

From: gordian@nym.hush.com
To: [Plan Commission Comments](#)
Subject: Oppose Agenda item 15, Legistar 88561.
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Sat. July 26, 2025

Plan Commission members,

Please oppose Agenda item 15, Legistar 88561, which would allow a mental health care facility on the property at 1802 - 1804 Roth Street. [1] The proposed project violates the proposed district zoning code and is inconsistent with the Oscar Mayer Special Area Plan.

Lisa McNabola writes, "The 16 residential units would be a permitted use if the property is rezoned [to TR-U2]." [2; p. 1] That statement is false. Madison's municipal code requires a conditional use permit for a community living arrangement (> 15 residents) in TR-U2 zoning districts [3]. The proposed project has 16 units. Some of those units are large enough to house more than one person. Because neither Legistar 88561 [4] nor the Planning Division's Staff Comment [2] provide an argument for exceeding the allowed number of residents, the Plan Commission has no basis for a finding of fact that would allow an exception to be made for this project.

As the Staff Comment says, "Please note, recent changes to state law requires [sic] that conditional use findings must be based on 'substantial evidence' that directly pertains to each standard and not based on personal preference or speculation." [2; p. 4]

The proposed project is not just a housing project. It is a facility for the care of mentally ill people. The Letter of Intent says so. Residents must have "a serious & persistent mental illness that has been clinically diagnosed". "[T]he proposed project will provide exclusively Permanent Supportive Housing." "There will typically be at least 2 staff on-site at any time." [5; pp. 1 and 2]. A building that houses only mentally ill people and is permanently staffed by people who closely supervise the residents is a facility for the care of mentally ill people.

Zoning district TR-U2 does not permit mental health care facilities. [3]

The Plan Commission may recommend a conditional use permit for an "Assisted living facility, congregate care facility, skilled nursing facility" [3], but that language describes a nursing home. A nursing home is not the same thing as a mental health care facility.

The Plan Commission may grant a conditional use permit for this site, but only if the conditional use is consistent with the Oscar Mayer Special Area Plan [6]. The Oscar Mayer Special Area

Plan does not recommend mental health care facilities in this area. [7; pp. 7 and 44]

I believe that Housing Initiatives has good intentions and runs important programs that greatly benefit Madison. Their proposal for 1802 - 1804 Roth Street, however, is not permitted on that site.

Thank you for giving this issue your attention.

Don Lindsay

SOURCES

[1] Plan Commission Agenda July 28, 2025

<https://madison.legistar.com/View.ashx?M=A&ID=1235182&GUID=15BEC938-2E27-4071-9E9F-8F6828E4BF50>

Accessed 20250725

[2] Staff Comment

<https://madison.legistar.com/View.ashx?M=F&ID=14547688&GUID=8DADAC78-26C3-4A79-B94E-0460C7D79AE9>

Accessed 20250725

[3] MGO 28.032 Residential District Uses

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIICH11--19_CH28ZOCOOR_SUBCHAPTER_28CREDI_28.032REDIUS

Accessed 20250725

[4] Legistar 88561

<https://madison.legistar.com/LegislationDetail.aspx?ID=7421724&GUID=9ADA5EDD-B6B1-4863-81B5-E8D473685716>

Accessed 20250725

[5] Letter of intent

<https://madison.legistar.com/View.ashx?M=F&ID=14256494&GUID=14719BCB-79F9-4E68->

[83C0-6FAF539352E2](#)

Accessed 20250626

[6] 28.183 - CONDITIONAL USES.

...

(6) Approval Standards

(a) "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans."

https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIICH11--19_CH28ZOCOOR_SUBCHAPTER_28LPR_28.183COUS

Accessed 20250725

[7] Oscar Mayer Special Area Plan

<https://www.cityofmadison.com/dpced/planning/documents/OscarMayerSpecialAreaPlan.pdf>