

**From:** [Alex Saloutos](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Glenn, Carmella](#); [darrin.wasniewski@gmail.com](#); [Field, Derek](#); [ergnam-msn@proton.me](#); [Guequierre, John](#); [nicole.solheim@gmail.com](#); [pwheck@gmail.com](#); [srsande608@gmail.com](#)  
**Subject:** Public Comment - 2103 Sherman Avenue  
**Date:** Monday, February 2, 2026 5:33:56 PM  
**Attachments:** [260202 LEGISTAR91378 MEMORANDUM 2103SHERMAN V2.pdf](#)

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Plan Commission members:

Attached are my public comments on the conditional use application for 2103 Sherman Avenue (Agenda Item 8). This is a six-story building that exceeds Comprehensive Plan recommendations by two stories and 64 percent in density. The applicant has not provided substantial evidence that the approval standards are met, and the Staff Report's analysis confirms that the project is inconsistent with the adopted plans. I respectfully urge you to deny this application.

My best,

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Alex Saloutos  
Phone: (608) 345-9009  
Email: [asaloutos@tds.net](mailto:asaloutos@tds.net)

## M E M O R A N D U M

**Date:** February 2, 2026

**To:** Plan Commission

**From:** Alex Saloutos

**RE:** Conditional Use Permit for 2103 Sherman Avenue, Legistar File ID No. 91289

This memorandum constitutes my public comments on the conditional use permit application for 2103 Sherman Avenue, Legistar File ID No. 91289, which is Agenda Item No. 8 on the Plan Commission agenda for February 2, 2026.

### SUMMARY

The application before the Commission fails to meet multiple conditional use standards because the applicant has not provided substantial evidence that all standards are met, as required by MGO Section 28.183(6). The proposed six-story, 86-unit apartment building with approximately 1,100 square feet of commercial space does not serve the primary purpose of the Neighborhood Mixed-Use (NMX) zoning district, exceeds Comprehensive Plan recommendations for both height and density by substantial margins, and would be taller than any structure within 2,000 feet of the site. The Staff Report acknowledges these inconsistencies but does not identify substantial evidence that all standards are met. For the reasons set forth below, the Plan Commission must either deny this application or place it on file without prejudice, pending submission of revised plans that conform to adopted plan recommendations.

### ANALYSIS

#### **A. The Project Does Not Serve the Primary Purpose of the NMX District**

The statement of purpose for the NMX district follows a hierarchical structure. The opening sentence establishes the primary purpose: “The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods.” This is the district’s fundamental purpose.

The statement then introduces secondary purposes with the phrase, “The district is also intended to,” followed by provisions encouraging pedestrian and bicycle access, diversifying uses, and maintaining plan consistency. These secondary purposes are meant to support the primary commercial function, not to replace it. When evaluating whether a project serves the district’s purpose, the primary purpose should carry greater weight. A project that advances only secondary purposes while undermining or ignoring the primary purpose fails to serve the district’s statement of purpose.

This building dedicates approximately 1,100 square feet to commercial use out of 113,662 gross square feet—less than one percent of the building. The Staff Report does not address whether this nominal commercial space serves the district’s primary purpose. It cannot. A building that is 99 percent residential does not “encourage and sustain the viability of commercial nodes.” The project treats commercial use as an afterthought rather than the organizing principle of development in this district.

Standard 8 requires that projects create “an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.” A project that ignores the primary statement of purpose cannot satisfy this standard.

### **B. The Project Substantially Exceeds Comprehensive Plan Recommendations**

The Comprehensive Plan recommends Neighborhood Mixed Use (NMU) for this site, with development “generally recommended to be two to four stories in height with residential densities of up to 70 units per acre.” This project proposes a six-story building and a residential density of 115 units per acre—64 percent above the maximum recommended density.

The Staff Report acknowledges this inconsistency: “the height is at least one story greater than that recommended and the overall bulk of the building with the semi-exposed lower level on Fordem Avenue could be found to be inconsistent with plan recommendations.” The problems with this analysis are addressed in Section C below. Standard 11 specifically requires the Commission to “consider recommendations in adopted plans” when evaluating excess height requests. The evidence before the Commission shows that the project is inconsistent with those recommendations.

