

**From:** [Kevin O'Brien](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Zion redevelopment Agenda items 10-13  
**Date:** Monday, April 25, 2022 4:05:35 PM

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I am opposed to amending our neighborhood plan in order to accommodate one project being proposed by one developer. I was surprised to learn that such an amendment is being sponsored by our alders. This project is not viewed favorably by the local residents.

I am opposed to re-zoning the Zion parcel in order to allow a 32 unit apartment building. This project has little support in the neighborhood. Most of us would prefer housing be built within the restrictions of the current zoning. For example, 5-7 owner-occupied townhouses or two-flats. This would increase density, but at a level that can be absorbed by the neighborhood.

If a demolition permit is issued I think it is imperative that much of the church building materials be carefully salvaged for reuse. The church is built of glu-lam timbers, heavy wood decking and many, many tons of still pristine brick. Thorough recycling should be a condition of granting a demolition permit. And should be enforced.

Thank you,  
Kevin O'Brien, LEED-AP  
2226 Rusk Street

I urge you **not** to support the request for the Planned Development and Neighborhood Plan Amendment for 2165 Linden Avenue. (#69937,#70655)

In a signed letter from Threshold Development Principal Tyler Krupp dated 12/18/2021 the aforementioned intended and committed to the neighborhood specifics of development. These neighbors took in good faith an option of developmental scope which demonstrated 6-8ft step back from 3<sup>rd</sup> to second story, maximum height of 40'5" to 44' and set backs from curbs of 32', 20', and 22' from Division St, Linden Ave, and Dunning St respectively. A copy of that letter is below.

Questions were raised in joint meetings with the Urban Design Commission, the neighborhood, and Threshold about the viability of this plan as it pertained to architectural design and if it is intrinsically compliant with the Comprehensive Plan in terms of scale and density. It was determined that a PD cannot be used for the purpose of increased density, so the intention that this will then be a green technology project was voiced.

Subsequently, Threshold Development Principal Tyler Krupp pivoted from his initial design in order to obtain desired density through amending the Neighborhood Plan and pursue rezoning to PD(GDP) via the use of green technology construction (i.e. passive house). Current design iterations are void of the intentions and commitments made to the neighborhood residents concerning *scale* including setbacks from the third story as well as from curbs. The *spirit* of a preferences of less scale and traditional neighborhood appropriate architecture over contemporary styles have also been struck. Remembering this is supposed to follow the PD, green tech or passive house was not the original proposal but a conduit by which scale and density could be achieved. In fact, the neighbors in the UDC meeting were told that the current scale of the project is requisite for green construction.

Additional questions from the UDC garnered no specifics answers from the architect concerning specific type, and guarantee for, green certification upon completion. Actually, the UDC was told that it will be impossible to be certified on the first try. Additionally, when people in the neighborhood raised specific objections about how these technologies will be realized in this proposal (many of which the UDC raised as well and/or agreed to), there was little by way of detailed answers.

I do support the use of greener building technologies when the appropriate density and scale for the residential communities in which they are built is considered. Smaller scale green building technologies are possible and are currently available should be explored by Threshold. In fact, a consultant for Threshold <https://www.precipitatearch.com/passive-house> has examples of these and present a more appropriate option of development in this particular context. A picture of these options is presented below.

I submit that this specific proposal falls short of consideration for a PD based on the intent of the builder. As we have seen Threshold's intentions alone are in and by themselves not sufficient to produce a specific product and are at best fluid. Specific design, and details matter when innovative and unique technologies are implemented. Also, accountability measures must be in place to assure the green technology, and or passive housing is realized.

Therefore, I ask the city to reject this PD based on the fact that it is an inchoate idea at best. If these amendments are allowed to through, then it is highly likely that it will end up simply being another Krupp/Threshold standard studio and one unit apartment building.

Example of Passive Housing

<https://www.precipitatearch.com/passive-housebuilding>."



