

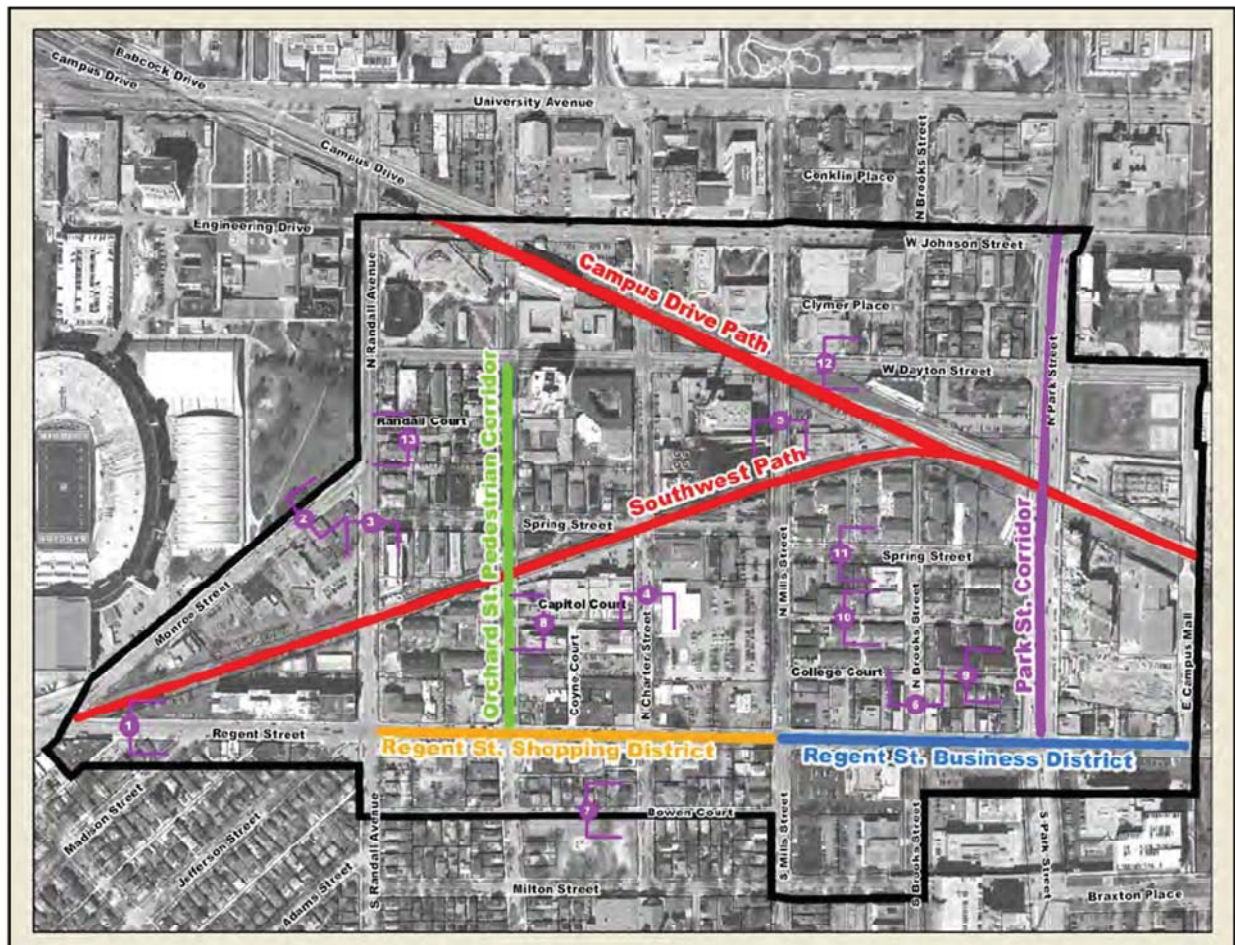
222 North Charter Street—Compliance with Adopted Plans

Since the Plan Commission’s decision in March, we have had discussions with stakeholders, including the Regent Neighborhood Association, Downtown Madison Inc., and cycling advocates. We have been encouraged to resubmit the project as proposed earlier this year. This project is the only way a critical multi-use path connection between Union South and the Southwest Path will occur. We feel that the Plan Commission’s record earlier this year was incomplete, particularly on the issue of setbacks and setbacks. Therefore, we respectfully request that the Plan Commission review the project again based on the new information presented in our submittals and during the public hearing, and approve the proposed project.

