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From: Diane Sorensen <dianesorensen1@gmail.com>
Sent: Friday, December 8, 2023 8:26 AM
To: All Alders
Subject: Fwd: Analysis of Select Conditions Factors to be used with LMR escalator
Attachments: Select Conditions Factors Analysis.pages; Select Conditions Factors Analysis.docx

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Hello,

I am re-submitting this comment and the attachment. This public comment and attachment was filed before the December 5th Common Council meeting in relation to Item 14, 80281. The record only shows the cover letter and not the attached Analysis. I am again attaching the Analysis document, please advise if you have any difficulty with the attachment and I am always happy to send them again. Otherwise, please include this attachment with my cover comments in the minutes of the meeting. Thank you.

Diane Sorensen

----- Forwarded message -----

From: Diane Sorensen <dianesorensen1@gmail.com>
Date: Tue, Dec 5, 2023 at 11:06 AM
Subject: Analysis of Select Conditions Factors to be used with LMR escalator
To: <allalders@cityofmadison.com>

This document is submitted by a team working on behalf of the Friends of Old Sauk, who are District 19 homeowners. We oppose escalating development on two LMR parcels located on Old Sauk Road. We submit that there has to be a careful examination of all relevant facts before the Common Council decides whether or not to allow escalated development on these two LMR parcels. The document provides a roadmap for such an inquiry. Our Alder Kristen Slack will speak in support of the analysis set forth in this document, therefore, at this time we do not plan to register to speak.

Diane Sorensen for
Friends of Old Sauk

This may be a duplicate Comment. I am concerned that a transmittal problem may have resulted in the first Comment not reaching the Council.

SELECT CONDITIONS PROPOSAL

INTRODUCTION.

“SELECT CONDITIONS” IN LMR ESCALATOR CLAUSE.

At the outset, it must be noted that escalating an LMR property causes a huge change in the type of development permitted on a property. If an LMR parcel is escalated, that escalation more than doubles the units per acre, going from 30 to 70 units per acre, and adds a story, going from 3 to 4 stories in height. It should not surprise the Council that homeowners are deeply concerned about the question of whether there are select conditions permitting escalated development.

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The 8 Factors.

**** Appropriate in select conditions at up to 70 DU/ac and four stories, except for parts of the city with an Area Plan adopted after the 2023 Comprehensive Plan Interim Update. Factors to be considered include relationships between proposed buildings and their surroundings, natural features, lot and block characteristics, and access to urban services, transit, arterial streets, parks, and amenities.**

Homeowner analysis. These factors are vague, but in any reasonable interpretation, they would require that the Common Council consider the many facts that weight against escalating development on Old Sauk Road. For example, the 4 story, 175 unit in the Stone House proposal would be grossly incompatible with the 1 and 2 story residences surrounding it; therefore, “the proposed buildings and their surroundings” factor would weigh heavily against a finding of “select conditions.” Similarly, the 4 story 175 unit mega-complex, when imagined in place with the surrounding property, ie., low profile residences on lots with trees, large yards and shady terraces, would not be in harmony with the characteristics of the surrounding property. Therefore, the “lot and block characteristics” factor too would weigh against a finding of “select conditions.” Old Sauk Road has no amenities; therefore, this factor, too, weighs against a finding of “select conditions”. Storm drainage and storage problems near the parcel would be aggravated by a development that is many times denser than the present development, therefore, the “natural features” factor weighs against a finding of “select conditions.” As for transit, though it has bus stops, Old Sauk Road is not on the BRT and there is no nearby transit station. Finally, Old Sauk Road is not a major or primary arterial road; Old Sauk Road does not have 4 lanes, turn lanes, stop lights when intersected by collector streets, etc.; it has no mixed use properties with coffee shops, shopping malls, music venues, restaurants, and commercial properties, hospital and clinics as do the major arterial roads; it does have major congestion issues, particularly, around Crestwood elementary school and the Old Middleton Road intersection. After a fair consideration of these factors, there could be no finding of “select conditions” on Old Sauk Road.

If a fair considerations of the all of the facts relevant to the 8 factors would likely result in the Council finding that Old Sauk does not meet this select conditions criteria, why propose modifying the 8 factor criteria? The answer is simple: because, as shown below, the Planning Department's interpretation of the 8 factors does not call for consideration of all relevant facts. Indeed, if the Planning Department's interpretation is applied, it would appear that all LMR properties on arterial streets with a bus or bike lane should be escalated.

PROPOSED "SELECT CONDITIONS" FACTORS.

We are asking the Council to consider all relevant facts before deciding whether LMR property development should be escalated. Our proposal sets forth the relevant factual inquiry beneath each Planning Department factor. Next, the factual inquiry proposed by the Planning Department, provided by Ben Zellers, is set forth in green. Our comments follow in Italics. We respectfully submit that escalation should not be permitted unless the Council finds that the facts weigh heavily in support of such a change.