[dol7dc0](#)

## Letter of Intent Threshold Development

DocuSign Envelope ID: 0C412534-9BC4-4639-A212-46EAAAC0BD65

The undersigned principals of Threshold Development intend and commit to executing 'Option B', in spirit and detail, should that possibility be written into the neighborhood plan. Basic elevations of Option B, as presented and discussed with the neighborhood, are attached as reference. The relevant details of Option B include:

Scale:

- 3 stories stepping down to two stories.
  - 6-8 ft step back from 3rd to second story.
  - Maximum height of (40' 5" avg. on Dunning, 44' average on Division, 42' 6" average on Linden ).
  - Setback from curbs : 32' back from Division St, 20' back from Linden Ave, and 22' back from Dunning St. This needs to be verified with the site survey, once we get that from JSD, and we also need the City to confirm what Zoning District they will use for this property.
- Density: maximum built square feet of [35,000], number of units not to exceed [32 ].

Traffic/Parking:

- Maintain a parking ratio of one parking spot per bedroom, parked underground.
- Ingress/Egress to underground parking from shared easement with Cornerstone apartments on Atwood Avenue and Dunning Street.
- Commitment to advocate with the City of Madison for improved traffic speed and congestion mitigation measures on the surrounding streets.
- Posting of a no left turn sign on Dunning entrance and will do what we can to ensure traffic doesn't flow back into the neighborhood.

Architecture: maintain a neighborhood appropriate transitional architecture. Use materials and colors that match the rest of the neighborhood. Use color/material scheme that breaks up the building, creating the perception of multiple townhomes.

The spirit of Option B includes:

- A preference for less scale and density over more.
- A preference for more parking rather than less.
- A preference for less building related traffic in neighborhood rather than more.
- A preference for traditional neighborhood appropriate architecture over contemporary styles.

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Tyler Krupp, Principal, Threshold Development Group Date

DocuSign Envelope ID: 0C412534-9BC4-4639-A212-46EAAAC0BD65

12/18/202

### **Opposition to Agenda Item 70655:**

Creating Section 28.022-00560 of the Madison General Ordinances to rezone property located at 2165 Linden Avenue, 15th Aldermanic District, from TR-V1 (Traditional Residential - Varied 1) District to PD(GDP) Planned Development (General Development Plan) and creating Section 28.022-00561 to approve a Specific Implementation Plan.

### **Plan Commission Meeting April 25, 2022**

I am speaking to register my opposition to the 32-unit planned development by Threshold to replace the Zion Church at 2165 Linden Avenue. I live at 249 Dunning Street, across the street from the church and was a member of the core group that met with the developers over the course of several months. While the Krupps and their architect tweaked little details in the design in response to our concerns, they never truly addressed the biggest problems: The scale, massing, and density of the building. At one point, it may have shrunk a bit and allowed for more greenspace in the setbacks and larger stepbacks, but now it has mysteriously grown again with the latest iteration. I've heard them claim in the UDC meetings that it has to be a big box to be passive, but that's simply not true. I've heard them claim that they can't build anything with fewer than 32 units, but that is to make a profit that THEY define as worthy.

About 67 neighbors responded to a survey conducted last summer, and the majority of felt that the density the narrow streets and this residential parcel could handle was 20 units max. Most wanted no more than 15 units. We are aware that the city needs more units, and massive buildings are going up all along East Washington that will be providing hundreds and hundreds of units within just 6 blocks of this parcel. In light of this, it is absurd to think 12 more units – i.e., the difference between the 32 units Krupps claim are necessary, and the 20 units that the neighborhood felt comfortable with - will solve the city's housing "crisis." So if the city does say yes to this, please do not do so because you think that this will make a dent in the studio/1-bedroom housing availability. And these units will be high-rent at that, so they do not align with affordable housing goals.

In the press release entitled "Mayor Announces Housing Forward: An Agenda to Address the Housing Needs of All in a Growing City, April 14, 2021" a plan is laid out to increase the inventory of available housing of all types. One of the stated goals in this document is the following: Invest in homeownership opportunities for people of color with non-profit partners. The ability to do something to increase homeownership and help people start building generational wealth through equity exists here. The parcel at 2165 Linden Avenue is a perfect place for this, as it is already zoned for low-density residential development. I believe the creativity and the tools necessary to do this are there. The city could buy the land and with non-profit partnerships and perhaps even funding from the Krupps, create smaller units and remain within the current zone.

