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Subject: Comments regarding the UDC and Plan Commission review of
1004-1032 S Park Street
Attachments: Comments regarding the review of the Peloton redevelopment
project by the UDC and Plan Commission.pdf

TO: City of Madison Planning, UDC, Plan Commission, Common Council, and Mayor Paul Soglin

I have attached to this email comments I have compiled after attending the January 2, 2019 UDC meeting regarding the review of the Peloton Residences redevelopment project at 1004-1032 S Park Street. I ask that this PDF document be added to City Legistar file # 46483 and whatever Legistar file will be created or added to for the upcoming review process for this redevelopment project by the Plan Commission and Common Council. I have sent this email to all commission members as well as all Common Council members and Mayor Paul Soglin because I want to make all of you aware of flaws in the review process as it currently exists and in particular flaws in the application submittal and review process to date for the Peloton redevelopment project.

The ability of the public to participate in the review process for the Peloton has been severely limited by the submittal of inaccurate Letters of Intent and flawed and highly inaccurate plans for proposed changes to the plans already approved by the city in 2017. The most recent Letter of Intent for the new proposed plans gives a total of 173 units with a calculated total of bedrooms from that LOI of 215 total bedrooms. Yet the actual proposed revised plans show 167 total drawn units and 209 total drawn bedrooms.

I further want to inform all of you that even the Letter of Intent and the drawn plans submitted for the final review and approval of the 2017 plans are flawed and contain numerous inaccuracies. In looking at both these sets of Letters of Intent and plan documents you cannot determine the actual number of requested apartment units that are being requested or were previously approved by the city.

The Letter of Intent for the 2017 approved plans gives a total of 162 units and by calculation with the LOI unit numbers that would equate to 203 total bedrooms. The correct count of all the units and bedrooms in the 2017 approved drawn plans is 151 total units including the 5 live/work units. and 202 total bedrooms including the Live/work units. This is 11 units less than requested in the original LOI for the approved 2017 plans. Also, of the 202 total counted bedrooms in the approved drawn plans, 10 of these bedrooms are not supposed to be drawn in the 2017 approved plans. Therefore the actual intended number of units and bedrooms in the 2017 approved plans are 151 total units and 192 total bedrooms. I challenge anyone to prove these numbers are wrong by reviewing all the documents themselves, zooming in on the drawn plans and counting the total units and bedrooms on each floor as I have done multiple times. I cannot

believe a proposed project can get this far into the approval process and someone finally realizes that the numbers do not add up. By reading the attached PDF document you will be given further details as to the mess created by the poor handling of the above described project review applications and the lack of oversight the city planning department has given to this redevelopment project so far.

The application for proposed revisions of the 2017 approved plans for the Peloton redevelopment project should have been rejected the day of or shortly after it was submitted on October 30, 2018 due to an inaccurate Letter of Intent and the horrendously inaccurate plans that were submitted that day.

The UDC; Plan Commission; and Common Council; was well as the general public deserve to have a review process that provides accurate documents and plans in a timely manner so that all parties have the chance to review accurate documents and take part in a meaningful discussion of the proposed project before any approvals are granted.

I am sorry that this email and the attached PDF document is so long and detailed. It is the only way I know of to try to show all of you how messed up this whole process has been. I hope that all of you read the attached PDF. It is important for the future of our city that this does not happen again.

Ron Shutvet

Comments regarding the review of the Peloton redevelopment project by the UDC and Plan Commission

At its January 2, 2019 UDC meeting, the UDC seems to have given initial approval to the Peloton redevelopment project at 1004-1032 S Park Street. I attended this meeting, and it was clear to me that committee members could have used more time to review the documents and discuss the proposed plans. It would have helped if they had been given corrected documents to replace those provided at the meeting that contained many errors and inconsistencies. Had anyone in city planning actually taken the time necessary to closely review all the documents to ensure the information provided was correct and accurate, the meeting could have went much better.

I gave public comment at the meeting stating my concern with many errors and inconsistencies that were in the new proposed Peloton plans but I don't think anyone at the meeting wanted to believe me. At the meeting the applicant submitted a revised LOI for the Peloton project that was BACKDATED October 30, 2018. Had I known the new LOI existed, I would have commented that evening on that new LOI, too. The following are my new comments as a result of attending the January 2, 2019 UDC meeting.