### **C. This Is a Six-Story Building**

The main entrance to this building — the apartment lobby where residents enter — is on Fordem Avenue. On Fordem Avenue, the building is six stories tall, rising to a height of 69'-10½". This is the functional reality of the building: six stories at the entrance that serves the building’s primary use.

The Staff Report characterizes this as a five-story building by measuring height from Sherman Avenue rather than Fordem Avenue. The report states: “Because of the way building heights are measured outside of Downtown, and because, for zoning purposes, Sherman Avenue is the front of this building, the proposed building is considered to be five stories.”

The zoning code provides that for lots abutting more than one street, “the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.” MGO 28.211. According to Colin Punt, the applicant chose Sherman Avenue and Zoning agreed because Sherman “made sense” as it is a collector street and the commercial tenant space is located there.

This rationale fails to address the ordinance’s standard. The question is not which street “made sense” to the applicant, but what the effects of the choice are on development and adjacent properties. The effect is that a six-story building is classified as five stories, allowing the applicant to minimize the apparent magnitude of its excess-height request. The Staff Report does not analyze whether this effect is consistent with the ordinance’s standard, nor does it explain why Zoning consented to a choice that obscures the building’s actual impact on the neighborhood.

The commercial space comprises less than one percent of the building. The main entrance, serving 86 residential units, is on Fordem Avenue. The applicant chose Sherman Avenue as the “front” because it yields a more favorable height measurement, not because Sherman Avenue is where the building functions. The Zoning Administrator’s consent to this choice allowed the applicant to characterize a six-story building as five stories.

If the purpose of height regulations is to control the impact of buildings on their surroundings, then the measurement should reflect the building’s actual height where it meets the street. Residents of the area, visitors to adjacent businesses, and users of Fordem Avenue will experience a six-story

building. The developer's strategic choice of measurement should not obscure this reality from the Commission's consideration.

#### **D. The Building Would Be Incompatible with the Surrounding Context**

No building within 2,000 feet of this site approaches the proposed height. The nearest comparable proposal, McKenzie Place at 2221 Sherman Avenue, is 8'-8½" to 10'-8½" shorter than this proposal. Standard 11 requires consideration of "the impact on surrounding properties, including height, mass, orientation, shadows and view" and "the relationship of the proposed building(s) with adjoining streets."

The Commission placed the 77 Sirloin Strip project on file because the slope made a four-story building appear to be six stories from one elevation, which was inconsistent with plan recommendations that called for no more than five. Here, the building is actually six stories tall at its main entrance. The same result should follow with even greater force.

#### **E. The Staff Report's Analysis Is Internally Inconsistent**

The Staff Report identifies significant problems with this application, then concludes that the Commission "may" be able to find that the standards are met. This is not a coherent analysis.

Regarding Standard 11, the Staff Report acknowledges that the project exceeds Comprehensive Plan height recommendations, that staff "expressed concerns about height to the applicant team on several occasions," that staff "remains concerned about the precedent of approving height above what is recommended," and that staff "have not identified any conditions of approval, such as step backs, which may mitigate the impacts of the proposed building's height." Yet after cataloging these deficiencies, the report concludes that "it may be possible that the Plan Commission could find standard 11 is met based on contextual considerations"—without identifying what those contextual considerations are or what evidence supports them.

This is not substantial evidence. It is speculation. The phrase "may be possible" is the opposite of the factual findings required under state law.

The Plan Commission sits as a quasi-judicial body when considering conditional use applications. Its role is to apply the law to the facts and make findings based on the evidence in the record. The Commission is required to vote its judgment, not its will. Whatever the members may believe about housing policy, the housing crisis, or the desirability of development, those considerations are not part of the approval standards.

The question before the Commission is whether the applicant has provided substantial evidence that all standards are met. The Staff Report's own analysis demonstrates that the applicant has not.

#### **F. The Record Lacks Substantial Evidence Supporting Approval**

Wisconsin Statute 62.23(7)(de) requires that conditional use determinations "be based on substantial evidence," defined as "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet."

The Staff Report does not identify what evidence the applicant submitted to demonstrate that each standard is met. Instead, it offers staff's own evaluations ("staff believes," "staff have not identified")

without citing specific evidentiary submissions. The conclusion that Standard 11 “may be possible” to find met is itself speculative rather than evidence-based.

