

Urban Design Commission
urbandesigncomments@cityofmadison.com

Meeting January 11, 2023
Agenda #8, Legistar #69208

I'm writing in regards to the Final Land Use Application before the UDC requesting a change in zoning from TR-V1 to Planned Development (PD) District at 2165 Linden Ave. The UDC is charged with recommending approval of both the design of the development as well as the request for the PD zoning.

I'm not an expert at design, but I will say that I have compared the designs in the three presentations, and to me, the different colors and textures actually make the building appear larger and more foreboding than it did last time. The developer has stressed all along that the plan is to set back the third floor so that there would be the ILLUSION that the building height is more in line with other buildings in the neighborhood. But with this latest design, the third story color is in such stark contrast with the rest of the building that it actually draws the eye to that third story and I believe EMPHASIZES the height.

And finally, the first two presentations showed some hint of green on the third story, and the developer claims in their application that they will include a green roof system on the third level. There were questions both at the UDC and the Plan Commission about the details of how this would actually be implemented. Today's presentation does not include any hint of a green roof. This was a major part of the innovative measures regarding sustainability and stormwater management, so I have to question what the plan is with regard to a green roof.

I would ask that the UDC, in approving the FINAL application, include a request that the developer provide further details to about how they plan to meet Objective A of the PD Guidelines, with special emphasis on sustainable stormwater management.

As always, thank you so much for the work you do and for this opportunity to contribute my thoughts.

Sandy Blakeney

From: [B BECKER](#)
To: [Urban Design Comments](#)
Cc: [Albouras, Christian](#); [cjharpertds.net](#); [cliffgoodhart@outlook.com](#); [jklehr@madisoncollege.edu](#); [lbraunoddo@gmail.com](#); [shane.bernausmithgroup.com](#); [tdmadtown@charter.net](#); [Foster, Grant](#)
Subject: 4/13/2022 UDC Agenda Item #5, File 69208, Zion Development
Date: Monday, April 11, 2022 2:52:45 PM

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

TO: Urban Design Commission
DATE: April 11, 2022
RE: Proposed Zion Redevelopment and Rezoning – File # 69208
4/13/2022 Agenda Item #5

One or more of the objectives listed in MGO 28.098(1) must be met to zone a parcel Planned Development. Only objective (a) was cited in the application for rezoning the Zion property:

(a) <!--[endif]-->Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

The application letter of intent states “... We are committed to pursuing passive house net-zero ready standards of construction and building performance on this project...”

“Green building technologies” is not an arbitrary term or concept. It was developed by the U.S. Green Building Council (USGBC) which established a set of rating systems for design, construction, operation, energy efficiency, sustainability, and maintenance under Leadership in Energy and Environmental Design (LEED).

The goals and principles of green building technology include:

- 1 Life cycle assessment
- 2 Siting and structure design efficiency
- 3 Energy efficiency
- 4 Water efficiency
- 5 Materials efficiency
- 6 Indoor environmental quality enhancement
- 7 Operations and maintenance optimization
- 8 Waste reduction
- 9 Reducing impact onto electricity networks

Passive design strategies are based on four basic principles:

- 1 Climate analysis and comfort
- 2 Passive heating

3 Passive cooling

4 Daylighting

While addressing aspects of energy efficiency and climate control, passive design touches only on limited elements of green building technologies. Green building technology and passive design are not the same, nor are the sets of principles interchangeable.

The applicant's commitment "...to *pursue* passive house net zero standards..." doesn't satisfy objective (a). There must be a commitment to promote green building technologies, not a statement that something else might be pursued. Either the building is green or it is not green. For builders to cherry pick which of the goals of green building technology they may want to pursue so they can circumvent City statutes does not meet with the intent of the coded law.

Bruce Becker
253 Dunning Street

January 26, 2022 resubmitted April 11, 2022
Meeting April 13, 2022
Agenda

Dear Members of the UDC,

We are opposed to approval of the PD application by Threshold Development.

We believe that this application does not fulfill the stated requirements for recommendation by the UDC, based on criteria (b) and (d) outlined in Ordinance 33.24 Section 2:

(b)To protect and to improve the general appearance of all buildings, structures, landscaping and open areas in the City; to encourage the protection of economic values and proper use of properties.

(d)To foster civic pride in the beauty and nobler assets of the City, and in all other ways possible assure a functionally efficient and visually attractive City in the future.

- There is inadequate green space.
- The size of the structure leaves no opportunity for canopy shade trees on the site, now or in the future. As noted in the Street Tree Report attached to the application, trees on the terrace have suffered from “severe utility line clearance pruning and girdling roots”. This situation makes the option to plant trees on private property critical, (City of Madison Urban Forestry Report, 2019) and privately owned trees are the norm on surrounding lots.
- The monolithic building does not relate to the architecture of the surrounding residential blocks and is therefore inconsistent with the neighborhood zoning plan.

We have reviewed the PD Zoning Purpose and Standards (Ordinance 28.098(1 & 2)). We have listed our objections to the relevant sections below:

28.098(1) Statement of Purpose

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion... Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed.

The application has not demonstrated anything unique about this project, and therefore does not meet the purpose of a PD. This is not a unique lot. This is a typical zoning compliant lot that could be sensitively developed under its current zoning, with increased housing density. It does not meet objectives b, c, e and f in Section 28.098(1).

- This parcel is in a residential area, not transitional. The parcel represents a substantial element of the existing residential neighborhood. (b)
- There is no preservation and enhancement of environmental features such as green space or trees
- There is no preservation of historic buildings, or landscape features through the use of preservation of land (c)
- Has not provided for open space, recreational amenities (e)

- High quality development consistent with the goals, objectives, policies and recommendations of the Comprehensive Plan. As currently zoned, this parcel is TR -V1. In June 2021, density in this district was increased to allow 12-13 dwelling units (f)

28.098(2) Approval Standards for Project

(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include: 1. Site conditions such as steep topography or other unusual physical features; or 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

The current zoning TR-V1 allows for infill to a maximum of 12-13 units.

(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.

This project will impact on the neighborhood, with increased traffic, less per capita park space and uncertainty about the continued historic residential character of the neighborhood. There will be a precedent for inappropriate development on residential streets, which could have a negative economic impact on the area.

