St Francis House Episcopal Student Housing Center
Date sent: Mon, 12 Sep 2011 13:42:01 -0500

Dear members of the Planning Commission, Alderpersons, and Alder Lauren Cnare,

I support the St. Francis House Episcopal Student Center, its important work with young people, and its plan to sustain this ministry into the future.

I consider the proposal to be a well-designed project in the right location. I think the development team has recently made a sincere accommodation by reducing the proposed building from 12 to 8 stories.

I expect that the St. Francis House Episcopal Student Center ministry will be treated fairly and equitably. Please note that the nearby 14-story Luther Memorial Church Grand Central Apartment project is much larger. Now that the 14-story project is approved, the 8-story St. Francis project should also be approved.

I have heard that Luther Memorial has cited the presence of student housing adjacent to its own facility as a reason for declining church membership. I consider this to be an unfounded and specious allegation. There are many other legitimate reasons for the decline in their membership.

I am a City of Madison resident and live in Alder Lauren Cnare's district (3). I wish to stress that this well-designed project WILL pay property taxes, thereby adding to the tax base at a time when our City and its school system face real financial hardship. This project asks for NO public subsidies.

I plan to attend the September 19 and 20 meetings.

Pleas

----- End of forwarded message -----

Firchow, Kevin

From: Delorey, Kevin A. [Kevin.Delorey@quarles.com]
Sent: Monday, August 01, 2011 2:41 PM
To: Subeck, Lisa; Maniaci, Bridget; Cnare, Lauren; Verveer, Mike; Bidar-Sielaff, Shiva; Rummel, Marsha; King, Steve; Resnick, Scott; Skidmore, Paul; Solomon, Brian; Schmidt, Chris; Rhodes-Conway, Satya; Ellingson, Susan; Bruer, Tim; Palm, Larry; Johnson, Jill; Clausius, Joe; Weier, Anita; Clear, Mark; Phair, Matthew
Cc: Murphy, Brad; Firchow, Kevin; White, William F (22246); Harvey L. Temkin; Bishop Steven Miller; rector@standrews-madison.org
Subject: (Legislative File No. 22443) St. Francis House Response to Luther Memorial Position Statement
Attachments: St Francis House Response to LM Position Statement .pdf; St. Francis House Letter to Madison Common Council Members- re Proposed Development at 1001 University Ave. .PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alders:

On behalf of St. Francis House and the Episcopal Diocese of Milwaukee, attached please find a letter and a response to the Position Statement forwarded to you by counsel for Luther Memorial last Friday. While it is our understanding that this matter will be referred at tomorrow's Common Council meeting with the hope that all concerned parties can come to a consensus on the best plan for developing the St. Francis House site at 1001 University Avenue, and while we have a revised proposal that we will be excited to bring back to the Common Council at a future meeting after it goes back through the appropriate process, my clients did not feel it wise under all of the circumstances to leave the latest correspondence unaddressed.

Thank you for your work.

Kevin Delorey

Kevin A. Delorey
Partner/Real Estate and Construction
Quarles & Brady LLP
33 East Main Street, Suite 900
Madison, Wisconsin 53703

Direct Dial: (608) 283-2424
Direct Fax: (608) 294-4909
Mobile: (920) 285-1630
E-mail: kevin.delorey@quarles.com
Website: www.quarles.com

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inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

**RESPONSE
OF
ST. FRANCIS HOUSE, A MINISTRY OF THE EPISCOPAL DIOCESE OF MILWAUKEE
TO
POSITION STATEMENT OF LUTHER MEMORIAL EVANGELICAL LUTHERAN
CHURCH OF MADISON**

The following responds to the July 8, 2011, "Position Statement" submitted by Luther Memorial Evangelical Church of Madison to the development proposed for the St. Francis House site at 1001 University Avenue, Madison (Legislative File No: 22443). Paragraph numbers correspond to the numbering in the Luther Memorial Position Statement. Failure to address a specific paragraph of the Position Statement should not be construed as acquiescence with any claim or assertion in that paragraph.

1.1 It does not seem appropriate to make land use decisions based upon speculative and unquantifiable "risk." We are not in a position to know the demographics of the Luther Memorial congregation, but clearly, they have a very loyal core group in that congregation. It is likely that this core group makes up the majority of those who attend Luther Memorial's services, and we doubt they will be deterred by a building on the adjoining lot.