Under state law and city ordinance, the burden rests with the applicant to provide substantial evidence. Where the Staff Report identifies inconsistencies with adopted plans and cannot point to evidence supporting approval, the Commission lacks the evidentiary basis to grant the permit.

#### **G. The Staff Report’s Comparison Cases Support Denial**

The Staff Report compares this application to three prior projects. These comparisons actually support denial:

- **1233 Regent Street** was approved because it exceeded the height limit by less than one foot and included 15-foot step backs above the fourth story. This project has no comparable mitigation and exceeds recommendations by two full stories.
- **306 South Bearly Street** was in a TSS district within a TOD Overlay, which permitted four stories and 60 feet as a permitted use. Different zoning standards applied. That comparison is inapt.
- **77 Sirloin Strip** was placed on file because the slope made a four-story building appear as six stories, inconsistent with plan recommendations that called for no more than five. Here, the building is six stories at its main entrance. The same result should follow.

#### **CONCLUSION**

The applicant has not met its burden to provide substantial evidence that Standards 6, 8, and 11 are met. The project does not serve the NMX district’s primary purpose. It exceeds Comprehensive Plan recommendations for both height and density by significant margins. It would be the tallest building within 2,000 feet. The Staff Report itself acknowledges these inconsistencies and does not identify substantial evidence that all standards are met.

Because the applicant has failed to provide substantial evidence that all standards are met, the Plan Commission must deny this conditional use application. Alternatively, if the Commission believes the project concept has merit, I request that it place the application on file without prejudice and direct the applicant to return with revised plans that conform to the Comprehensive Plan recommendations for height and density and meaningfully serve the commercial purpose of the NMX district.

**From:** [Alex Saloutos](#)  
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**Cc:** [Glenn, Carmella](#); [darrin.wasniewski@gmail.com](#); [Field, Derek](#); [ergnam-msn@proton.me](#); [Guequierre, John](#); [nicole.solheim@gmail.com](#); [pwheck@gmail.com](#); [srsande608@gmail.com](#); [Matthews, Julia](#)  
**Subject:** 2103 Sherman Avenue -- Information missing from the Staff Report  
**Date:** Monday, February 2, 2026 6:06:11 PM

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Plan Commission members:

Following up on my earlier comments regarding 2103 Sherman Avenue. The attached email exchange shows how I learned that the applicant chose Sherman Avenue as the front lot line under MGO 28.211. This information was not disclosed in the Staff Report. The Staff Report states that "for zoning purposes, Sherman Avenue is the front of this building" — as if this were dictated by the zoning code. In fact, the applicant chose Sherman Avenue, and the Zoning Administrator consented, under a standard that requires consideration of "the effects of such choice on development of the lot itself or on adjacent properties." None of this is disclosed in the Staff Report. I want the Commission to be aware that this material information about a key issue — how the building's height is measured — was not part of the public record until I requested it.



Alex Saloutos  
Phone: (608) 345-9009  
Email: [asaloutos@tds.net](mailto:asaloutos@tds.net)

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**From:** Alex Saloutos <[asaloutos@tds.net](mailto:asaloutos@tds.net)>  
**Date:** Monday, February 2, 2026 at 5:16 PM  
**To:** "Punt, Colin" <[CPunt@cityofmadison.com](mailto:CPunt@cityofmadison.com)>  
**Subject:** Re: How is the front of a building determined?

Thank you. It would be helpful for the Plan Commission to have this information so they can make an informed decision on this application. –Alex

---

**From:** "Punt, Colin" <[CPunt@cityofmadison.com](mailto:CPunt@cityofmadison.com)>  
**Date:** Monday, February 2, 2026 at 4:51 PM  
**To:** Alex Saloutos <[asaloutos@tds.net](mailto:asaloutos@tds.net)>

**Subject:** RE: How is the front of a building determined?

Alex,

The zoning code states that for lots abutting more than one street, “the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator” (28.211 Definitions: Lot Line, Front). In this case, Sherman Avenue made sense as it is a collector and the commercial tenant space was located there. Fordem was probably an acceptable alternative, but the applicant chose Sherman and Zoning agreed to it.