Tyler mentioned to me that there is too little time to do this. However, some time between the first UDC and the second UDC meeting, Threshold was able to suddenly turn on a dime and try

to throw together a passive house plan – which ALSO takes time to do correctly. I've gotten to know Tyler Krupp a bit over this past year and have heard him say that he supports goals of increasing affordable housing options as well as the use of greener technologies in developing land. I have no doubt that his intentions to use green technologies in the future is real. I also know that this will not be the last property that Threshold/Krupps will develop; I'm sure there is another one right around the corner - literally. And around the corner, on a more trafficked corridor is where something this scale and size belongs - not in a TRV-1 zoned residential neighborhood with narrow streets and no room for overflow parking or more traffic. This is NOT the time or place for this sort of development.

I am requesting that the Plan Commission vote to reject the application for this oversized development with an undersized plan for actuating green technologies, and instead use the existing zoning for this parcel for a project that fits more with the neighborhood feel and the city's stated values.

Thank you for reading.

Mary Thompson-Shriver  
249 Dunning Street  
Madison, WI 53704  
608-245-0456

**From:** [michael Miller](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Planning Comm. Agenda Item 2165 Linden Ave. Rezoning  
**Date:** Monday, April 25, 2022 1:02:13 PM

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I am a 20 year resident at 257 Dunning St. which is within 100' of the proposed rezoning of the 2165 Linden Ave. parcel. The quality of life for me and neighbors have declined since the Cornerstone development at the Corner of Dunning and Atwood. Now the City of Madison would again like to provide a variance for the proposed mid-density development next door. It appears the City's development plan has limited value when developers are routinely provided variances. Roadway infrastructure is already overburdened on the eastside. Developers make the case that underground parking is part of such development but since the property owners charge substantially for parking apartment residents use street parking instead creating a parking a challenge in the non-winter months and worse during winter. The residents of the Cornerstone and presumably of the new development next door have no ownership in the neighborhood. They are unhappy with the high cost of apartment rental and rarely stay at the Cornerstone for more than a year, and care little about picking up their dog feces. If you look at the grass along the terrace on the block on which the Cornerstone is located you will note it is all dead in front of the Cornerstone and extends up and down the block given the high density of dogs urinating each day. The Cornerstone owners have replaced much of the grass with mulch since there's so much dog urine grass won't grow. The apartment dwellers spend a few minutes with their pets immediately outside the building entrance, long enough for their dogs to urinate then go back in. The smell of pet waste on a hot summer day is sickening. I personally have lost 2 - 3 hours of afternoon sunlight being in the shadow of the Cornerstone, and there's no long darkness at night given high intensity security lighting, this will only get worse with a similar structure next door. Seems like single-family home owners are not particularly valued by the city.

City of Madison, WI  
Plan Commission  
Agenda Items 10-13  
2165 Linden Street, Madison, WI  
April 25, 2022

Testimony: Paul Lenhart  
President & CEO  
Krupp General Contractors, LLC (Krupp GC)  
16 South Allen Street  
Madison, WI

Comments below in support of Agenda Items 10-13:

1. Threshold Development and Tyler Krupp do not own or have a financial interest in Krupp GC
2. Tyler Krupp (Threshold Development) has actively for about the last 12 months expressed a strong desire for constructing new housing in Dane County, WI with a repeatable model using only green, sustainable and environmentally sensitive building techniques. In this effort he's landed on Passive House as the best means to accomplish this goal
3. Over this time, Krupp GC as a partner with Threshold, has participated in 5 sessions (1.5-2.5 hours long each) with Threshold staff and its Passive House consultant, Precipitate Architecture, Planning & Research, Minneapolis, MN. The purpose of these classes has been for all of us to learn (as a team) how to build sustainable structures according to Passive House guidelines. Four project managers and one assistant project manager from Krupp GC have been involved in these sessions
4. Threshold has stated very clearly that their goal is for all future building to be done sustainably using Passive House guidelines. Despite the fact we have provided our professional feedback and advised them of the negative cost implications they have been steadfast in their determination and commitment to build using the Passive House model
5. Through the years many of our clients have expressed a desire to build sustainably but when they learn of the significantly higher costs most retreat and choose not to spend the money. Threshold has been different and have chosen to forge ahead despite being advised by us throughout this learning process of the higher costs associated with Passive House construction
6. The overwhelming opinion in this matter is that Tyler Krupp feels that building sustainably is a moral imperative