The applicant states now in this revised LOI submitted on January 2, 2019, the following:

"The net bedrooms gained is 7 (2 bedrooms for the two bedroom unit 5 bedrooms for the 5 new studio units. The 10 one bedroom lofts already showed a bedroom on both the first floor of the loft as well as in the lofted portion".

The previous LOI that this new LOI replaces had stated that even though 16 new units were being added only ONE new bedroom was being added. However, if they are adding 16 new units and 15 of these units contain 1 bedroom and the remaining new unit is a 2 bedroom then $15 + 2 = 17$ NEW BEDROOMS.

Here is the link to the new revised LOI presented at the January 2-2019 UDC meeting. Please note that it is backdated October 30, 2018 when in fact the document was created sometime after December 13, 2018 and most probably within the last day or two:

<https://madison.legistar.com/View.ashx?M=F&ID=6958009&GUID=66C36865-639E-4C4F-BDF3-F6AD53FF043D>

In the new LOI, they got the 7 added bedrooms for the new 2 bedroom unit and the 5 added studio units correct. But how can they say "The 10 one bedroom lofts already showed a bedroom on both the first floor of the loft as well as in the loft portion"? The LOI of the approved 2017 plans states that there will be 10 one bedroom loft units. How can there be a bedroom on the main floor of a ONE BEDROOM LOFT UNIT and a second bedroom in that same unit in the loft? Doesn't that make it a TWO BEDROOM LOFT UNIT? The 10 original one bedroom loft units were actually drawn on the 2017 approved plans as 10 TWO BEDROOM LOFT UNITS but each of these loft units had a description label on the drawn plans that said it was a "one bedroom loft" unit. Therefore the architect already had 10 too many bedrooms drawn in the approved 2017 plans so if you count those 10 unapproved 'ghost' bedrooms as added bedrooms plus the 7 new bedrooms that the applicant now admits they are adding, the total number of new bedrooms is $7 + 10 = 17$ which is what you would expect if you add together the total new units consisting of 1 two bedroom, 5 studio units, and 10 one bedroom units because $2 + 5 + 10 = 17$ NOT 1 and NOT 7.

Further down in the new LOI is this the applicant's tally of total units in the new plans:

Dwelling Unit Mix

Live/Work: 5 (the Live/work units each have 2 bedrooms)

Studio: 38

1 Bedroom: 90

1 Bedroom + Den: 3

2 Bedroom: 37

Total Units = 173

The above tally of total units is not correct when compared to the actual number of units drawn on the new proposed plans.

The correct tally of drawn units in the new proposed plans is: 167 not 173 and the correct total number of drawn bedrooms is 209 bedrooms, not the 215 bedrooms you would get if you used the LOI unit numbers to calculate the total number of bedrooms. You can arrive at these numbers yourself if you take the time to actually zoom in on the drawn proposed plans and count the number of units and bedrooms. If you do this, you will find that the following numbers are correct:

Correct total counts for units and bedrooms in the new proposed plans for the Peloton

Live/work units	5 units containing 10 bedrooms
First floor	29 units containing 35 bedrooms
Second floor	41 units containing 51 bedrooms
Third floor	41 units containing 51 bedrooms
Fourth floor	35 units containing 45 bedrooms
Fifth floor	16 units containing 17 bedrooms
Totals	167 total units containing 209 total bedrooms

Here is the link to the plans submitted for the January 2, 2019 UDC meeting:

<https://madison.legistar.com/View.ashx?M=F&ID=6839133&GUID=1882177E-9C6A-4922-B1E3-2EDCA153659B>

I strongly believe that someone from city planning and the applicant should recount the number of units and bedrooms shown in the new proposed plans as the numbers I give above are the correct numbers of units and bedrooms and I challenge anyone to prove me wrong. This recount process should happen well before the next UDC or Plan Commission meeting so that everyone can know the correct number of proposed units and proposed total bedrooms.

I also believe that someone from city planning and the applicant should recount the number of units and bedrooms shown in the 2017 approved plans as those numbers are also wrong in the LOI for the 2017 approved plans. The UDC, the Plan Commission and the Common Council as well as the general public all deserve to know the correctly stated number of units and bedrooms in the 2017 approved plans as well.