1.2 (a) As indicated by the shading study presented by Randy Bruce, at most the overall shading resulting from even the 12 story section of the proposed structure would have increased the shading experienced by Luther Memorial by no more than 5%. Now that two shorter alternatives are being considered, this impact will be reduced even farther. Whether shading can be eliminated entirely is still an open question, but the City's own staff has indicated that shading alone is not an appropriate reason to reject proposed development.

1.2 (b) As far as we have observed or been informed, there has been no testimony at any review level about noise complaints having been generated from Grand Central during morning services at Luther Memorial. In fact, the company that manages Grand Central has indicated publicly that it has not received any noise complaints from Luther Memorial. Since the same management company will manage the St. Francis House development, we should assume that the same level of behavior will be evident there, and St. Francis House would certainly insist upon it.

1.2(c) Moped and bike parking will be restricted to specific areas and those rules will be enforced. Entrances and exits from the parking levels of the proposed building have deliberately been oriented away from Luther Memorial to minimize this impact.

1.2(d) Evidently, a small number of episodes occurred early on after Grand Central opened. Public testimony has indicated that these were dealt with swiftly by management with some tenants being expelled and additional cameras being installed. It appears that such incidents have not recurred and that Luther Memorial has been satisfied with the

response from Grand Central. Even representatives of Luther Memorial admitted as much at the Plan Commission when asked about recent experience. Again, the same level of management will be in place in the proposed building.

1.2(e) This is yet another example of speculation on the part of Luther Memorial. The Porchlight section of this block may or may not be redeveloped at some future point, and if so, that proposed development (whatever it might be) should be considered on its merits. The St. Francis House proposal should not be held hostage to what may happen in the future on another part of the block.

1.3 & 1.4 According to Luther Memorial, its contributing membership has declined from "over 1400 in 1988 to 973 in 2010." It is true that there has been an ongoing evolutionary process involving churches located in areas that have undergone demographic changes, including churches that are located in what have become "downtown" or in this case, campus areas. But, that process likely has much more to do with the changing spiritual needs and worship patterns of former and existing congregations than with nearby development. In this particular case, the Grand Central project has only been in place for a couple of years, so even if the noise, congestion and vandalism problems were real (St. Francis House has not experienced any of it, although located on the same block), they could hardly be responsible for this decline in Luther Memorial's congregation. If anything, having additional students residing on this block will provide Luther Memorial with an opportunity to reach out to a younger generation and enlarge its congregation by meeting their spiritual needs.

1.5 Luther Memorial is a beautiful building. As a congregation, Luther Memorial profited from the construction of Grand Central on this block. Any deferred maintenance that was accelerated by the presence of Grand Central is a consequence of that decision. We can certainly sympathize with Luther Memorial's need to maintain and increase revenues in order to continue its ministry. We wish they would allow us the same right, using our property as they used theirs when they sold a portion for the development of Grand Central. We would not presume to tell Luther Memorial how to increase its numbers or provide a more secure financial future for its structure, but there are so many Lutheran congregations in this part of the world, one would think that they would want to help in any way they can to preserve their historic edifice.

2. We do not believe that the City either has or should have a policy regarding the presence or continuation of a "religious oasis" on the 1000 Block of University Avenue. That said, the principal driver behind this proposed development is to permit the St. Francis House's religious student ministry to continue on this site for the long-term future. As to the aesthetics, we believe that the development as originally proposed was very desirable from an aesthetic standpoint, including complementing in a very deliberate and appropriate way, the adjacent Luther Memorial church. We are confident that the project architect will succeed in designing an equally-attractive, lower-profile alternative.

2.1 The timing of the Luther Memorial landmark status application displays a somewhat cynical use of that process as part of a concerted effort to impede or even diminish St. Francis

August 1, 2011

House's right to self-determination on its own property, and we believe they may someday come to regret having used their building for that purpose, but we do not dispute their right to do so.

2.2 Here again, while St. Francis House recognizes that Luther Memorial has the right to determine what happens on its own property, Luther Memorial displays a complete disregard for our rights and instead seeks to tell us how our property should be treated. We love our building, and have full confidence in the parties who will be tasked with relocating and retrofitting the original St. Francis House for use in the 21st century.