Plan Commission 4/25/2022  
Agenda Item #11  
File #70655

Members of the Plan Commission,

I am asking you to vote against granting a PD re-zone and to not approve the Neighborhood Plan Amendment for the property at 2165 Linden Avenue.

I am opposed to the re-zone from TR-V1 to a PD at 2165 Linden Ave. and the Neighborhood Plan Amendment. I agree with all that my wife, Terry Cohn, wrote in her letter about the specific reasons the proposed development does not fit the standards and purposes of a PD. I wanted to write my own observations about the property at 2165 Linden Ave.

I look at this as a missed opportunity to actually work towards the goals of the City of Madison's Comprehensive Plan.

I have lived in the neighborhood since 1975 and a homeowner at 2135 Linden Avenue since 1978. I have seen a lot of changes from what was considered a sketchy neighborhood to now one of the most desirable.

We know have the opportunity to invest in what would bring more diversity to our neighborhood. While this may not be the purview of the Plan Commission you are to make "recommendations to the Common Council on various plans, including the Comprehensive Plan, neighborhood development plans, and neighborhood, corridor, and special area plans..." To me that means, plan for the big picture of meeting the values of our neighborhood and goals of the city of Madison.

The City of Madison's Comprehensive Plan lists 12 goals. One of the goals for our Neighborhoods and Housing is "Madison will have a full range of quality and affordable housing opportunities throughout the City." page 12

Comprehensive Plan for Generalized Future Land Use:

- "The general density range is intentionally broad for most categories because building form, not density, should be the primary consideration when determining whether a building fits appropriately within a given neighborhood, district, or corridor." **(this proposal does not fit with the surrounding 1 and 2 story residential homes)** page 21
- "Multifamily residential development should contain a mixture of unit sizes, including three bedroom (or larger) units." **(this proposal has the majority studio and 1 bedroom, there are NO 3 bedroom units)** page 24
- "While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale...."**(this building is not transitional and to amend this to MR is not in scale with the surrounding single family homes in a LR neighborhood )** page 24

The neighborhood is NOT against renters, or development on the site. 2165 Linden Ave is already zoned for an increased for 12 -13 units that can be sensitively developed with green space and families. The current proposal of 32 units has little green space and no units conducive to families.

I am very confused by the UDC's decision to recommend the proposal for a PD to the Plan Commission by a 4-2 vote. The UDC spent most of the time talking about the problems with the mass and design of the building. They brought up the questions and concerns that the neighbors had addressed about missing specific plans to meet the certification for Passive House in the design drawings and low-impact storm water management. It seemed like the majority were all set to send this back for a revision. There was a sudden change when the developer said he had already invested in a consultant to learn Passive House, although he believes that he will likely not be able to attain it, and the architect stated if he was asked to reduce the size of the building, he will have to walk away. Abruptly, the UDC gave a positive recommendation for a PD. Are good intentions with no design plan and no commitment to meet the standards and purpose of a PD all that it takes to satisfy an ordinance?

So I challenge all of you to adhere to what the goals of the City Plan recommends and to the intent of a PD and not to a developer who is attempting to use words to imply sustainable building in order to increase density and build a massive incongruous building to achieve a special waiver – a PD re-zone.

The Alders' Neighborhood Plan Amendment neither addresses the goals or vision of a neighborhood plan nor the goals of the City of Madison Comprehensive Plan. It has singled out a single parcel for a particular development to benefit a particular developer and is not transitional to the surrounding houses.