(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

The parking structure has 10 stacked-parking places that are not conducive to easy in-out underground parking. The addition of 44 parking places means 44 more vehicles on narrow neighborhood streets, with parking only on one side.

(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

This project is not consistent with the architecture of the surrounding neighborhood. The design is typical of current commercial corridors, but not a residential block. It is not harmonious or compatible with the surrounding residential structures, nor does it protect and enhance the aesthetic and historic character of the neighborhood and its property values. The proposed monolithic structure with a nearly flat façade and flat roof could not diverge more totally from the typical old style houses of the neighborhood with their steep pitched roofs, multiple gables, and front facades that are articulated by

functional porches and sunrooms. What minimal articulation is provided is frankly cosmetic and without architectural merit.

Although it is described in the application as a transitional building, this description is contradicted by the mass of the structure. One of the most problematic aspects of the design is the elevation of the first floor. On Division Street, the entry level is 8 1/2 feet above street level - this is completely out of scale with the adjacent dwellings – there is a single story home within 20 feet of it. This building elevation also means that the building is effectively 4 stories high along most of Division Street.

(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.

This proposal lists surface and balcony square footage in their open space calculation. These totals are not aligned with the surrounding neighborhood, and seem to be inconsistent with the requirements for open space in new buildings in the current TR-V1 district. Existing zoning for multi-family units requires 160 sq ft of usable open space for 1 bedroom units and 320 sq ft for 2+ bedroom units.

CLOSING STATEMENT

In summary, this project does not meet the fundamental purpose and standards for a PD. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain. This proposal is neither harmonious with nor complementary to the visual standards of the adjacent residential neighborhood and is a flawed application.

Finally, we would like to draw your attention to misleading statements in the application. There was no positive consensus amongst the close neighbors or the wider neighborhood. We also understand that the Alder Foster was not present at the small or larger meetings of the neighborhood. Due to redistricting, he has been the Alder for this site only since January 1.

Respectfully submitted,

Terry Cohn and Michael Johns, 2135 Linden Ave.

Philip Wisely and Aletha Jones, 2133 Linden Ave.

Sandy Blakeney, 2138 Linden Ave.

Anne Reynolds and Tom Liebl, 2139 Linden Ave.

David Griffeath and Cathy Loeb, 2145 Linden Ave.

Sarah and Zach Agard, 2150 Linden Ave.

Rita Hockers and Harold Rottier, 237 Division St.

Madeline Gotkowitz, 243 Division St.

Bruce and Barbara Becker, 253 Dunning St.

Mary Thompson-Shriver and Tim Shriver, 249 Dunning St.

Marolyn Bahr, 233 Dunning St.

Anne Tigan, 225 Dunning St.

Angela Richardson and Paul Andrews, 217 Dunning St.

Sandra Anton, 201 Dunning St.

Jim and Susan Young, 201 Dunning St.

From: [Tom Liebl](#)
To: [Urban Design Comments](#); [Foster, Grant](#); [Benford, Brian](#)
Subject: 2165 Linden Ave PD application
Date: Monday, April 11, 2022 10:23:30 AM

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

UDC Members,

What is known as the “Zion site” is currently zoned TR-V1. This not some historical mistake or planning oversight. Up until 1968 (when the new church was completed) there were at least two other homes on this property, one on Dunning and one on Linden; The old church occupied the Division St side. This parcel has always been a substantial and integral part of the adjoining residential neighborhood.

The current boundary between residential and commercial zoning is clear, rational, and has been recently re-affirmed by the Comp Plan. This distinct separation of zoning types contributes to the unique look and feel of the TR-V1 built-environment. Just as significantly it allows for a vibrant natural environment to flourish here.

The monolithic nature of the proposed building is completely out of context with the neighborhood. The nearly 1/2 acre parking structure eliminates the possibility of any connection to the surrounding natural community, no possibility for a shade tree canopy, no open space, no meaningful rainwater infiltration, no wildlife community.

I see no “particulars of this site” that make it uniquely suited for a PD. No problematic existing conditions prevent it from being developed under current zoning. The PD proposal presumes to take credit for solving problems that would only exist because of the physical design of the proposal itself.

This proposals' narrative of a meaningful “neighborhood” process is also misleading. When the proposal was first introduced, it was rejected wholesale by a majority of the neighbors, who then saw no reason to “compromise” with a fundamentally flawed plan. Instead of confronting the fundamental question of rezoning, the so-called “compromise process” sidestepped that issue and never re-visited it, thus marginalizing the many neighbors who are still strongly in opposition.

This proposal fails to qualify as a PD in every meaningful respect. If re-zoning is required to accommodate its scale, that should be decided by a conventional re-zoning application process.

Alternatively, development could proceed as TR-V1, this parcel would then continue to remain a valuable part of neighborhood. This small residential area is tightly bounded by commercial corridors. Because of its unique and fragile character, compelling reasons are required before carving out and removing a significant part of its historic footprint.

Thank you,

Tom Liebl

2139 Linden Ave
Madison

From: [B BECKER](#)
To: [Urban Design Comments](#)
Cc: [Albouras, Christian](#); [cjharpertds.net](#); [cliffgoodhart@outlook.com](#); [jklehr@madisoncollege.edu](#); [lbraunoddo@gmail.com](#); [shane.bernau@smithgroup.com](#); [tdmadtown@charter.net](#); [Foster, Grant](#)
Subject: 4/13/2022 UDC Agenda Item #5, File #69208, Zion Redevelopment
Date: Monday, April 11, 2022 2:59:40 PM

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

TO: Urban Design Commission

DATE: April 11, 2022

RE: Proposed Zion Redevelopment – File # 69208
4/13/2022 Agenda Item

The developer's request for PD zoning should not be granted for reasons cited in detail by others in comments already submitted to the Commission.

The developer's sudden shift during the first UDC meeting to a "passive house" commitment was surprising since it was not contained in the land use application and we were told in no uncertain terms during our neighborhood meetings that the economics of the proposed development would not allow for building a multi-family passive house certified project.

From an aesthetic standpoint, there is nothing unique about the design. From the LOI:

"The proposed building has been designed to be in context with the neighboring structures and will serve as a transition from the 4-story mixed use building to the south and the single-family homes to the north. This building has been designed as a two to three-story structure with the third floor set on all street sides of the property such that there are only two-story facades along the sidewalks. The building has also been designed to resemble townhomes built next to each other so that the residential scale and context is further reinforced. This design solution was achieved after much discussion with the stakeholders of this project, as explained in more detail below. The garage access is located along the south side of the building and is utilizing a shared access easement between the neighboring properties to keep all vehicular traffic away from the surrounding neighborhood."