1. No Setback or Stepback Requirements Apply North of Dayton Street.

As noted in our September 19 memo to the Plan Commission, no setback or stepback requirements apply to the proposed project at 222 North Charter Street because the project is in the area north of Dayton Street. Certain parties have taken the position that the Charter Street setback and stepback requirements in the Neighborhood Plan apply north of Dayton Street—that position is directly contradicted by the clear language of the Plan.

The Plan recommends certain setbacks and setbacks on Charter Street, but only in the area south of Spring Street. The setback/stepback area is labeled “4” in the map below:



Limiting setback and stepback requirements to the southern end of Charter Street advances the Plan's goal to encourage more density closer to campus and less density closer to the residential neighborhoods adjacent to the Regent Street corridor. Imposing the same setback and stepback requirements on the northern end of Charter Street would significantly inhibit the Plan's goal to encourage denser development in the 12-story zone near campus:



Applying the setback and stepback requirements to 222 North Charter Street would effectively prohibit redevelopment of the site, thereby preventing the extension of the multi-use path from Union South to the Southwest Path.

2. The Plan Commission Should Interpret the Plan Consistent with Prior Approvals.

In 2012, the Plan Commission approved a six-story project at 202-206 North Brooks Street that has no setbacks or stepbacks. Similar to the 222 North Charter Street parcel, that property is located in the area **north of Dayton Street**. As such, the staff report for that project noted the setback and stepback requirements in the Neighborhood Plan, but, consistent with the Neighborhood Plan, **the Plan Commission did not apply setback or stepback requirements.**

Notably, the University opposed the Brooks Street project, just as it opposes the Charter Street project, due to the University's desire to acquire the property for campus expansion.¹ In reviewing the Brooks Street project, the Joint Southeast Campus Area Committee noted:

- According to Laura Gutknecht, a member of both the Regent Street-South Campus Neighborhood Plan Committee and the Joint Southeast Campus Area Committee, the Plan Committee was not very focused on the area north of Dayton Street—the Committee did not discuss setbacks or stepbacks north of Dayton Street.

¹ Letter from Gary Brown to Brad Murphy, January 5, 2012 (Legistar File No. 25021).

- The University's interest in the property was speculative—"it is difficult to discourage a property owner proposing a responsible redevelopment in the near term."
- The change in assessed value from private development would significantly increase the City's tax base.
- In a motion by Mary Berryman Agard, seconded by Brad Cantrell, the Joint Southeast Campus Area Committee stated that it viewed the Plan Commission's decision on the Brooks Street project as **precedent for similar proposals in the future**.²

The Planning staff memo for the Brooks Street project noted the proposed building would not comply if the setbacks and stepbacks identified in the Plan were applied north of Dayton Street.³ The staff memo noted the project would be constructed largely on the property lines, with a 1-foot setback on the two street facades. The Plan Commission **approved** the Brooks Street project on a voice vote and **did not apply any setback or stepback requirements**.

Consistent with its prior interpretation of the Plan and the approval of the Brooks Street project with no setback or stepback requirements, **the Plan Commission should approve the Charter Street project as proposed**.

3. The University's Desire to Acquire the Property is Not a Valid Basis for a Decision.

The University has advanced several positions in opposition to the proposed development (*e.g.*, setbacks, stepbacks, floor area ratios). However, similar to the University's opposition to the Brooks Street project, the University's opposition is ultimately driven by its desire to purchase the property. As the University has stated in multiple meetings on the Charter Street proposal, it has made offers to purchase the property in the past and has a continuing interest in purchasing the property in the future.

To be clear, the University's desire to convert this property from private to public use cannot form the basis for the Plan Commission's decision. As noted in the Joint Southeast Campus Area Committee's consideration of the Brooks Street project, the City cannot and should not consider the University's interest in acquiring property within the boundaries of the Campus Master Plan. Certainly, such a consideration falls outside the Plan Commission's authority in reviewing the Planned Development standards.

The University's acquisition of this parcel would also remove approximately \$8 million of assessed value from the City's tax rolls compared with the proposed project.

² Minutes of January 30, 2012 Joint Southeast Campus Area Committee Meeting (Legistar File No. 25021).

³ Planning Staff Memo, February 20, 2012 (Legistar File No. 25021).