The LOI for the 2017 approved Peloton plans gives the following unit information:

Dwelling Unit Mix

Live/Work: 5 (the Live/work units each have 2 bedrooms)

Studio: 31

Studio Loft: 5

1 Bedroom: 75

1 Bedroom Loft: 10

2 Bedroom: 35

2 Bedroom Loft: 1

Total Units = 162

Total Bedrooms calculated from the above numbers = 203 bedrooms

Here are the numbers that I came up with when I painstakingly zoomed in on the 2017 approved plans and counted the units and bedrooms:

Correct total counts for units and bedrooms in the 2017 approved plans for the Peloton

Live/work units	5 units containing 10 bedrooms
First floor	29 units containing 35 bedrooms
Second floor	41 units containing 51 bedrooms
Third floor	41 units containing 51 bedrooms
Fourth floor	35 units containing 40 bedrooms
Fifth floor	0 units containing 15 bedrooms

Totals 151 total units containing 202 total bedrooms

Please note: There are zero units on the 5th floor of the 2017 approved plans because this entire floor contains only the loft portions of the loft units on the 4th floor. The total bedroom count above would be only 192 bedrooms if the 10 extra bedrooms on the fourth floor of the one bedroom loft units are not counted. Remember that the LOI for the 2017 approved plans said there would be 16 loft apartments and that 10 of them would be one bedroom loft units. However, the plans were drawn with two bedrooms in each of those 10 one bedroom loft units so the 10 extra bedrooms should not have been drawn into the plans. This is especially true in light of the fact that also drawn on those 10 units in the plan are the words "one bedroom loft".

Here is the link to the 2017 approved plans for the Peloton. I recommend you count them yourself. The 4th and 5th floors are where all the discrepancies exist:

<https://madison.legistar.com/View.ashx?M=F&ID=5444641&GUID=E5AF23A7-F670-4D8F-9716-9C13A6A5F128>

The intended number of units and bedrooms in the 2017 approved plans need to be known well before the next UDC, Plan Commission, and Common Council meetings so that everyone can decide on what was exactly approved in 2017. Was it the total units given in the 2017 LOI or the number of units and bedrooms actually drawn on those approved 2017 plans?

If the city or the applicant fails to correctly determine the actual number of units drawn on the new proposed plans and the 2017 approved plans, someone should be looking for a new job. The city should not be reviewing and approving projects based on an incorrectly worded LOI or incorrectly drawn plans.

I also want to state in the [new proposed plans reviewed by the UDC on January 2, 2019](#), the following errors, inaccuracies, or design issues exist:

- Page 7. This title page of the plans is dated October 30, 2018. This is not correct as the page is backdated and this new revised plan document was actually submitted to the planning department on December 13, 2018. The original proposed plans that were submitted on October 30, 2018 were so full of errors and inaccurate information that the city told the developer around December 30, 2018 that new corrected revised plans needed to be submitted.
- Page 9. The bicycle parking totals on this basement plan conflict with the bicycle stall totals given in the LOI. Someone needs to determine which numbers are correct. Regardless, the total bicycle parking stalls being provided is totally inadequate for an apartment complex containing 162 units and 209 bedrooms and named Peloton Residencies. Peloton is a bicycle racing term used to signify the main group or pack of riders in a race.
- Page 10. The applicant also needs to give the correct total bicycle stalls proposed at ground level on the subject property as the LOI and the 1st floor plan give conflicting numbers for those bicycle stalls, too.
- Pages 11 and 12. The north most one bedroom apartment on the 2nd floor and 3rd floor do not have any living rooms. Wouldn't a studio or efficiency apartment be a better description of these two units?
- Page 16. Why can't the new one bedroom apartments on the 5th floor on the Park Street side of the building have the same window and balcony treatments that the apartments in that same footprint on the 2nd, 3rd, and 4th floors have? I believe the building would look better if the exterior of floors 2 through 5 all look the same with the brickwork extending all the way up to the 5th floor rooftop. This problem is especially noticeable on the Fish Hatchery Road side of the building.
- Page 18. Both elevators open into the commercial space on the 6th floor. When this commercial space is closed the only access to the rooftop open space area will be the stairwell at the south end of the rooftop open space making the area not handicap accessible whenever the 6th floor commercial space is closed. The 6th floor commercial space looks to be designed for use as a restaurant, coffee house, bar, or rented meeting room for

use by private parties for entertainment purposes. This seems to violate conditions of approval clauses in the 2017 approved plans that prohibit such uses in that area unless the applicant applies for and receives a conditional use permit for those types of uses for that area. A restaurant, coffee house, bar, or rented meeting room for use by private parties for entertainment purposes in that 6th floor space would greatly exasperate the parking issues associated with this redevelopment project.

