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CITY OF MADISON

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**Planning & Community
& Economic Development**

Natalie Erdman
Secretary, Plan Commission
City of Madison
Madison Municipal Building
215 Martin Luther King Jr Blvd, LL100
Madison, WI 53703

RE: Notice and appeal of the Madison Plan Commission's January 11th approval of a conditional use to construct a mixed-use building containing 14,000 square feet of first floor commercial space and 36 rental apartments at 2230 W. Broadway Avenue (Plan Commission agenda item 7, #40590).

Dear Ms. Erdman:

Please take notice that the undersigned, constituting more than 20% of the property owners located within 200' of the boundaries of 2230 W. Broadway, hereby appeal the decision of the Plan Commission to grant conditional use approval to Movin' Out/Mirus Partners for a proposed 36-unit residential development, and 14,000 square feet of commercial space with a proposed use of a new neighborhood center, at this location.

The grounds for this appeal are:

1. The Plan Commission erred in its determination that the conditional use will not be detrimental to or endanger public health, safety, or general welfare. Bridge-Lake Point-Waunona (BLPW) is a neighborhood in recovery. Significant investments have been made to restore the health and safety of this neighborhood, but problems persist. These include a high concentration of poverty, limited resources, and associated social concerns. The proposed addition of 28-36 units of subsidized low-income rental housing, to the *exclusion* of market-rate or owner-occupied units, reverses, rather than furthers, the work of nearly two decades.

The decision to approve 36-units of subsidized affordable housing at this location also violates principles of fair housing choice. This is due to the disproportionately high concentration of poverty and limited access to public transit in the BLPW neighborhood as compared to the vast majority of other Madison Neighborhood Planning Units (see attached

fact sheet derived using data from the Madison Neighborhood Indicators Project). Siting of this type of housing in an already impoverished, underserved, and geographically isolated neighborhood is to the detriment of the economically disadvantaged citizens the housing seeks to serve. It also violates recommendations from the *Analysis of Impediments to Fair Housing Choice* adopted by this council in 2013.

The proposed site design will also adversely affect public safety by contributing to vehicle-and-pedestrian conflicts safety concerns along Fayette Avenue north of Lake Point Drive and Lake Point Drive west of Hoboken. The latter has significant on-street pedestrian use as it lacks sidewalks and is the primary route to Waunona Park.

Despite abundant testimony at the hearing, and a January 11th memo from Alder Sheri Carter raising and expanding on these and other safety and social welfare issues, no conditions were proposed, discussed, or enacted to ameliorate any of the above-mentioned concerns.

2. The Plan Commission failed to consider to applicable area redevelopment plans, specifically the Project Plan for Tax Incremental District #27. The proposed use works at cross purposes to the goals, objectives, recommendations, and ongoing implementation of the approved Project Plan for TIF District #27. The Staff Report made no mention of this plan and thus failed to evaluate the proposed conditional use for consistency with this approved plan. The staff recommendation, and subsequent approval, therefore violated the requirement that the “City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan.”

More information on these extensive redevelopment efforts and the beneficial impacts they have had on the health, safety and welfare of the BLPW neighborhood can be found in the *Study of the Community Development Authority of the City of Madison's Activities in the Broadway-Lake Point Neighborhood*.

3. The proposed use does not advance the purpose and intent of either the zoned use (CC-T) or the use recommended in the Comprehensive Plan (NMX). Both districts aim to encourage and sustain *commercial* corridors, and to improve bicycle, pedestrian, and transit access to these commercial amenities. As indicated in our approved neighborhood and TIF District project plans, there is a clear and long-standing need for this type of development in the BLPW neighborhood. While the record reflects that the approved conditional use includes 14,000 square feet of commercial space, the city and developers have expressed a clear intent to designate this space for a new neighborhood center which is a *civic* not a commercial use.

4. The Plan Commission did not articulate the public need for the particular use *at this site*.

The *Plan Commission Policies and Procedures Manual* requires that the public need for the particular use at a particular location be considered. However, the Plan Commission's approval of the conditional use for these 36-units of housing was considered only in the context of the City of Madison's need to develop more affordable housing, but without consideration of the need for this type of housing in the BLPW neighborhood in particular.

