

From: [John Imes](#)
To: [Stu Levitan](#)
Cc: [Stouder, Heather](#); [Dailey, Lucas](#); arborhouse@tds.net; [Cornwell, Katherine](#); [Jack Imes](#); [Ken Golden](#); [Scanlon, Amy](#); christina.slattery@meadhunt.com; [REDACTED]; jason@c21affiliated.com; [Rummel, Marsha](#); [REDACTED]; patrickproperties.tds.net; [John Imes](#); president.dma.org; [eben johnson](#)
Subject: Proposed 3414 Monroe St building will adversely affect historic landmark site...
Date: Monday, March 02, 2015 7:42:10 AM
Attachments: [3414 Monroe Street - Proposed alternative 2 - 11-7-14.pdf](#)
[March 2 2015 letter to MSN City Attorney re - 3414 Monroe St. \(1\).docx](#)

Chairman Levitan -- As you know, the Landmarks Commission will consider the 3414 Monroe St. project again later today. We hope the Commission will consider the following comments as you review the latest design proposal (see below). I've also attached a copy of the proposed alternative we provided the applicant last fall after the Commission voted that the project is "...so large and visually intrusive as to adversely affect the historic character and integrity of the landmark site..." Moreover, I've attached a copy of the letter we sent the City Attorney today regarding potential conflicts with the Arbor House PUD/SIP zoning text and recorded Easement Agreement that former alder Ken Golden raised with staff last fall. I am also copying Amy Scanlon on this email correspondence to include it as part of the official file. Please let me know if you have any questions or suggestions.

-- Best regards,
John

[John Imes](#)
[608-712-7898](tel:608-712-7898) cell

Please note the following as you consider the proposed building at 3414 Monroe St:

- The building as proposed would be almost 20 percent larger than the previous version and 30 percent larger than the adjacent Parman Place.
- The building height would increase from 40 feet in the previous version to 50 feet and would loom over the Landmark site including the Arbor House Annex height of 24.5 feet.
- Model inaccuracy: The materials submitted to the Landmarks Commission and made available to the neighborhood and other stakeholders misrepresent the proposed development. The [building images](#) underestimate the overall mass, scale, height and relationship to the Landmark site. To date, the applicant has not revised or corrected the Setback Comparison views for Commissioners and other stakeholders to consider.
- The number of apartments increases from 16 to 19 and the number of sleeping rooms from 20 to 32 – a 60% increase.
- The side-yard setback would remain at only six feet, undermining the preservation of mature lot line trees on the Imes property and any buffering or visual screening effect for the Landmark site.
- 9 foot wide walk-out roof party terraces facing the Landmark site would overlook the residence, guest rooms and the inn's sunroom and sauna area.
- According to the October 20th meeting minutes, the developer Patrick Corcoran explained that "...Parking cannot go underground due to pumping issues..." The new proposal includes a ramp and underground parking for 21 cars that would negatively impact the Wingra Springs and Arboretum.
- According to the October 20th meeting minutes, the architect Paul Cuta explained that "...the monumental corner tree on Corcoran's property will remain..." The tree is removed under this proposal.
- The current proposal removes a bioswale and rain garden within the side-yard setback at the SE corner near Monroe Street and replaces it with a concrete patio, walkway, stairs and constructed footings that would negatively impact a Burr Oak tree and woodland

- garden on the Landmark site.
- The proposed development also ignores possible alteration of the Arbor House PUD zoning and infringement of Arbor House rights under an existing easement agreement.

The proposed building design comes after the Landmarks Commission voted that the previous smaller design was "...so large and visually intrusive as to adversely affect the historic character and integrity of the landmark site..." Minutes and discussion from the October 20, 2014 Landmarks Commission meeting note Commissioner recommendations for appropriate revisions, including:

"...an increase in the side yard setbacks and the use of step-backs at upper floors..."

"...not appropriate adjacent to a Landmark site...less square footage would make it less large..."

"...need for a wider set-back area between the proposed building and the landmark property to create more "breathing" space to protect mature trees that will help visually separate the project from the adjacent Landmark site..."

"...suggest a more sensitive relationship to the site...the proposed building is mostly paved hard space which does not relate to the adjacent Landmark site that has trees and green space and deeper setback in the context of the Arboretum..."

Recommended Action:

- Recommend to the Plan Commission that the proposed development is so large and visually intrusive as to adversely affect the historic character and integrity of the Landmark site. Appropriate recommendations to the Plan Commission should include:
- Increase the side yard setback to a minimum of 10 feet.
- Consult a Certified Arborist and provide extraordinary measures to preserve lot line trees on the Imes property to protect any buffering or visual screening for the Landmark site.
- Reduce the overall mass and scale by stepping back the 4th level facing the Landmark site and limit this level to internal walk-up units from the 3rd floor on Glenway Street. Results in three fewer apartments, no 4th floor common room and avoids need to extend elevator and stair chases to the 4th level. Adds additional apartment space and sleeping rooms for some 3rd floor units.
- Reduce the overall mass and scale by removing the ramp and expensive underground parking and restore surface parking to 16 total spaces. Use freed up floor space on the first floor to further reduce building mass at the SE corner.
- Restore the bioswale and rain garden within the side-yard setback at the SE corner near Monroe Street to protect a Burr Oak tree, the woodland garden and visual screening of the Landmark site.