There is nothing that puts this design in context to the neighborhood with the exception of the Cornerstone on Atwood Avenue. It is massive in nature and now that the southside step-back has been eliminated, it will loom even larger over its residential neighbors on its southwest side. Except for the fact that PD zoning is being sought, it seems unlikely that any other zoning would allow a structure to dwarf its next-door neighbor in this way. The LOI alludes to being transitional to the homes to the north while ignoring the properties to the south (other than Cornerstone), east and west. It is not anything close to being transitional to the neighboring homes in any direction and does not resemble townhomes built next to each other. The aspect ratios of the renderings always appear to be skewed to present a lower profile than what the profiles actually are.

It is true that there was discussion with the stakeholders of this project, but representing the design solution as being the result of those discussions is objectionable. Neighborhood involvement has been misrepresented in the initial land use application, revised land use application, and elsewhere. The first land use application went so far as to state there was consensus that resulted in the design. The second uses the word compromise. The four proposals that were presented were:

- <!--[endif]-->30 units
- 34 units
- 33 units
- 32 units

Wrapping the same density in a different package does not represent compromise. I understand that density is not necessarily within the purview of the UDC but it is important to correct continued misrepresentations of neighborhood input.

I understand the UDC is primarily concerned with design objectives but also has advisory authority over whether the PD zoning request is appropriate. The application fails on both counts.

Sincerely,

Barbara Becker
253 Dunning Street

Regarding Agenda Item #69208 The "Zion" Parcel

Dear Members of the Urban Design Commission,

I am writing in opposition to the change from TR-V1 to a PD for the development proposed by Threshold in their Land Use Application.

As stated in ordinance 28.098 for a Planned Development District

28.098(1) Statement of Purpose

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.... Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed.

This is a typical zoning compliant lot that could be sensitively developed under its current zoning, with increased housing density. The applicant has not shown that any other base zoning cannot be used to achieve their development.

28.098 (2) Standards for approval of a Zoning Map Amendment

The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:

Site conditions such as steep topography or other unusual physical features; or

Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

This is not a unique lot with any unusual features listed as conditions in 28.098 (2). It is a church lot that resides in a residential area. That is a typical situation as is true for churches throughout the city of Madison.

28.098 (2) (a)

The proposal has now expanded to meet the first objective of a PD

To allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and hat features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives: (a)Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

Green technology:

“We are committed to pursuing passive house net zero ready standards on this project for its own sake, but also as a step towards making passive house construction our baseline for all future projects. We have hired Precipitate passive house consulting to train our entire team, including the contractor and architect for this project, and to expand our capacities for future passive house projects in Madison.” Page 3 of LOI

The proposal uses “passive house” to equate to green building technologies in order to fulfill objective **28.098(2) (a)**. They are intending to be trained in passive house construction with no obligation to actually commit to certification.

According to the www.phius.org site “Passive house and its established set of principles represent the underlying theory, while passive building is the act of implementing that theory”

The Land Use Application has changed the design to a more monolithic shape claiming, according to planning staff, the new design is necessary to achieve passive house.

According to the www.phius.org site “Although many early passive homes used an austere European style, passive design does not dictate aesthetics. Phius has certified projects in dozens of styles ranging from Cape Cods to traditional Four Squares, contemporary multifamily projects, and more.”

Examples are available on the www.phius.org site. of CERTIFIED houses and buildings with peaked roofs, porches, and articulations.

The LOI states net zero energy from the standpoint of passive house

“When combined with renewable Photo Voltaic (PV) energy, passive house buildings can attain net-zero energy use” Page 3 of LOI

While the renderings show what look like solar collectors on the roof, there is no documentation and is lacking specifics on the number that will be on the roof, the HVAC system, and how much energy they will actually collect. *“We are committed to pursuing passive house net zero ready standards on this project for its own sake, but also as a step towards making passive house construction our baseline for all future projects”* Page 3 of LOI

To pursue is not the same as implementation and is an easy way to not follow-through.

28.098 (2) (a)Low impact storm water management

The proposal and drawings claim that a green roof and rain garden will accomplish low impact storm water management. Page 46 of Land Use Application:

SITE INFORMATION BLOCK	
SITE ADDRESS	2165 LINDEN AVENUE
PROPERTY ACREAGE	0.47 ACRES
NUMBER OF BUILDING STORIES	3
TOTAL BUILDING SQUARE FOOTAGE	12,796
GROSS BUILDING SQUARE FOOTAGE	45,506
NUMBER OF UNDERGROUND PARKING STALLS	32 (42 VEHICLES)
NUMBER OF INTERIOR BICYCLE STALLS:	32
NUMBER OF EXTERIOR BICYCLE STALLS:	4
EXISTING VS. PROPOSED SITE COVERAGE	
EXISTING IMPERVIOUS SURFACE AREA	17,328 SF
EXISTING PERVIOUS SURFACE AREA	3,269 SF
EXISTING IMPERVIOUS SURFACE AREA RATIO	0.84
PROPOSED IMPERVIOUS SURFACE AREA	16,796 SF
PROPOSED PERVIOUS SURFACE AREA	3,801 SF
PROPOSED IMPERVIOUS SURFACE AREA RATIO	0.82

The size of the rain garden is 70 SF. It has a storm water drain in the bottom hooked up to traditional storm water pipes.

“Rain gardens are generally 5-10% the size of the impervious surface generating the runoff entering the garden.”
https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs142p2_008528

The green roof is a narrow strip with no description of what it will consist of, or how it will be watered and cared for. Is this the responsibility of the tenants or will someone need to enter tenants' private units to access it? There is no documentation as to how much rainfall it is expected to absorb to prevent runoff.

Actual rainfall and runoff are not calculated to substantiate the rain garden and green roof with accomplish low impact storm water management.

There is just traditional storm water management.