I urge you to not support the PD rezone or Neighborhood Plan Amendment for 2165 Linden Avenue.

Respectfully submitted,  
Michael Johns  
2135 Linden Avenue

**From:** [Ben Nerad](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Foster, Grant](#)  
**Subject:** Comment on Zion Project: 2165 Linden Item 10-13  
**Date:** Sunday, April 24, 2022 1:41:17 PM

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Hello,

I am writing in support of agenda items 10-13, regarding the Zion redevelopment project at 2165 Linden Ave.

I purchased a home in this neighborhood four years ago because I liked the current arrangement of largely single family and duplex properties abutting higher density development along Atwood. However, it's clear that Madison's housing market (and the housing market nationally) is at a crisis point, largely because of a lack of supply of new housing ([citation 1](#), [citation 2](#), [citation 3](#)).

A review of home sales prices and current assessed value near the Zion property shows how the neighborhood has tipped from one that was once affordable to one that no longer is, with increases in home values far outpacing inflation. Many homes around the Zion site were purchased for \$50,000 - \$90,000 in the 1980s and 90s, and would be worth \$130,000 - \$200,000 today had those sales prices simply kept up with inflation.

Instead, those homes today are assessed by the city at \$300,000 - \$500,000. My own house at 209 Division St was sold for \$44,000 in 1986 and would be worth \$115,000 today had the price simply kept up with inflation. Instead, it's currently assessed by the city at nearly \$360,000. This neighborhood is no longer affordable because housing supply has not kept up with demand.

In addition, Madison's apartment vacancy rate continues to be lower than the ideal 5% which better balances tenant and landlord interests ([citation 1](#), [citation 2](#)). As a result, apartments are less affordable city-wide. This project would add to the overall supply of apartments in Madison, which on balance will improve affordability.

This project is not perfect. Personally, I would prefer a mix including owner occupied and affordable units with a slightly reduced massing. However, it's clear that the housing market is at a crisis point, and we need to add more housing units to address it. Because of this need, I support agenda items 10-13 of the April 25th Plan Commission meeting.

Thanks,  
Ben Nerad  
209 Division St., Madison

**From:** [Matt Becker](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Comment on Zion Project: 2165 Linden Item 10-13  
**Date:** Friday, April 22, 2022 3:22:01 PM

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We're writing to express support for the planned development at the Zion church property that sits directly across the street from our home.

We were torn on this decision, and we see both pros and cons. A neighborhood vision for the Zion site was developed last summer that included elements related to parking/traffic, townhouse style design, height of no more than 2 stories with 3rd story stepback, affordable housing, fewer than 20 units, and sustainability features among other elements. In a perfect world, we would prefer a development meeting all these criteria. However, over the past months there have been multiple rounds of negotiation with the builder that we think resulted in significant and meaningful improvements to the original design, such that we feel comfortable with the project.

The future of this site involves a process of negotiation and compromise in which the neighborhood has some voice to influence but not final decision rights. To that end, we want to use our influence to maintain the gains achieved over the past months that align to neighborhood feedback:

1. Traffic impact has been mitigated by routing to Atwood/Dunning and away from the neighborhood
  - Placing the exit/entrance on Division or Dunning would channel greater traffic through the neighborhood. Instead, the builder will put a "no left turn" sign on the Dunning St exit to funnel traffic towards Atwood and encourage use of the direct Atwood exit
  - The builder has promised to lobby with us for ongoing traffic mitigation improvements
2. It's fully parked with underground parking
3. The scale is lessened by setbacks from the curb and a stepback on the 3rd story
4. Townhome entrances provide an opportunity for neighborhood interaction
5. Related to sustainability, the builder intends to pursue "passive house" net zero ready standards. This represents a 'first-of-its-kind' endeavor by a for-profit developer in Madison on a multifamily project and would lead to similar future projects throughout the city. This sustainability aspect of the development is very special and presents a significant opportunity to positively impact the broader community now and in the future.