On Thu, Feb 26, 2015 at 8:23 AM, John Imes <jimesother@gmail.com> wrote:

Hi Amy -- I noted the 2/25 response by Paul Cuta in the file. He claims that the top of the east wall is 15'-2" above the sidewalk and given the first floor elevation is 13'-4" as shown in the application, then the cast concrete wall would be the difference at 22" inches tall. However, the Monroe Street Elevation in the materials submitted to landmarks shows the wall much higher with five stair risers. With a commercial standard 7 3/4" riser, the cast concrete wall would be nearly 39" inches tall.

Assuming the 3'1" grade Paul provided + 9'-6" measured height of the Imes balcony = 12'-7" versus 16'-7" first floor wall height of the proposed building (15'-2" + 1'-5" cast wall difference or 13'-4" plus the grade difference) and **at least 4 ft higher** than depicted in the Setback Comparison submitted to landmarks showing the "...View of 4 story building from NE corner of site looking out to Monroe Street..." Please request that the applicant revise and correct this

Setback Comparison view for Commissioners and other stakeholders to consider.

Moreover, given the required corrections to the model, please request that the applicant show an accurate Setback Comparison by providing a view from the SE corner of the site (without vegetation) looking towards the back of the property. The measured height for the other two Imes balconies along this side is 9'-0" from grade and this is supported by the final building plans for the Annex.

Finally, given previous concerns expressed by Commissioners and stakeholders about the proposed building, including its overall mass and scale, the setback distance, the importance of model accuracy and the relationship to the adjacent landmark site, it's unfortunate that the materials submitted to landmarks and made available to the neighborhood and other interested stakeholders are inaccurate and misrepresent the proposed development.

Please include this email correspondence and request as part of the official file. Thank you again for this opportunity to comment and please feel free to contact me if you have any questions or need additional information.

-- Best regards,
John

John Imes
[608-712-7898](tel:608-712-7898) cell

From: Paul at CaS4 To: Scanlon, Amy Cc: Marc Schellpfeffer Subject: Fwd: the GLEN - Arbor House height relations Date: Wednesday, February 25, 2015 10:36:08 AM

Please see the attached screen shot below for the dimensions we have in our model. Note that in our model, the top of the east wall of the proposed building is 15'-2" above the sidewalk along Monroe Street (elev. 20'-0") or at elevation 35'-2" relative to the survey information on sheet C100. So if you use the model and dimensions we have, the grade at the back balcony of the adjacent property is 3'-1" above the sidewalk which appears consistent with the survey information in our materials submitted to landmarks (sheet C100). Adding the dimensions up, 3'-1" + 9'-10" + 2'-3" = 15'-2" (same as the previously noted height above sidewalk). Based on the available information we feel we have provide accurate relationships to the adjoining property (+/- 6 inches). If there is more detailed information available on the adjoining property related to elevations and grade, we will gladly update the information in our model.

On Tue, Feb 24, 2015 at 2:04 PM, John Imes <jimesother@gmail.com> wrote:
Amy,

In reviewing the application submittal for 3414 Monroe St. we noted that the Setback Comparison showing the "...View of 4 story building from NE corner of site looking out to Monroe Street..." is incorrect and misleading.

The image shows the height of the first floor wall to be slightly lower than the second floor balcony deck on the Arbor House Annex. The measured height of the balcony deck is 9.5 ft. from grade and that is also supported by the final building plans for the Annex. According to the applicant's submittal, the first floor elevation is 13.4 feet and that sits on top of a 2' foot to 3'+ foot high exposed concrete cast, meaning the actual first floor wall height will be between 15.4' - 16.4+' feet high and 6 ft. to 7+ ft. higher than shown in the Setback Comparison.

Please request that the applicant revise and correct the submittal to show a true Setback Comparison for Commissioners and other stakeholders to consider.

In addition, please request that the applicant show a true Setback Comparison by providing a view from the SE corner of the site (without vegetation) looking towards the back of the property.

Finally, please request that the applicant revise and correct the "Building Images along Monroe St." to include images without vegetation to provide Commissioners and other stakeholders with a correct representation of the current size and design of the proposed development to the landmark site.

If the applicant is unable or unwilling to provide the requested information before the Landmarks Commission meeting scheduled for Monday, March 2nd, I strongly suggest that the matter be referred to a future meeting date when more accurate information can be made available.

Please include this email correspondence and request as part of the official file. Thank you for your attention to this matter and please feel free to contact me if you have any questions or need additional information.