The Plan Commission considered how the public's need for a new facility when it approved 14,000 square feet of commercial space for potential use as a new neighborhood center, but did not adequately consider or address how relocating the center would diminish and impair public use or safety. The new location is situated between a tavern and a gas station and is located a quarter mile further away from the majority of its local users. This location will increase foot traffic on Lake Point Drive between Hoboken and Fayette Avenues, where there are no sidewalks, or through the alley and parking lot behind Antler's bar. Neither scenario is safe, particularly for children.

5. The Plan Commission stipulated no conditions to address the appropriateness of the size and bulk of the proposed corner-lot building in relation to adjacent homes; the inadequacy of proposed parking for this car-dependent community; the subsequent impact on nearby residential streets; or the aforementioned plans beyond the Comprehensive Plan.

6. The approvals for this project are not the product of a well-planned and carefully deliberated upon project required by the policy and procedures of the Commission and the ordinances of the City of Madison. The record from the Plan Commission (and Urban Design Commission) is replete with references by city staff, the developers, and decision-makers about how the project is rushed, how aspects of the plans are largely conceptual, and how additional details "still need to be worked out." That is the antithesis of the process it is the duty of the Plan Commission to adhere to.

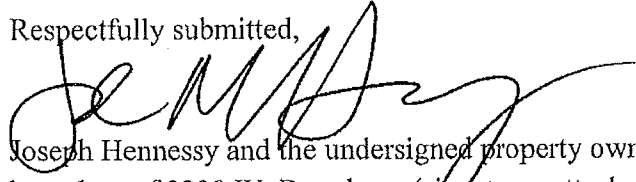
These deficiencies were acknowledged, and then ignored, in order to remedy the developer's belated attempt to satisfy conditions of a tax credit application to WHEDA. Important as those conditions are to the developer, they do not warrant suspension of sound and honored policies of other authorities to whom the public welfare is entrusted; to wit, the City of Madison Plan Commission. On the contrary, this hurried process has left the developers with no time or incentive to collaborate with the community on project design. The result has

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been an egregious failure of the city staff and the Plan Commission to hold this developer to account.

I would appreciate being notified by email (riverfish72@yao.com) when this appeal has been transmitted to the City Clerk.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J Hennessy', written over the text of the signature line.

Joseph Hennessy and the undersigned property owners who reside within or near 200' of the boundary of 2230 W. Broadway (signatures attached).

CC: Sheri Carter, Alder, District 14
Jim O'Keefe, Director, Community Development Division
Maribeth Witzel- Behl, Clerk, City of Madison

As per our right under Section 28.183(5)(b) of the City of Madison Zoning Code, and on the grounds described in the attached memo, we the undersigned property owners appeal to the Madison Common Council for a hearing and review of the Plan Commission's January 11th decision to grant a conditional use permit to Movin' Out/Mirus Partners to construct a 36-unit rental housing development with 14,000 square feet of commercial space potentially designated for a new neighborhood center on the ground floor at 2230 W. Broadway Ave. This petition satisfies the criteria that the appeal must be filed by 20% or more of the property owners notified (e.g., those within 200' of the proposed development) who object to the establishment of the conditional use.

Name	Address	E-mail or Phone	Signature
Joseph Hennessy & Erin O'Brien	2221 Lake Point Dr	608 712 2742 608 - 695 - 7511	
KENNETH SHEPHERD	5321 FAYETTE AVE	608 222 1304	
* Cory Thompson, 5318 Fayette Ave Windsor, WI 53713	5318 Fayette Ave	608-345-3338	
* Thomas Munk	2010 W. Broadway	608 575 9424	
KEN LACZKOWSKI	2213 LAKE POINT DR.	608-469-3665	
* Lisa Ableman	5307 Fayette Ave	608-444-5530	



* These property owners may or may not be within the 200' notification zone.

As per our right under Section 28.183(5)(b) of the City of Madison Zoning Code, and on the grounds described in the attached memo, we the undersigned property owners appeal to the Madison Common Council for a hearing and review of the Plan Commission's January 11th decision to grant a conditional use permit to Movin' Out/Mirus Partners to construct a 36-unit rental housing development with 14,000 square feet of commercial space potentially designated for a new neighborhood center on the ground floor at 2230 W. Broadway Ave. This petition satisfies the criteria that the appeal must be filed by 20% or more of the property owners notified (e.g., those within 200' of the proposed development) who object to the establishment of the conditional use.