Standards for Approval of a PD

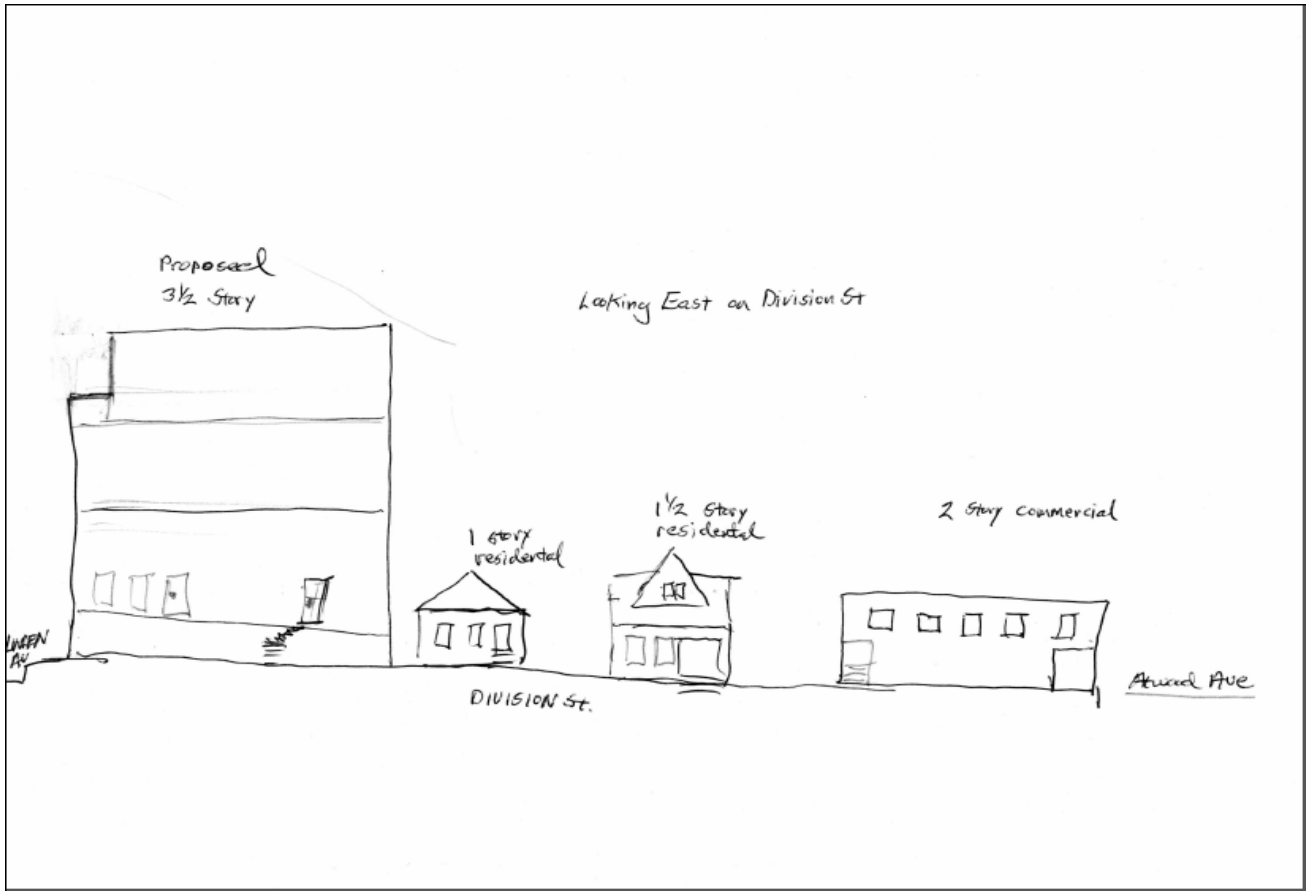
(e)The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

D. Maximum Building Height: Heights shall be as indicated on the adopted plans and shall be no higher than 3 stories. Page 34 of Land Use Application

This is not a level lot and slopes down towards Division Street. The building of 3 stories on the Division Street side is actually higher than “3 stories” relative to the other houses on Division St. There is a wall and 2 sets of stairs to enter the units on Division Street to adjust for the slope, thus making it actually higher from the street level than Dunning Street. The renderings fail to show a view from that perspective. The small one story house in the rendering is a white structure suggesting a garage or storage shed. It is therefore NOT compatible, nor transitional with the surrounding area. The only mention of transition is on the southwest side with the Cornerstone Building.

The renderings are deceptive. There is no longer a stepback for the third floor on the south side of the building. This actually creates a taller building on that side therefore even less of a transition.

**See the drawing on the next page as there is no rendering of the residences of Division Street from Atwood Ave going north to Linden Ave. in the Land Use Application.



View of Division Street from Atwood Ave. to Linden Ave. walking north from Atwood Ave.
 (2 story commercial building, 1 ½ story residential, 1 story residential, proposed 3 ½ story building)

(f)The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.

There is little or no green space for tenants to gather. Most of the “green space” is only plantings along the periphery of the building.

In summary, this project does not meet the fundamental purpose and standards for a PD. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain. This proposal is neither harmonious with nor complementary to the visual standards of the adjacent residential neighborhood and it is therefore a flawed **and noncompliant** application.

Respectfully submitted,
 Terry Cohn
 2135 Linden Ave.

**Urban Design Commission
Meeting of April 13, 2022
Agenda #5, Legistar 69208**

I write in regards to a Land Use Application before the UDC requesting a change in zoning from TR-V1 to Planned Development (PD) District at 2165 Linden Ave, site of the former Zion Lutheran Church.

Per Madison General Ordinance (MGO) 28.098(5)(c), and as reiterated in the Planning Division Staff Report prepared for this meeting, the UDC is required to make a recommendation to the Plan Commission “with specific findings on the design objectives listed in Subsections 28.098(1), Statement of Purpose, and 28.098(2), Standards for Approval of Zoning Map Amendment.”

MGO 28.098(1) Statement of Purpose: To “facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.” The application must meet at least one of the listed objectives.

The applicant’s Letter of Intent (LOI) dated February 28, 2022 states “While we understand the PD is meant to rarely be used, we believe the particulars of this site and process are uniquely suited for a PD. We were encouraged to pursue a PD by City Officials and neighborhood leaders familiar with the particularities of this site and process.”