-- Best regards,
John

John Imes
[608-712-7898](tel:608-712-7898) cell

3414 Monroe Street: Possible Alternative?

Side-Yard Set-Back:

- minimum 10 feet set-back or angled starting with an 8 foot setback at the back corner and end up at 14+ foot setback at the front (Monroe St.)
- transition or reduce mass at front corner on Monroe St. nearest Arbor House
- *Take extraordinary measures to preserve lot line trees and protect any buffering or visual screening effect they might provide.

Building Height Step-Back for floor two to floor three on 45 degree angle:

Add stepped-back 4th floor area along Glenway Ave:

- gain higher value apartments and/or two-story units

Lapse Easement Agreement:

- makes parking available to 3414 Monroe St. tenants and their guests after 5pm at night and on weekends
- expands parking lot use hours for commercial tenants
- avoids or reduces need for on-street parking in the neighborhood
- *facilitates removal of the impervious driveway and interior parking spaces at Arbor House and replace with green open space to reduce stormwater runoff - (*added selling point for neighborhood)

- **If acceptable, support conditional use approval for set-back 4th floor** with the neighborhood and city review boards
- No tenant roof party terraces overlooking Arbor House Annex
- Relocate moped parking area away from the lot line and kid's sandbox, living space and Arbor House deck/balcony
- No light pollution from parking area (totally enclosed and shielded dark-sky fixtures)

John Imes

jimesother@gmail.com

[608-712-7898](tel:608-712-7898) cell

March 2, 2015

Michael May,
City Attorney
City Attorney's Office
210 MLK, Jr. Blvd., Room 401,
City-County Bldg.
Madison, WI 53703

Dear Mike:

As owners of the Arbor House inn located at 3402 Monroe St., we are writing to request your review and comment regarding a proposed development at 3414 Monroe St. Moreover, we are requesting that your opinion be shared with city planning and zoning staff and any review body or Commission that will consider the matter.

We believe the proposed development will significantly alter the use of our establishment and the existing Arbor House zoning and as an alteration, would require our prior approval and approval by the Plan Commission and Common Council as stated in our PUD zoning text. We further believe that the proposed development will infringe on our rights under an Easement Agreement that has been in place since 1994.

Background:

Arbor House has operated at 3402 Monroe St. for over twenty years and our PUD zoning text was approved and recorded in December 1994 after a lengthy and controversial city review process.

The review process included the negotiation of an Easement Agreement between Arbor House and the owners of 3414 Monroe St. Entering into that Agreement allowed us to meet the requirements negotiated under the PUD zoning text. The final Easement Agreement was approved and recorded at the Dane County Register of Deeds on October 14, 1994.

The Easement Agreement grants Arbor House a nonexclusive easement over the Easement Parcel for vehicular egress from the Arbor House parcel to Glenway Street. The term of the easement is permanent; the rights and obligations created by the Agreement bind the parties and their successors/assigns as long as the Arbor House parcel is operated as a bed and breakfast or inn (with no more than 12 guest rooms). The Agreement also provides parking rights during nights and weekends. Importantly, the Agreement provides that the owner of 3414 Monroe St. shall not in any way obstruct the Easement Parcel, construct any buildings, structures or other improvements on the Easement Parcel, or take any other action that would interfere with the rights granted to Arbor House under the Agreement.

On October 29, 2014, former district alder Ken Golden and I met with city planning and zoning staff to raise the possibility of conflicts with the existing Arbor House PUD zoning text as a result of the proposed development at 3414 Monroe St. As a former alder, Ken was instrumental in the Arbor House rezoning review and approval process, including revisions and communication with the Mayor's office after Common Council approval in November 1994.

Ken informed city staff that the existing Arbor House PUD zoning text has very stringent provisions including a requirement that "...all further alterations involving the occupancy level and use of the establishment be treated as major alterations to be approved by the Plan Commission and Common Council..."

The meeting included a discussion on possible changes to the proposed development, including provisions for an acceptable side-yard setback and step back to the building height and ways we might avoid possible infringement on rights under the Easement Agreement. Staff was also provided with a printed copy of the Easement Agreement to review.

Despite numerous attempts to resolve our concerns over the last year, including several proposed alternatives to the owner/developer of 3414 Monroe St., we believe the proposed development will significantly alter the use of our establishment and as a result, would require prior approval by the Plan Commission and Common Council as stated in our PUD zoning text.

In particular, the latest proposal will significantly reduce the available surface parking for Arbor House guests who use the lot at 3414 Monroe St. after 5pm at night, during the weekend and for special occasions. The zoning text is clear that Arbor House guests, operator's household and employees will not use street parking and we have met that requirement for over 20 years though parking rights we established through the PUD zoning process. In addition, the proposed development would relocate the easement path of egress. The Agreement requires that the parties must mutually agree, in writing, to a relocation of the Easement. No such relocation agreement has been reached or discussed.

We would appreciate your review and comment on the matter as soon as practicable so that it may be included as part of the official record for consideration by city staff and related Commissions and review authorities. Thank you for considering the matter. We welcome your response and please feel free to contact us if you have any questions or need additional information.

Sincerely,

John & Cathie Imes

Co-owners, Arbor House, Ltd.
3402 Monroe St.
Madison, WI 53711