Name	Address	E-mail or Phone	Signature
Linda Benkowski	2205 Lake Point Dr.	608-223-1998	Linda Benkowski
Michael Pott	2205 LAKE POINT DR.	608 843 7918	Michael Pott
Elana Lusk	2210 Lake Pt Dr.	608-222-5438	Elana Lusk *
Marvin Campbell	2209 Lake Pt Dr 2401/2403	608-221-0995	Marvin L Campbell
Erin K. Neal	2205 LAKE POINT DR.	608-213-8034	Erin K Neal
Kris Osthoff	2405 Lake Point Dr	608-224-0479	Kris Osthoff

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Name	Address	E-mail or Phone	Signature
DIANE C. Small	2201 LAKE PT DR MADISON, WI 53716	608-957-1652 DAMI@AOL.COM	Diane C. Small

As per our right under Section 28.183(5)(b) of the City of Madison Zoning Code, and on the grounds described in the attached memo, we the undersigned property owners appeal to the Madison Common Council for a hearing and review of the Plan Commission's January 11th decision to grant a conditional use permit to Movin' Out/Mirus Partners to construct a 36-unit rental housing development with 14,000 square feet of commercial space potentially designated for a new neighborhood center on the ground floor at 2230 W. Broadway Ave. This petition satisfies the criteria that the appeal must be filed by 20% or more of the property owners notified (e.g., those within 200' of the proposed development) who object to the establishment of the conditional use.

Name	Address	E-mail or Phone	Signature
Nicole Treinen	2113 Lake Point Dr #1 MADISON, WI 53713	nicole.treinen8611@gmail.com	
Timothy Douglas	2113 LAKE POINT DR MADISON, WI 53713	timothy1849@gmail.com	
Yolanda Deuchler			
Christina Springer	2113 Lakepoint Dr #4	283-9295	Christina Springer
Josephine Cho	owner 2109-2113 Lake Point Drive		THOMAS MUNTZ POA for Josephine Cho
Homer Simpson	2202 W Broadway	608 575 5549	

+ These individuals are tenants, not owners.

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Name	Address	E-mail or Phone	Signature
José Pluey	2214 Lake Point Drive	608.695.354	
Casey Dilley	2214 Lake Point Dr	608-219-0074	Casey Dilley

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★ These property owners may or may not be within the 200' notification radius.

January 2015

NOTICE OF PUBLIC HEARING

On October 21, 2015, an application was filed with the City of Madison Department of Planning & Community & Economic Development for approval of a conditional use to construct a mixed-use building containing 14,000 sq. ft. of commercial space (a potential neighborhood center) and 36 apartments in Urban Design District 1 at 2230 West Broadway. The application will be reviewed by:

Plan Commission
January 11, 2016, 5:45 p.m., Room 260 Madison Municipal Bldg. 215 Martin Luther King Jr. Blvd.

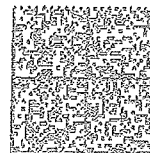
The purpose of this public hearing is to hear all interested parties. The City has made an effort to notify all the immediate neighbors of this proposal. To help ensure as many as possible know about the hearing, please share this notice with your neighbors and tenants. City meeting agendas are available online at: <http://madison.legistar.com/Calendar.aspx>

Note: Public hearing items may be called at any time after the beginning of the hearing at the time noted above. The Plan Commission uses a consent agenda, which means an item may be approved at the beginning of the hearing if no one is registered to speak in opposition. Those wishing to speak on an item must register with City staff at the entrance to the meeting room before the item is called.



For more information: Call the City Planning Division at (608) 266-4635, or visit: www.cityofmadison.com/dpced/planning/current/projects/1599

City of Madison Planning Division
215 Martin Luther King, Jr. Boulevard
PO Box 2985
Madison WI 53701-2985



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2230wb 071019409228
Location: 2221 Lake Point Dr
HENNESSY, JOSEPH M
2221 LAKE POINT DR
MADISON WI 53713