### **Density/Housing Shortage**

There's a housing shortage in Madison; adding to the housing supply positively impacts that problem. We've reflected on this shortage when considering the new development. We listened to [this podcast](#) that talks about how current residents impact local housing availability. To summarize the most relevant point: A key driver of our current housing shortage is opposition to higher density development from existing neighbors. Nearby opposition to this project exists as well.

Many people in our neighborhood have lived here a long time, buying homes during times of much different economic and housing market conditions. Those of us in that situation are quite lucky, and we've heard many people express concern that they couldn't live in the neighborhood today due to prices or availability. Decreasing available housing units in the neighborhood doesn't help remedy that situation and works to the opposite. Adding density on this site beyond the current zoning offers only minor relief to the broader housing issues, but we are open to doing our part in that.

As we look across the street and see an apartment building in the future, we hope to view that as a group of people who now have the opportunity to join our neighborhood—in the same way that existing neighbors like us have had the privilege to join the neighborhood previously.

### **The Past and The Future**

As mentioned, there have been ongoing discussions with the developer to try and shape the building to the varied preferences and needs of the neighborhood. Different people have very different perspectives about the process and dialogue that occurred between the developer, neighbors, alders, and the neighborhood association. From what we observed, everyone involved was working with good intentions through a very challenging situation. We have appreciated the ongoing, good-faith efforts of all parties—even when we might reach different conclusions on complicated topics.

Although we negotiated improvements, we didn't fully achieve our goal as we didn't reach a consensus around support for the development.

Some hope to see a building (or buildings) that align to the existing lower density zoning specifications with additional features incorporated like affordable housing. Others worry that if this proposal is declined the site will be purchased, held vacant until zoning laws relax, and then something worse developed without the opportunity for the neighborhood to influence. Either could happen. Most of us would likely cheer the first outcome and be very disappointed by the latter.

Those possibilities aside, we have a proposal today that can be evaluated on its own terms. As described above, we feel the proposed building provides many positive features that align to neighbor input, were achieved as a result of mutual compromise, and work in service of the greater community. Therefore, we offer our support.

Matt and Erica Becker  
246 Division St  
Madison, WI 53704

**From:** [RITA HOCKERS](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Zion Development Legistar File #69937 and 70655  
**Date:** Friday, April 22, 2022 3:47:22 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commissioners:

We are writing this letter to inform you that we oppose amending the Schenk-Atwood-Starkweather -Worthington Park Neighborhood Plan to add a land use recommendation. We do not approve of this redevelopment to be “medium residential” nor do we approve of rezoning this property located at 2165 Linden Ave. to a PD. We do not think either of these should be approved because they do not fit the needs of the neighborhood. This neighborhood needs more affordable, owner-occupied housing which gives people the means to build equity. It does need another large developer building high-end apartments that are mostly studios and one bedrooms and making a huge profit. This proposed development does not fit the surrounding neighborhood, nor does the scale of this building transition from apartments on the commercial street of Atwood to the small homes on Division, Linden and Dunning Streets. The addition of 32 units will increase traffic and parking congestion. The parking in our neighborhood is already problematic since the building of the Cornerstone building. We can no longer have guests or parties at our house because there is no place to park for several blocks. When there are shows at the Barrymore, it is even worse. I know the Krupp proposal has underground parking, but this will not meet the needs of the tenant's guests. This proposed development increases the density 3100% in one, ugly massive building that does not fit in with the architecture of the neighborhood. This proposed development requires an amendment to the Neighborhood Plan which the neighborhood had no input.

We were part of the core group of neighbors who met with the developers over a 10 month period. We can tell you that there was not a consensus to approve this building. That is a misrepresentation of what happened. There was a split vote in this core group. The majority of the neighbors were not in this group and were quite upset that the Alders gave their approval without seeking neighborhood input. Grant Foster was invited several times to these core group meetings with the developers, but never attended. When Grant became the new alder to this neighborhood, he okayed this development without meeting with any of the neighbors. How is that representation of the people? The majority of the neighbors are not in favor of this development being allowed, Many have not spoken up because they think that the city is so hungry for development that it will listen to the developers and not the residents. Many have said that this is a “done deal” and that you won’t listen to the needs of the neighborhood. We hope you can prove them wrong, Most of the neighbors are not opposed to rezoning but are opposed to rezoning to allow something of this size and mass on our small streets.