This is a .47 acre site with a slope of about 2% along Linden Avenue (east to west). There is nothing unique about the site itself. It is not the only relatively large parcel in the area (e.g., 2829 Milwaukee is .42 acres, 2729 Hermina is .65 acres, 211 Clyde Gallagher is .43 acres). Also, it is important to be clear that any encouragement provided by City Officials and “neighborhood leaders” is irrelevant to whether this proposed PD meets the standards. Whether or not the standards are met is up to UDC (as advisory to Plan Commission) and Plan Commission to determine.

The LOI states: “The context itself, of a Church vacating land in a manner not anticipated by city planning makes the underlying zoning issues unique.” In actuality, a larger parcel coming on the market is not unique. (Even if it were, the ordinance is looking for unique *development*, not an unusual circumstance leading to a vacancy.) The fact that it was a church vacating land is of no consequence. The issue to be determined is whether or not the PD standards are met.

The LOI states: “That underlying unanticipated zoning context generated a truly unique consultative process involving neighborhood and City stakeholders. While that process did not generate unanimity or consensus, it did generate the outlines of a compromise that garnered significant support. The PD is being requested partly as a means to be sensitive to the ‘environmental and cultural’ considerations of respecting that compromise. The PD was thought to be the best way of ensuring that the developers would be narrowly constrained to honor the spirit and outline of the unique and specific compromise(s) that resulted from the neighborhood process.”

The assertion that there were “outlines of a compromise” that were generally agreed upon does not fall within the parameters of the PD standards. Developers negotiate with neighbors all the time in order to minimize the prospect of neighbors derailing plans at the Commission/Council level. Equating “respecting that compromise” as being “sensitive to environmental, cultural, and economic considerations” is unrelated to the intent of the ordinance. The ordinance’s purpose of encouraging

“development that is sensitive to environmental, cultural, and economic considerations” is focused on the *built environment*, not on the process.

The statement of purpose lists six objectives, of which the applicant must meet at least one. The applicant’s LOI claims to meet only objective (a): “Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.” These are comments and questions regarding the applicant’s response to 28.098(1) that I would ask the Commission to consider:

1. The LOI states: “... our proposal aims to achieve the specific objective(s) (A) ... We are committed to pursuing passive house net-zero ready standards of construction and building performance on this project ... This project would be the first attempt in Madison by a for profit developer to achieve passive house standards on a multifamily project.”

I would respectfully ask the Committee to consider that “aims to achieve” and “committed to pursuing” and “would be the first attempt” are *not* commitments to *achieving* passive house standards.

In addition, although the applicant states that “passive house construction and the PHIUS criteria for certification are the current best practice for sustainable building,” the applicant does not include any intention to obtain that certification.

Passive House Institute US (PHIUS) provides a design certification, which is awarded after the plan feedback process is complete and the project meets all requirements. If this project will be recommended for approval based on objective (a), then that recommendation should be made contingent on the project obtaining Design Certification.

The applicant mentions having hired Precipitate “to train our entire team.” Again, I would like to note that training is not the same as implementation.

2. The LOI discusses low-impact development techniques for stormwater management; i.e., a rain garden and a green roof system on the third floor.

The green roof system is about 1,500 square feet, or about 10% of the entire roof. There is no mention of what this green roof system will consist of. Will it be a true green roof, or some trays placed on the roof, or planters? These green roof pockets are accessible *ONLY* through tenant apartments. What is the plan for maintaining a green roof system going forward?

The applicant also states the project will be “in full compliance with the new stormwater standards.” Compliance with the stormwater standards is not a reason to find that a PD objective has been achieved, as the stormwater standards apply to this project whether or not it is a PD District. A PD District cannot be created simply to increase density, or allow development that otherwise could not be approved. ***The development must meet an objective of MGO 28.098(1), which for this application is (a). If (a) is not met, the PD cannot be approved. The applicant does not provide sufficient detail to assure that objective (a) will be met.***

MGO 28.098(2), Standards for Approval of Zoning Map Amendment, lists nine standards that must be met in order to approve rezoning to PD. Comments/questions related to some of these standards, that I hope the Commission will consider, are discussed below.

1. Standard (a): “The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above.”

In this case, three other base zoning districts could be used, two of which (TR-U1 and TR-U2) would achieve a “substantially similar pattern of development” and one (TSS) could achieve the exact same development. The ordinance requires only that another base zoning district *could* be used, not the likelihood of whether that base zoning *would* be approved. ***The development must meet all standards under MGO 28.098(2). Since standard (a) is not met, the PD cannot be approved.***

2. Standard (b): “The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.”

The GFLU map shows this area as Low Residential (LR). The Comprehensive Plan says “Smaller two-, three-, and four-unit apartment buildings and rowhouses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and when constructed to fit within the general “house-like” context LR areas.” The next Comprehensive Plan category is Low-Medium Residential (LMR), and the Plan says “Building forms present within the LMR category of housing are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development or used as a transition from more intense development to lower intensity areas comprised primarily of single-family development.” ***Based on this information, the PD plan does not facilitate the goals of the Comprehensive Plan.***

The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan does not specifically address this parcel. In general, the residential areas were not contemplated for redevelopment (as is the case is most neighborhood plans for already built-up areas). A Neighborhood Plan Amendment has been concurrently proposed by the developer and interested parties that is designed for this ONE parcel specifically to support this development. It is not known yet if this amendment will be approved. If it is ultimately approved by Plan Commission and Council, standard (b) could be met. ***Without the amendment, standard (b) is clearly not met.***

3. Standard (e): “The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.”

The lot lines around 2165 Linden total 640 feet. The proposed PD would have a building form that is compatible for just 99 of those 640 feet, as it would be similar to the Cornerstone located at 266 Dunning Street, a mixed-use building on Atwood Avenue with a height of over 45 feet. Other than the Cornerstone, the building form of properties directly across or adjacent to 2165 Linden Avenue, and in the immediate vicinity, are primarily 1- or 2-family homes and are zoned TR-V1.

These TR-V1 parcels generally have 40 feet of street frontage, so the homes are about 25-30 feet in width, interspersed with open space (and small one-story garages across Linden Avenue). The proposed building would be 208.71 feet long along Linden Avenue. That would be 208.71 feet of a solid building unrelieved by any setbacks to create even an illusion of space.

This proposed PD would not have a building form compatible with surrounding land uses and does not meet standard (e).