1. Relationship Between Proposed Buildings and Their Surroundings

Does escalating density and height development on this LMR parcel positively or negatively impact the City's goal of filling the gap in Missing Middle housing types: small-lot single family, two-unit buildings, three-unit buildings, row houses and small multifamily buildings as defined in the 2018 Comprehensive Plan, page 21?

Does escalating density and height on this LMR parcel positively or negatively effect the City's policy of seamlessly integrating new development with the surrounding development as defined in the 2018 Comprehensive Plan, page 21?

Does escalating density and height on this LMR parcel positively or negatively affect the City policy of utilizing a Prime Zoning District as on page 5, Item 10 of the Comprehensive Plan 2023 Interim Update, FAQ dated 6/15/23?

Does escalating density and height on this LMR parcel positively or negatively impact the uses, values and enjoyment of the other property in the neighborhood as described in Zoning Code 28.183.6.3?

Does escalating density and height on this LMR parcel positively or negatively affect the City's policy of creating an environment of sustained aesthetic desirability compatible with the existing or intended characteristics of the area per Zoning Code 28.183.6.9?

Does escalating the density and height of this LMR parcel positively or negatively change the physical setting of surrounding properties as a result of its height, mass, orientation, shadows, views and architectural quality per Zoning Code 28.183.6.12?

Does escalating the density and height of development on the LMR parcel positively or negatively impact noise, night time lighting pollution and safety with regard to residents living in the surrounding areas per Zoning Code 28.183.1?

Zellers: This clause is not necessarily about blending in, but more about how building(s) are placed on a site and how that relates to buildings on adjoining sites. For example, a newer multifamily building may need to “step down” to adjoining single-family development. There is some guidance on this on Page 38 of the [Comprehensive Plan](#) (PDF page attached for reference). When the use being requested is a fairly large multifamily building it is likely to be a conditional use. When that is the case the Plan Commission must judge the project against approval standards (sec. (6) [here](#)), which means they can require certain conditions be met to mitigate impacts.

Mr. Zeller’s comments and our proposed inquiries raise considerations that are also set forth in Chapter 28. 183, Conditional Use. They are also appropriate questions to ask before any parcel category is escalated: does escalating the density and height of a parcel create a series of clashes with City housing standards, ie., incompatibility with neighboring land use, interference with the use and enjoyment of adjacent land, etc., such that escalation should not be permitted? Put another way, rather than increasing the height and density of development on a parcel and thereby creating a whole host of problems, and then trying to fix the problems through the conditional use process,, shouldn’t the City just decline to permit escalated development?

2. Natural Features

Does escalating density and height on this LMR parcel positively or negatively impact the amount of vegetation and green space on the parcel? Is there a history of problems with stormwater management?

Does escalating density and height on this LMR parcel positively or negative affect stormwater runoff and storage issues?

This would mean natural features that can be considered as part of a project review, which would include things like site grades, landscaping plan, and stormwater management. There are certain things that our ordinances do not cover, such as tree preservation or wildlife (ie, the City could not deny a project because it would cut down a tree or because there is a certain type of wildlife that frequents the site).

Again, the question is when the City should consider the fact that increasing the density and height of a development will aggravate an existing problem caused by the site’s natural features: before or after it approves of such development?

3. Lot and Block Characteristics

Does escalating the property make the property more or less like the surrounding properties?

Does the parcel lie on a Regional Corridor and Growth Priority Area as defined in 2018 Comprehensive Plan, pages 15-16?

Does the parcel have sidewalks on both sides of the street as mapped in 2018 Comprehensive Plan page 42?

Does escalating the property raise serious questions about the adequacy of sanitary and storm sewers, public infrastructure and environmental concerns?

Is the proposed development in the 2022 West Area Plan Preferred Housing Fund Targeted Areas identified as the Preferred Transit Oriented Development Area?

This factor is most likely to come in to play on more local streets when smaller lots are being considered for consolidation into a large lot that may be inconsistent with surrounding development patterns. In the Old Sauk Road example there are some large preexisting lots that are on a major street.

The meaning of Mr. Zellers' comment is not clear. He seems to be saying that the Old Sauk parcels are not really local.

4. Access to Urban Services

Is the City water supply, sanitation, electricity, waste management and fire protection fully capable of handling an escalated development?

This would not just be access to services in the immediate area – access to services by a reasonable transit or bike ride would also be considered.

Here we are getting into the bus and bike theme: it's irrelevant if the desirable feature is not present anywhere along Old Sauk road. Buses and bikes make everything present.