This is different than the “primary street” used in TOD, which is determined by the Zoning Administrator.

Colin Punt, AICP (he, him, his)

Planner - City of Madison Planning Division

[cpunt@cityofmadison.com](mailto:cpunt@cityofmadison.com) | 608.243.0455

---

**From:** Alex Saloutos <[asaloutos@tds.net](mailto:asaloutos@tds.net)>

**Sent:** Monday, February 2, 2026 3:50 PM

**To:** Punt, Colin <[CPunt@cityofmadison.com](mailto:CPunt@cityofmadison.com)>

**Subject:** How is the front of a building determined?

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Hi, Colin!

I'm reviewing the CUP application for 2103 Sherman Avenue, Legistar 91289, and the Staff Report, and see that, for zoning purposes, Sherman Avenue is considered the front of the building. When a building fronts on more than one street, as in this case, how is the front defined? If I recall, this is something the developer has a say in. Is there any documentation on how this is done or a link to information on the process? I can't find anything in the zoning code. Thank you for your help.

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**Subject:** 2103 Sherman Avenue -- More missing information from the Staff Report  
**Date:** Monday, February 2, 2026 7:19:28 PM  
**Attachments:** [260202 LEGISTAR91378 MEMORANDUM2 2103SHERMAN.pdf](#)

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Attached is a brief supplement to my earlier comments on 2103 Sherman Avenue. The zoning code defines "Principal Entrance" as the entrance that faces the *front* of the building or is closest to it and provides direct access to the principal use. The principal use is residential. The principal entrance is on Fordem Avenue — on the opposite side of the building from Sherman Avenue. The Staff Report designates Sherman Avenue as the building's front without addressing this contradiction. If the front of the building is the principal entrance, it is a six-story building.

--Alex

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**From:** Alex Saloutos <[asaloutos@tds.net](mailto:asaloutos@tds.net)>  
**Date:** Monday, February 2, 2026 at 6:06 PM  
**To:** "pccomments@cityofmadison.com" <[pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com)>  
**Cc:** Charles Myadze <[district18@cityofmadison.com](mailto:district18@cityofmadison.com)>, <[darrin.wasniewski@gmail.com](mailto:darrin.wasniewski@gmail.com)>, Derek Field <[district3@cityofmadison.com](mailto:district3@cityofmadison.com)>, <[ergnam-msn@proton.me](mailto:ergnam-msn@proton.me)>, <[district19@cityofmadison.com](mailto:district19@cityofmadison.com)>, <[nicole.solheim@gmail.com](mailto:nicole.solheim@gmail.com)>, <[pwheck@gmail.com](mailto:pwheck@gmail.com)>, <[srsande608@gmail.com](mailto:srsande608@gmail.com)>, Amani Latimer Burris <[district12@cityofmadison.com](mailto:district12@cityofmadison.com)>  
**Subject:** 2103 Sherman Avenue -- Information missing from the Staff Report

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## M E M O R A N D U M

**Date:** February 2, 2026

**To:** Plan Commission

**From:** Alex Saloutos

**RE:** Supplemental Information, Conditional Use Permit for 2103 Sherman Avenue, Legistar File ID No. 91289

This memorandum supplements my earlier public comments on this application with relevant additional information omitted from the Staff Report.

MGO 28.211 defines "Principal Entrance" as follows:

The building entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

The principal use of this building is residential — 99 percent of the building serves 86 dwelling units, with approximately 1,100 square feet of commercial space. The entrance that provides direct access to this principal use is the apartment lobby on Fordem Avenue, not Sherman Avenue.

If Sherman Avenue is the front lot line, then under the code's definition, the principal entrance should face Sherman Avenue or be located closest to it and provide direct access to the principal use. It does not. The principal entrance to the principal use is on the opposite side of the building.

The applicant has designated Sherman Avenue as the front to obtain a more favorable height measurement, while placing the principal entrance to the principal use on Fordem Avenue. The zoning code's definitions suggest these should align. I bring this to the Commission's attention because the location of the principal entrance should indicate the front of the building and, thus, the number of stories. Measured from Fordem Avenue, where the principal entrance is located, this is a six-story building.