Conclusions

1. At least one of the objectives of MGO 28.098(1) Statement of Purpose must be met. The applicant states their aim is to achieve objective (a). Having good intentions is not what the ordinance requires. The ordinance requires the objective to actually be met. Other than an infiltration garden and covering about 10% of the roof with some sort of vegetation, no other commitment is made by the applicant regarding sustainable development. PHIUS criteria for certification are mentioned as current best practice, but the applicant does not commit to obtaining certification, or to even using PHIUS criteria. **Standard (a) of 28.098(1) is not met.**
2. The first standard for PD approval under MGO 28.098(2), Standards for Approval of Zoning Map Amendment, requires that no other base zoning district be available that can achieve a substantially similar pattern of development. Three base zoning districts could be used, two of which (TR-U1 and TR-U2) would achieve a “substantially similar pattern of development” and one (TSS) could achieve the exact same development. The ordinance requires only that another base zoning district *could* be used, not the likelihood of whether that base zoning *would* be approved. **Standard (a) of 28.098(2) is not met.**
3. All standards of MGO 28.098(2) must be met. ***In fact, the applicant does not meet at least three of these standards.***

If the UDC recommends approval of the project, I would respectfully ask that you make approval contingent upon:

- 1) the proposed amendment to the neighborhood plan being adopted; and,
- 2) the applicant providing details about what sustainable measures will be implemented, and the applicant committing to those measures and obtaining Design Certification from the Passive House Institute.

Respectfully Submitted,
Sandy Blakeney

Key Points

The applicant must demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. The TSS zoning district could achieve the exact same development, while the TR-U1 and TR-U2 districts could achieve a substantially similar pattern of development.

The applicant must meet one or more of the objectives of MGO 28.098(1). Of the six objectives, the applicant “aims to achieve the specific objective(s) (A).” Aiming to achieve objective (a) is not the same as meeting that objective of sustainable development. (That objective could be met by obtaining plan Design Certification from the Passive House Institute.)

Since the adoption of the zoning code in 2013, only a few redevelopments have been rezoned to PD to accommodate a single, primarily residential, building on a single parcel. Only one of these PD redevelopments has faced residential properties, and that was on a 38 foot-wide Functional Class 3 street (Linden is a 24 foot-wide Functional Class 5 street). Approval of this proposal could set precedence for PD being sought, and approved, for other relatively large parcels in areas designated for Low Residential and Low-Medium Residential in the Comprehensive Plan.

MGO 28.098(5)(c)

The UDC is required to make a recommendation to the Plan Commission “with specific findings on the design objectives listed in Subsections 28.098(1) and (2) ...”

The Staff report mentions this ordinance requirement: “... the Urban Design Commission is required to provide a recommendation to the Plan Commission with specific findings on the design objectives listed in Zoning Code sections 28.098(1), Statement of Purpose, and (2), Standards for Approval ...”

MGO 28.098(1), copy attached

MGO 28.098(1) lists six objectives. The applicant’s Letter of Intent (dated February 28, 2022) only addresses objective (a): “Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.”

1. The LOI states: “... our proposal aims to achieve the specific objective(s) (A) ... We are committed to pursuing passive house net-zero ready standards of construction and building performance on this project ... This project would be the first attempt in Madison by a for profit developer to achieve passive house standards on a multifamily project.”
 - “Aims to achieve” and “committed to pursuing” and “would be the first attempt” are *not* commitments to *achieving* passive house standards.
 - Although the applicant states that “passive house construction and the PHIUS criteria for certification are the current best practice for sustainable building,” it is not clear what, if

any, steps have been taken to meet passive house criteria. For example, the windows (Anderson 100 series) are *not* windows that are part of the Passive House Institute US Verified Window Performance Data Program.

- <https://www.phius.org/phius-certification-for-buildings-products/phius-verified-window-performance-data-program/find-compare-windows>
- There is no mention of solar panels, other than a general statement that PV energy can help passive houses attain net-zero energy use. The renderings appear to show some solar panels on the roof, but does that count as a commitment to solar panels? How much energy will those panels generate? What size and height will they be? There is not a roof layout to show placement (or show where rooftop mechanicals may be placed).
- The applicant mentions having hired Precipitate “to train our entire team.” Training is not the same as implementation. For example, when Precipitate did modeling for the Bayview Foundation townhomes, redesign was required to more efficiently meet certification targets.
- Passive House Institute provides a design certification. Design Certification is awarded after the plan feedback process is complete and the project meets all requirements. If this project will be recommended for approval based on objective (a), then that recommendation should be made contingent on the project obtaining Design Certification.

2. The LOI discusses low impact development techniques for stormwater management - a rain garden and a green roof system on the third floor.
 - The rain garden is about 70 square feet. Sheet No. C5.0 of the plans shows the depth of this rain garden as one foot and it appears to connect to a storm sewer inlet. Thus, this rain garden appears to be a filtration garden, a type of garden that generally does not significantly reduce stormwater volumes.
 - The green roof system is about 1,500 square feet, or about 10% of the entire roof. There is no mention of what this green roof system will consist of – will it be a true green roof, or some trays placed on the roof, or planters? These green roof pockets are not accessible except through tenant apartments. Is there enough soil depth to sustain the plantings, or, if a tenant neglects to water, will the green roof wither away?
 - The applicant also states the project will be “in full compliance with the new stormwater standards.” Compliance with the stormwater standards is not a reason to find that a PD objective has been achieved, as the stormwater standards apply to this project whether it is or is not a PD.

MGO 28.098(2), copy attached

This ordinance section lists nine standards (two of which only apply to the downtown) that must be met in order to approve rezoning to PD.

1. Standard (a)

“The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above.”

- The applicant has not demonstrated that no other base zoning district can be used to achieve a substantially similar pattern of development. Three base zoning districts could be used, two of which would achieve a “substantially similar pattern of development” and one that could achieve the exact same development.
- PDs cannot be created to just increase density, or allow development that otherwise could not be approved. The development must meet an objective of MGO 28.098(1), which for this proposal is (a). If (a) is not met, the PD cannot be approved.

TR-U1 would allow a purely residential building such as is being proposed. However, the maximum number of units would be capped at 27 units (due to the lot area requirement). In addition, more usable open space at ground level would be required.

TR-U2 would allow a purely residential building such as is being proposed. The lot size could support 58 units, height could go to 4 stories/ 52 feet as a permitted use. The building appears to meet all other TR-U2 requirements.