2.3 Aside from removal the 1964 addition, which is non-functional and according to our expert on historic renovation actually detracts from the original 1923 structure, the historic character of the buildings on this block will remain intact, and in fact, the relocated St. Francis House will actually better complement Luther Memorial's church. The green space across University Avenue, which is public space and every bit as tranquil as suggested, remains unchanged as well. As for the phrase "exclusive religious use," we really do not think Madison wants to enter into that kind of unconstitutional land use policy.

3.1 Without discussing too much about what have been private negotiations, we can say that we have engaged in good faith negotiations with our neighbors.

3.2 This statement was expressly contradicted by Attorney Temkin at our July 26th meeting, when he confirmed several times that Luther Memorial does indeed "covet" the St. Francis site. As their behavior has indicated, if they cannot own it, they will seek to "preserve the site as is" by whatever other means are available.

4.1 The fact remains that Luther Memorial profited from the development of Grand Central, both with a substantial cash payment and with 25 permanent parking spaces in Grand Central's parking facility.

4.3 The St. Francis site does not contain two landmark buildings.

5. City Staff and the City Attorney's office have done a commendable job of explaining why Mr. Ohm, a congregant of Luther Memorial, is incorrect in his analysis.

6. Again, Luther Memorial is free to do what it feels is best on its property and we ask only a fair shot at the right to do the same, within the context of the City's approval process. We have a revised proposal that we believe will meet all of the concerns that have been raised at the UDC and the Plan Commission and are confident we will be back before the Common Council in the near future with a successful project.



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Writer's Direct Dial: 608.283.2424
E-Mail: kevin.delorey@quarles.com

August 1, 2011

VIA E-MAIL

Common Council Members
City of Madison

RE: Proposed Development at 1001 University Avenue (Legislative File No. 22443)

Dear Alders:

I write on behalf of St. Francis House, a ministry of the Episcopal Diocese of Milwaukee, for the purpose of responding to the letter dated July 29, 2011, addressed to you by Attorney Harvey Temkin, counsel for Luther Memorial Church.

Until now, St. Francis House and the Diocese have chosen to remain in the background, allowing their more qualified and expert partner, LZ Ventures, developer of the very successful and widely acclaimed Grand Central project to take the lead in pursuing the proposed development at 1001 University Avenue. Both the St. Francis House Board and LZ, along with others, believe this is an appropriate, and in fact an excellent project for the St. Francis site - one that will bring many benefits to the student population, create substantial public benefits, including property tax and other revenues from a currently tax exempt site, and provide an income stream that will enable St. Francis House to continue its student ministry far into the 21st century, all while respecting the needs and concerns of St. Francis House's neighbors.

Until now, my client has also chosen to turn the other cheek while this development was attacked and maligned as though a juvenile detention center was being proposed for the site, rather than a moderate and respectful addition to the housing already provided on the block for both low-income residents and UW students. What we hoped would be a discussion on the merits of this project, which of course we always understood would include give and take among the various concerned parties, has instead come to feel to my client very much like an organization affiliated with one Christian body (Luther Memorial) seeking to impose its will over the ministry of another Christian body (the Diocese of Milwaukee), and even to assert

Madison Common Council Members

August 1, 2011

Page 2

jurisdiction over the property of that body, by overwhelming the deliberative process with meritless accusations (both regarding the good faith efforts that St. Francis House and the Diocese have made to address Luther Memorial's concerns, as well as the conduct and management of the existing Grand Central project) and with dire, but largely unsupported, predictions of the calamitous effects the proposed development will have on the well-being and perhaps very survival of the Luther Memorial congregation.

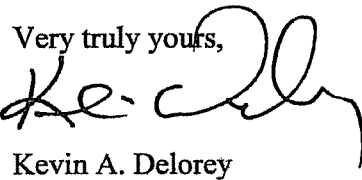
Please understand that the last thing St. Francis House or the Diocese wish is for this proposed development to bring negative impacts to this wonderful block of University Avenue. In fact, glaringly absent from Attorney Temkin's letter is any mention of a meeting organized by Alder Scott Resnick that took place at the City Municipal Building on July 26th. As indicated in the e-mail you received from Brad Murphy on July 29th, this meeting was attended by Alders Resnick and Clear, representatives of Luther Memorial, representatives of St. Francis House and LZ Ventures, and members of City Staff. At the meeting, two revised proposals were presented by the project architect, both considerably shorter than the 12 story building currently under consideration. We thought that meeting had ended with an agreement that the Common Council would be asked to refer the project back to the Plan Commission for further consideration of the revised proposal. In the meantime, representatives of Luther Memorial were invited to take a close look at the revised proposals, including coming to the project architect's offices to go over the specifics if they wished, all leading toward what we hoped would be a consensus proposal that could be presented to the Common Council in September with, this time, a positive recommendation from the Plan Commission.