5. Transit

Is the proposed development within a 1/2 mile of the BRT corridor, 2018 Comprehensive Plan, pages 32-33?

Transit = public transportation (Metro Transit). Property access is always reviewed by Traffic Engineering for multifamily development. An expected increase to traffic due to a project proposal would not on its own be a reason to deny a project. However, sometimes a project can be required to make improvements to address projected impacts – for example, the developer working on the Westgate project had to do some median work in Whitney Way to enhance property access safety (you can see before and after on Google Maps by switching from satellite to globe view).

The Westgate project is a fine example of the "select conditions" that support an escalated apartment complex development. It does not sit in the middle of one and two story homes; it is surrounded by commercial and mixed use property; it replaces commercial property; it is on a major arterial street; the street has four lanes and traffic is managed with stop lights; there are turn lanes to promote safety and handle heavy traffic; there are also multiple ingress and egress points; it is adjacent to the BRT and a transit stations; it is adjacent to a major grocery store, coffee shops, restaurants and other shops. The Westgate setting is a perfect example of a property with conditions that support dense apartment development. The Westgate setting is to the Old Sauk parcel much like New York City is to the city of New Holstein.

6. Arterial Streets

Would the escalated development benefit from the BRI?

Would escalating the development positive or negatively impact traffic congestion, traffic patterns and parking infrastructure?

Is the street on which the proposed development is to be located free of ambulance, firetruck, school bus and semi-trailer truck traffic?

Is the proposed development on a street with a Principal Arterial Road Classification per the 2018 Comprehensive Plan, page 158?

Is the proposed escalated development on a four lane street or larger?

Could there be street improvement, added lanes, turn lanes, medians, if called for as a result of escalated development?

Is the proposed development on a street with less than 7,500 vehicles per day?

Has the proposed development been reviewed for parking impact on adjacent residential neighborhoods per Zoning Code 28.183.6.10?

Location on an arterial road is a yes/no kind of factor, and Old Sauk Road is designated as an arterial.

This view ignores the real life differences between major and minor arterial roads. See the above paragraph on the Westgate development. Also, just look at the characteristics of Whitney Way, East Washington Avenue, University Avenue, and other major arterial streets with major escalated development, and then look at Old Sauk Road. They are fundamentally different. At times even Planner Zellers recognizes the difference. When asked for an example of an escalated development on LMR property, Zellers identified The Avenue Apartments, noting: “Obviously a very different street than Old Sauk, but the first project that comes to mind is the Avenue Apartments at Second Street and East Washington.”

Commented [3]:

7. Parks

Is the proposed development within 1/4 mile of a City park?

8. Amenities

Is this proposed development close to shops and markets, banks, post offices, hospitals, health clinics, medical facilities and libraries that can be reached within 10 minutes using the Metro Bus, bicycling or walking? Does this refer to grocery shopping, medical care, pharmacy, athletic clubs, clothing shopping, restaurants? Or something else?.

Things like that, yes. But it's not just whether they're in the immediate area, but whether they're easily accessible, especially without having to drive. In the case of Old Sauk Road, there is transit service every 30 minutes that is a straight shot to Hilldale.

Here we return to the bus and bike theme: if it can be reached by bus or bike, it is on Old Sauk Road. I recently met with one of Madison's deeply-involved good citizens: someone who's worked with many others to address affordable housing and homeless issues. He spoke highly of Stone House development and its leaders. He said he drove up Old Sauk Road before we met and he couldn't help but notice that it was purely residential; there are no coffee shops, restaurants, pharmacies, shopping malls, etc. I said that according to the Planning Department, the fact that you could bus to Hilldale meant that Old Sauk Road had all of those amenities. He laughed.

ADDITIONAL FACTORS

9. Parking issues

Does escalating the LMR parcel positively or negatively affect parking on streets surrounding the parcel?

Escalated development allows more than double the number of units than permitted with just LMR development. Logically, that means more than double the number of residents and more than double the amount of cars. Can the City of Madison or any landlord limit the number of vehicles that a resident has? Can the City of Madison or any landlord mandate that a tenant take the bus instead of driving? Can the City mandate free parking on the escalated development parcel? Can the City of Madison or any landlord prevent residents of the new development from parking on the streets adjacent to the property?

10. Neighborhood Stakeholders' Approval or Opposition.

Is escalating the property supported or opposed, or neither, by adjacent property owners and stakeholders?

This element that should not dictate the result, but it is relevant and it should be weighed with all of the other elements..

CLOSING

We want to thank the planners we have talked to in our struggle to understand the City's plans and ordinances as they relate to the Old Sauk Road parcels. Tim Parks, Kirstie Laatsch, and Ben Zellers, has been courteous, professional and generous with their time.

Thank your for considering our proposal. We hope you will give it your backing.