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January 19, 2006

**VIA HAND DELIVERY**

Ms. Nancy E. Fey, Chairperson  
City of Madison Plan Commission  
215 Martin Luther King Jr. Blvd. Room LL100  
Madison, WI 53703

RE: Pres House Housing Development  
Amendment to Inclusionary Zoning Ordinance

Dear Ms. Fey:

I represent the Presbyterian Student Center Foundation, Inc. ("Pres House") who is the owner of 731 State Street and 439 North Murray Street. At its October 11, 2005 meeting, the Common Council conditionally approved the Pres House's application for rezoning the above properties from R-6 to PUD-GDP-SIP to allow for renovation of their existing religious building and construction of a mixed-use building containing office space and 44 apartment units.

One of the conditions of approval stated that the Inclusionary Dwelling Unit Plan ("IDUP") be brought back before the Plan Commission for approval prior to the recording of the PUD. I am requesting that you approve Item #5 on your January 23, 2006 agenda which would amend Section 28.04(25) of the Madison General Ordinances which, in part, would provide for a new kind of occupancy in calculating compliance with the Inclusionary Zoning ("IZ") Ordinance.

What is before you is a series of amendments to the IZ Ordinance which is intended to modify the ordinance in a number of respects. However, the only portion of these amendments that impacts Pres House is the definition of "leased residential spaces" when calculating compliance with the ordinance as to rental inclusionary dwelling units. The specific language is contained in M.G.O. Section 28.04(25)(b) which defines "leased residential space occupancy" as follows:

Those residential arrangements whereby space in all dwelling units in a building is leased individually to each of the tenants in a dwelling unit.

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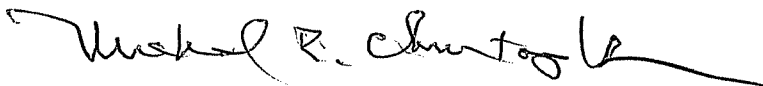
The reason why this amendment is necessary is that the present unit of analysis in the current IZ Ordinance is on a dwelling unit basis which is not how housing intended to be rented to students is often leased. Because Pres House intends to lease to students on a per-bed basis, the Ordinance needs to be amended to recognize the unique nature of marketing when it comes to student housing. Pres House has absolutely no objection to complying with the intent of the IZ Ordinance. However, without providing for an alternative unit of analysis, the Pres House will face an economic hardship, as well as a managerial nightmare if there were to be no change to the Ordinance.

Therefore, I would urge you to adopt the amendment before you or, in the alternative, to at least adopt the language changes referred to. I would also ask that you send this recommendation to the Council for it to consider at their February 7, 2006 meeting. I certainly understand that the entire IZ matter represents a labyrinth of policy questions, but the "Pres House amendment" falls into the non-controversial, housekeeping category.

Thank you for your prompt attention to this matter.

Sincerely,

**DEWITT ROSS & STEVENS** s.c.



Michael R. Christopher

MRC:mtc

cc: Plan Commission Members  
Mayor Dave Cieslewicz  
Aldersperson Austin King  
Brad Murphy  
Timothy Parks  
Barb Constans