- Page 18. The rooftop open space should have a landscaping plan. Need something to make this space more than a rooftop with a bunch of tables, chairs, and umbrellas surrounded by a guardrail. I worry about the umbrellas. If not properly secured, they could end up raining down on Park Street on a windy day and cause injuries. There is so little green space being provided for this redevelopment project that some greening of the rooftop area would be welcoming to tenants and guests. The ground level green space in the internal courtyard of this building complex is surrounded by tall building walls and offers little direct sunlight most of the day. Greening up of the rooftop open space would help a lot.
- Page 20. See the note above for page 16. Same issue. The current windows shown don't look right. Furthermore, if these windows are to be just vinyl single hung windows, these apartments would not get as much air exchange with outside air as they would if they were double hung windows and there was a balcony door that can open for ventilation. I thought this building was supposed to attempt to be a green building. Single hung windows do not allow anyway near the same air exchange rate as double hung windows opened halfway at the top and bottom. None of these units have any natural cross ventilation capabilities as there are only windows on one wall of each unit.
- Page 20. The profile view of the east elevation (Park Street) does not show the outline of the Fish Hatchery Road portion of the building complex that will be visible in that view. See page 22 for a correct rendering of this profile. These portions of the building complex must be rendered in this profile view as they will indeed add mass to the profile view and will be visible to anyone looking at the building complex from that viewpoint.
- Pages 20, 24, and 28. Need to do something different with the 5th floor on the Fish Hatchery Road side of the building for sure. The tiny windows on the 5th floor have to go. Why not extend the same units that exist on the 2nd, 3rd, and 4th floors up to the 5th floor and give those units larger windows and balconies? Extend the brickwork up to the 5th floor roof, too. The 5th floor wouldn't look so much like a row of tiny pigeon hole units then.
- Page 26. This rendering incorrectly shows the perimeter guardrail at the rooftop level. This guardrail extends all the way to the southern edge of that rooftop.
- There are no plan pages that show what the various rooftops would look like except for a perimeter guardrail around the designated rooftop open space on the 5th floor roof. Where are the rooftop vents and any mechanical equipment locations going to be. The fans and other air handling equipment whether on the rooftops or elsewhere on the property should be Energy Star certified and low noise units. The rooftops should not be cluttered with things popping out of the rooftops everywhere. Also, because this is supposed to be a green certified building, the individual air handling units in each apartment unit should be Energy Star certified. I recommend that the space on the rooftops be designed to be as uncluttered as possible so that in the future the building owner can install solar panels on the rooftops to help power the building.

Because all of the added new units on the 5th floor of the Peloton are rather small units that would add to the already tight parking issues associated with this redevelopment project, I am not in favor of the added new units as currently proposed. I would rather see the developer go back to the original approved plans or perhaps reconfigure the 5th floor units so that there are fewer total units on the 5th floor that are larger units. I suggest to remove all the 5th floor studios and reconfigure the 5th floor so that there are only 9 added units instead of 16 added units on the 5th floor. Two of these new 5th floor units could be two bedroom units and the rest larger one bedroom units. That way the parking ratio of one off street stall per unit would be maintained and all the units on the 5th floor would be spacious one or two

bedroom units having enough windows in each unit so the tenants can truly enjoy the added expense of renting a top floor unit having majestic views of the lakes and our city.

But beyond all these inaccurate LOIs and plans the real problem with the January 2, 2019 UDC review of the proposed revised plans of the Peloton at 1004-1032 S Park Street is that the meeting should have not happened at all. Page 2 of [the new revised proposed plans for the Peloton](#) clearly shows that the UDC application was signed and submitted on December 13, 2018.

Below is a reproduced portion of that page:

5. Required Submittal Materials

- Application Form
- Letter of Intent
 - If the project is within an Urban Design District, a summary of how the development proposal addresses the district criteria is required
 - For signage applications, a summary of how the proposed signage is consistent with the applicable CDR or Signage Variance review criteria is required.
- Development plans (Refer to checklist provided below for plan details)
- Filing fee
- Electronic Submittal*

Each submittal must include fourteen (14) 11" x 17" collated paper copies. Landscape and Lighting plans (if required) must be full-sized. Please refrain from using plastic covers or spiral binding.

Both the paper copies and electronic copies must be submitted prior to the application deadline before an application will be scheduled for a UDC meeting. Late materials will not be accepted. A completed application form is required for each UDC appearance.