Based upon Mr. Temkin's July 29 letter, we are left to conclude that, rather than engage in this dialogue, Luther Memorial prefers to continue to flood the Council chambers and alders' mailboxes with messages that are certainly vehement (to use Atty. Temkin's word), but do not in our opinion always stand up to the light of scrutiny. The St. Francis Board had hoped that this development would be judged on its merits rather than who could muster the most loud voices. Accordingly, it has chosen until recently not to marshal a similar outpouring of support to counterbalance Luther Memorial's numbers. However, not wishing to remain silent any longer, the Diocese respectfully submits this correspondence, along with its response to Luther Memorial's "Position Statement" which accompanies this letter.

Madison Common Council Members
August 1, 2011
Page 3

We regret that this process has become so contentious. It is our hope that, when the substantial benefits of this project to the students and the City at large are laid against the potential, but very manageable challenges, the revised project will receive a favorable outcome.

We thank you for your continuing efforts on behalf of your constituents and this great city.

Very truly yours,

Kevin A. Delorey

cc: Brad Murphy
Kevin Firchow
Bishop Steven A. Miller
Attorney William F. White
Attorney Harvey L. Temkin

Firchow, Kevin

From: Murphy, Brad
Sent: Tuesday, July 19, 2011 5:31 PM
To: Firchow, Kevin
Subject: FW: St Francis House Development

Follow Up Flag: Follow up
Flag Status: Flagged

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635

From: Beth Rahko [mailto:bethrahko@hotmail.com]
Sent: Tuesday, July 19, 2011 5:02 PM
To: ALL ALDERS; Murphy, Brad
Subject: St Francis House Development

Dear Alderpersons,

Our family has been a member of Luther Memorial Church since moving here in 1985. This letter is in strong opposition to the development of the St Francis House site on University Avenue. St. Francis House is a historic landmark and is placed on its current site beautifully with green space. Last week when I was watering and weeding our church gardens many people walked by and surprisingly many greeted me with complimentary comments on the beauty and peacefulness of this small section of green space. It is a vital point of interest and a rest space for people at our garden table.

The proposed development will move only a portion of St Francis House. Both St Francis House and Luther Memorial Church will be dwarfed in shadow blocking natural light to our beautiful stained glass windows and our preschool. Preservation of the St Francis House and Chapel will demonstrate Madison's commitment to the value of a culturally rich, historical building that matches central campus architecture and provides space for religious practice, musical performance, education and non-profit work.

I was also opposed to the Grand Central development in the same block and that has been so disappointing. The amount of traffic on Conklin has increased to dangerous levels. If the St Francis site is developed this traffic will increase even more. I have seen Grand Central residents climb off of balconies to the ground and drive the wrong way on Conklin with cars and mopeds.

The Grand Central occupants have thrown various items like large glass alcohol bottles on the Luther Memorial roof causing damage to tile that has been sound for more than 100 years. If the St. Francis site has similar problems the alcohol bottles will be thrown into our stained glass windows.

The congestion and vandalism has caused undo stress to our congregation and I fear for the future to retain and attract new members if this St Francis plan moves forward.

Thank you for your attention and consideration,
Beth Rahko
3410 Noll Valley Circle
Verona, WI 53593

Sept. 13, 2011

Dear Ms Fey,



I am an Episcopalian who has worshipped at a parish for over 50 years.

Briefly, I want to tell you that not all the

Episcopalians of the Diocese

of Milwaukee approve of the St. Francis House plan. I believe we should not go into the real estate business to support college ministry. I believe we should retain the present site as is and develop the work there by finding funding and support for that ministry by other means. Thank you for your time

Sincerely
Concie Ott Walden 1959-1964
Cross Plains