A potential issue with TR-U2 zoning is neighborhood opposition to the permitted increased height, and, potentially, Plan Commission concerns about the permitted use of a 52 foot building sandwiched between TSS (3 stories/40 feet permitted) and TR-V1 (3 stories/40 feet permitted and no conditional use available to increase height). However, the ordinance focus is only on the fact of whether another base zoning district could be used, not the likelihood of whether that base zoning would be approved (PD zoning is not for the purpose of just allowing development that could otherwise not be approved).

TSS would allow a purely residential building such as is being proposed. TSS permits a multi-family dwelling of 24 units (and an unlimited number of units as a conditional use). Other than seeking conditional use approval for an additional 8 units, the building appears to meet all other TSS requirements. In addition, the zoning text proposed by the applicant is based on TSS zoning.

- The applicant has proposed permitted uses as those uses that are (1) TSS permitted uses, (2) TSS conditional uses, (3) TSS uses accessory to TSS permitted uses, and, (4) TSS uses accessory to conditional TSS uses.
- The applicant has proposed being governed by the MGO signage requirements applicable to the TSS district.

In short, this would be a TSS building in terms of dimensional requirements and in terms of uses. A potential issue with TSS zoning is neighborhood opposition to a TSS building in a residentially zoned area, and, potentially, Plan Commission concerns. Again, the ordinance focus is only on the fact of whether another base zoning district could be used, not the likelihood of whether that base zoning would be approved.

2. Standard (b)

“The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.”

The GFLU map has this area as Low Residential. The Comprehensive Plan says: “Smaller two-, three-, and four-unit apartment buildings and rowhouses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and when constructed to fit within the general “house- like” context LR areas.”

The next Comprehensive Plan category is Low-Medium Residential, and the Plan says: “Building forms present within the LMR category of housing are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development *or used as a transition* from more intense development to lower intensity areas comprised primarily of single-family development.” (emphasis added)

The Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan does not specifically address this parcel. In general, the residential areas were not contemplated for redevelopment (as is the case is all/most neighborhood plans for already built-up areas). However, a few recommendations in that plan do provide some general guidance.

- On one site that is a residentially zoned parking lot, the neighborhood plan encouraged the construction of no more than a 2-story affordable housing development: “This parcel is adjacent to single-family homes and can serve as a transition between the residential and the commercial properties.” Applying that same analysis to this parcel, a transition between commercial and residential, a 2-story development could be consistent with the neighborhood plan.
- A “Neighborhood Goal” is to preserve the existing land use pattern in the neighborhood.
- Mixed-use projects are encouraged along major transportation corridors. “Construction of new, high quality, affordable housing, especially in mixed-use commercial developments, provides additional housing opportunities along major transportation corridors.”

Clearly, this proposal does not meet the redevelopment goals of the Comprehensive Plan or the neighborhood plan. However, there is a proposed neighborhood plan amendment that is designed for this one parcel to specifically allow this proposed redevelopment. The key part of the proposed amendment is: “residential development of no more than three stories and 70 dwelling units per acre should be accommodated.” If this change is approved by Plan Commission and Council, standard (b) could be met. Without the amendment, standard (b) is clearly not met.

3. Standard (e)

“The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.”

Aesthetic desirability compatible with the existing or intended character of the area

This proposed PD would *not* have a building form compatible with surrounding land uses.

- The lot lines around 2165 Linden total 640 feet. The proposed PD would only have a building form that is compatible for 99 feet of the lot lines (266 Dunning, a mixed-use building on Atwood with a height of 45’8”).

- Other than that one building, the building form of properties directly across or adjacent to 2165 Linden are primarily single-family homes of 1 story with a partial second story tucked under the roof rafters (8 single family homes, 1 two-unit; 1 to 2 stories) and are zoned TR-V1.
- These TR-V1 parcels generally have 40 feet of street frontage, so the homes are about 25-30' in width, interspersed with open space (and small one-story garages across Linden). The proposed building would be 208.71' long along Linden. (The lot is 240.21' long along on Linden, subtract the westerly rear setback of 17.5' and the easterly front setback of 14', and the building is 208.71' in length.) 208.71' of a solid building unrelieved by any setbacks to create even an illusion of space.
- Along that 208.71 feet in length, porches/stoops occupy 4.5-5.5 feet of the 8 foot setback for almost one-half the length (as do second floor balconies), resulting in only a 2.5-3.5 foot setback for about one-half the building's length.
- While the existing church may only be setback 5-6 feet, the church is a one-story building with the height of the church stepped back at least 20 feet. The church has a central entry that runs for about 1/3 of the building and which is inset about 10'. The church is about 120 feet in length, as compared to the proposed building's 209 feet in length.

To date, a PD for a single residential building has not been determined to be compatible with a residential neighborhood of 1-2 story homes. Since implementation of the new zoning code in 2013, only four PDS for a single primarily residential building have been approved.*

- 341 State Street, 317-321 West Gorham Street and 322 West Johnson Street, from UMX and DC to PD. Gorham and W Johnson are principal arterial streets, and the State Street portion does not face any residential uses.
- 502-516 West Washington Avenue and 8-14 North Bassett Street, from DR2 to PD (GDP-SIP). The building was approved at a 134' length along N. Bassett, facing three DR2 parcels - the front yards of a 2-unit and a 4-unit, and the side yard of a 3-unit. Compare that to the Linden proposal, where 400 feet of TR-V1 zoned parcels face the proposed building, and 87 feet of a TR-V1 zoned parcel abuts the proposed building.
- 1720 Monroe Street and 625 S. Spooner Street, from TR-C2 and PD to PD (GDP-SIP). Of the .87 acres, .75 acre was already PD and .12 acre was rezoned from TR-C2. On the former TR-C2 parcel, the home remained and the back garage was demolished.
- 617 North Segoe Road, from NMX to PD. This redevelopment is located next to another 12-story building, is across from the Hill Farms site, and had PD zoning on three sides (the fourth side is NMX).

*This excludes: agriculture rezoned to PD since these are all mapped out in advance of any actual construction; primarily residential that includes a public good, such as affordable housing; and, non-primarily residential such as office buildings, hotels, and the public market. There have also been two PDS approved in residential areas that subdivided a single parcel into smaller lots (a .3 acre parcel divided into 3 lots; a .15 acre parcel divided into 2 lots).