For projects also requiring Plan Commission approval, applicants must also have submitted an accepted application for Plan Commission consideration prior to obtaining any formal action (initial or final approval) from the UDC. All plans must be legible when reduced.

**Electronic copies of all items submitted in hard copy are required. Individual PDF files of each item submitted should be compiled on a CD or flash drive, or submitted via email to udcapplications@cityofmadison.com. The email must include the project address, project name, and applicant name. Electronic submittals via file hosting services (such as Dropbox.com) are not allowed. Applicants who are unable to provide the materials electronically should contact the Planning Division at (608) 266-4635 for assistance.*

6. Applicant Declarations

1. Prior to submitting this application, the applicant is required to discuss the proposed project with Urban Design Commission staff. This application was discussed with Janine Glaeser on Dec. 4, 2018.
2. The applicant attests that all required materials are included in this submittal and understands that if any required information is not provided by the application deadline, the application will not be placed on an Urban Design Commission agenda for consideration.

Applicant name Peloton Residences, LLC Relationship to property Owner
BY: T. Wall Enterprises Manager, LLC, Its manager
Authorized signature of Property Owner BY: [Signature] Date 12/13/18
Terrence K. Wall, President

The application clearly states that "both the paper and electronic copies of all required application materials MUST be submitted prior to the application deadline before an application will be scheduled for a UDC meeting. Late materials will not be accepted. A completed application form is required for each UDC appearance." This is the first and only application for review before the UDC the this applicant has submitted during 2018. Prior to this the applicant submitted an application for review before the Plan Commission and applicant and the planning department had repeatedly said that the project did not need to go before the UDC because there were "no changes to the exterior" of the proposed project buildings. Yet, once I discovered that the original proposed plans submitted for review by the Plan Commission

were incomplete and full of errors, it became obvious to me that UDC review would be necessary as there indeed would be changes to the exterior of the project.

Furthermore, the original proposed plans actually submitted on October 30, 2018 for review by the plan Commission were deemed not suitable for review by the Plan Commission shortly after I sent the city planning department a PDF document detailing all of the errors and inconsistencies in those plans on November 30, 2018. The city has as of yet not posted my November 30, 2018 PDF document anywhere in the City Legistar so I have uploaded that document to my Google Drive and it can be accessed using the following link:

https://docs.google.com/document/d/1fLdmUMaCcQNbDsgXfA11Ni5m-vQv0D5_dPJY7fciWAo/edit?usp=sharing

If you take the time to thoroughly read the above document, you will see that the original proposed new plans for the Peloton submitted on October 30, 2018 were horrendously inadequate for review by the Plan Commission and should have been rejected outright by the city planning department if not shortly after submittal. The city planning department regularly rejects redevelopment applications outright due to the incompleteness of the submitted documents or inadequate detail in the submitted plans. I would like to know why the city only reviewed these plans for accuracy after I initially called the city and talked to Kevin Firchow on the phone on November 28, 2018 and sent the city a PDF document containing details of all the inaccuracies on November 30, 2018. Janine Glaeser of city planning only meet with the applicant on December 4, 2018 to tell them that the plans originally submitted on October 30, 2018 were deemed inadequate and needed to be resubmitted. It took the developer 9 days to compile and submit revised plans on December 13, 2018. December 13, 2018 should be the correct date of the entire application submittal for both UDC and Plan Commission review. It is this inadequate handling of the original application submittal that has caused all the issues the city is having now with review of the proposed plans by the UDC. The city needs to take steps to make sure that this type of incident does not happen again in the future. The UDC; Plan Commission; Common Council; and the general public all need to have accurate plans and other application materials submitted and reviewed in a process that insures all are given adequate time to review documents that are indeed accurate and reflect what the intended redevelopment project is intended to look like BEFORE any approvals are granted.

Because the application and plan documents for the UDC meeting were signed and submitted on December 13, 2018, a review of the [Submittal Deadlines document on the city planning website](#) clearly shows that the earliest that this project could go before the UDC is February 13, 2019. I believe that the initial approval determination given at the UDC meeting on January 2, 2019 should be declared null and void and that the UDC can only review this project on February 13 or after. Because the Plan Commission cannot start its review process until the UDC has given initial approval to the project, the Plan Commission can only begin review this project on February 25 or after the UDC gives initial approval on February 13 or latter.

Ron Shutvet

This PDF document was composed and sent to the Madison Planning department on January 4, 2019