The Staff report states the applicant claims “the elimination of corners, cantilevers, and step-backs is strongly advised for passive house design and certification.” Passive house multi-family construction does not always need to have a continuous plane of insulation. This is an 82-unit in

St. Paul, construction began in 2020, the building was pre-certified, and there are multiple articulations.



<https://www.precipitatearch.com/west-side-flats> (now called Verdant)

Aesthetic desirability compatible with the statement of purpose of the PD District

The PD statement of purpose is to: “facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.”

- The LOI states: “While we understand the PD is meant to rarely be used, we believe the particulars of this site and process are uniquely suited for a PD. We were encouraged to pursue a PD by City Officials and neighborhood leaders familiar with the particularities of this site and process.”
 - The particulars of the site are that it is a .47 acre site with a slope of about 2% along Linden (east to west). There is nothing unique about the site itself. It is not the only relatively large parcel in the area (e.g., 2829 Milwaukee is .42 acres, 2729 Hermina is .65 acres, 211 Clyde Gallagher is .43 acres). Additionally, there are parcels where only two parcels would need to be combined to get over .40 acres (e.g., 3015 and 3027 Union).
 - Any encouragement provided by City Officials and neighborhood leaders is irrelevant to whether this proposed PD meets the standards. Whether the standards are met is up to UDC (as advisory to Plan Commission) and Plan Commission to determine.
- The LOI states: “The context itself, of a Church vacating land in a manner not anticipated by city planning makes the underlying zoning issues unique.”
 - A larger parcel coming on the market is not unique. The fact that it was a church vacating land is of no consequence. Whether it was a church, or a parking lot, or a large residential lot, or a few combined residential lots, the issue is the same – whether the PD standards are met.

- The LOI states: “That underlying unanticipated zoning context generated a truly unique consultative process involving neighborhood and City stakeholders. While that process did not generate unanimity or consensus, it did generate the outlines of a compromise that garnered significant support. The PD is being requested partly as a means to be sensitive to the ‘environmental and cultural’ considerations of respecting that compromise. The PD was thought to be the best way of ensuring that the developers would be narrowly constrained to honor the spirit and outline of the unique and specific compromise(s) that resulted from the neighborhood process.”
 - The assertion that there were outlines of a compromise that was generally agreed upon does not come within the parameters of the PD standards. Developers negotiate with neighborhood associations, and neighbors, all the time in order to minimize the prospect of neighbors derailing plans at the Commission/Council level.
 - Equating “respecting that compromise” as being “sensitive to environmental, cultural, and economic considerations” is, at best, a loose reading of the intent of the ordinance. The ordinance’s purpose of encouraging “development that is sensitive to environmental, cultural, and economic considerations” is focused on the built environment, not on the process.

4. Standard (f)

“The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors.”

Although there is not any minimum open space requirement, the open space needs to be suitable for a residential building. “Usable Open Space” is the portion of a zoning lot “that is available to all occupants for outdoor use.” The usable open space is, per page C-1.5 of the plans, 3,331 square feet. Of that, 1,920 square feet is balconies/porches and 1,411 is surface.

The surface open space does not appear to be 1,411 square feet. The hatched marked area on page C-1.5 is closer to 1,000 square feet, and is all contained in a single “L” shaped area.

Landscaping, page L1.0 of the plans, fills in much of the area claimed as usable open space. Only in the Central area may required landscaped areas be used to meet the usable open space requirement, MGO 28.140. Only about 720 square feet of the area claimed as usable open space does not have landscaping other than trees. The trees used in this 720 square foot area are one crabapple (height of 20 feet with a 15 foot spread) and two serviceberries (height of 10 feet and 10 foot spread) – trees which could further reduce the amount of usable open space depending upon how those trees are trimmed. Is 720 square feet of natural space enough for 32 residences (42 bedrooms)?

Conclusion

The first standard for PD approval requires that that no other base zoning district be available that can achieve a substantially similar pattern of development. There is at least one base zoning – TSS – that would allow for the same development with conditional use approval. (Conditional use approval for increased height and increased units is generally granted. For example the abutting mixed-use building on Atwood has a number of conditional uses, including additional

units.) Perhaps TSS zoning would not be approved, but the ordinance specifies PD zoning cannot be used in order to allow development that otherwise could not be approved. (Also, TR-U1 and TR-U2 zoning would allow a “substantially similar pattern of development,” albeit with fewer units.)

Since there is at least one base zoning district that could be used to achieve a substantially similar pattern of development, one of the objectives of MGO 28.098(1) must be met. The applicant states their aim is to achieve objective (a). Having good intentions is not what the ordinance requires - the ordinance requires the objective to actually be met. Other than an infiltration garden and covering about 10% of the roof with some sort of vegetation, no other commitment is made by the applicant regarding sustainable development. PHIUS criteria for certification are mentioned as current best practice, but the applicant does not commit to obtaining certification, or to even using PHIUS criteria.

All standards of MGO 28.098(2) must be met. The applicant does not meet the first standard, and it is questionable whether the applicant meets the standards of aesthetic desirability and suitable open space.

Should the UDC recommend approval of the project, please make approval contingent upon:

- (1) the amendment to the neighborhood plan being adopted; and,
- (2) the applicant providing details about what sustainable measures will be implemented and the applicant committing to those measures (or, even better, obtaining Design Certification from the Passive House Institute.)

<https://www.phius.org/certifications/projects/submit-project>

Respectfully Submitted,
Linda Lehnertz

ATTACHMENT

MGO 28.098(1) Statement of Purpose.

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to **achieve one or more of the following objectives:**

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.
- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
- (f) Facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

Because substantial flexibility is permitted in the base zoning districts, **the PD option should rarely be used.** It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting.

Approval of a Planned Development District requires a zoning map amendment, which shall result in the creation of a new site-specific zoning district, with specific requirements that are unique to that planned development. In the Planned Development District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

MGO 28.098(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the PD District, or any major alteration to an approved General Development Plan, are as follows:

- (a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:
 - 1. Site conditions such as steep topography or other unusual physical features; or
 - 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.
- (b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.
- (d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.
- (e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.
- (f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.
- (g) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.
- (h) (Downtown height map)
- (i) (Downtown setback map)