We are in favor of the large apartment buildings on Winnebago St., Atwood Ave and Washington Ave .because we know there is a shortage of housing, but we are not in favor of large apartment complexes in the residential neighborhoods that are off the main corridors. We also do not believe that this development meets the purpose of a PD. It is being touted as a “passive house”, but that was only added in by the developers later in the process to get this special zoning. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain.

Please listen to the people, not just the developers.

Sincerely,

Rita Hockers  
Harold Rottier  
237 Division St

**Is a Traditional Shopping Street Building Suitable For This Location?**

The applicant is requesting PD zoning. But, when constructed, the building would essentially be a TSS building on a residential neighborhood street - except for the official zoning category. It would be a TSS building in terms of building form. It would be a TSS building in terms of uses (actually, it would get more uses than a TSS zoned building since the applicant's Zoning Text includes all TSS conditional uses). If Plan Commission would not recommend rezoning to TSS on this parcel, then rezoning to PD should not be recommended.

***Building Form***



1121 S Park, TSS



2165 Linden, Proposed PD

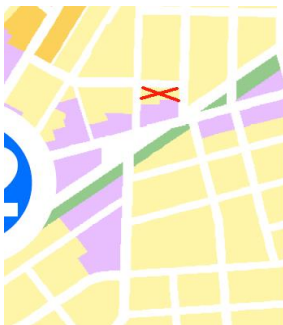


The proposed Linden PD building is comparable to the S Park TSS building.

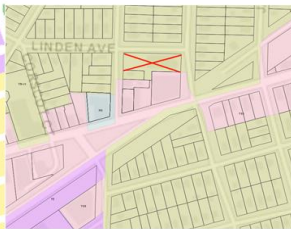
- The height is comparable: 38' for Linden, 40' for S Park
- The length is comparable: 204' for Linden, 230' for S Park (or 13% longer than Linden)
- Setbacks are comparable: The setback from the property line along Linden is 7.58'. S Park has an 8' setback. The S Park setback is for the full length of the building. The Linden setback is only 2' for 104' of the length of the building (where the front porches encroach into the setback).
- Usable open space is comparable: Both have about  $\frac{2}{3}$  of the usable open space in balconies, both have landscaping covering much of what is claimed to be ground level usable open space.
- Lot size: Linden is .47 acres, S Park is .64 acres. (About 80% of the increased S Park lot size is devoted to a surface parking lot.)

What is different is location:

- Linden is a 24 foot-wide Functional Class 5 street, S Park is a 90-foot wide Functional Class 2 street.
- The height of the Linden PD would be directly across from 7 TR-V1 properties, and abut 1 TR-V1 property; the height of S Park is directly across from 1 TR-C2 property and abuts one 1 TR-C2 property (the height of the building is 60-70 feet from the abutting property).



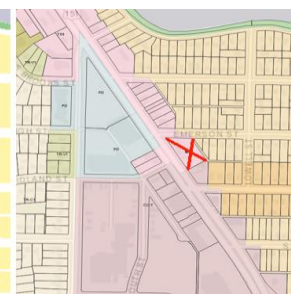
GFLU 2165 Linden



Zoning map 2165 Linden



GFLU 1121 S Park



Zoning map 1121 S Park

What does differ is the façade.

- For S Park the staff report said: "The building's long, roughly 230-foot-long S Park Street façade actually appears like two separate but abutting buildings due to a two different yet complimentary material palettes being used for the northern and southern halves."
- The UDC staff report on Linden said: "Staff does not object to the simplification of materials and design details, but requests that the UDC provides comments on how the resulting changes contribute to breaking down the scale of the 204-long foot building and



commenting on the appropriateness of the material changes which appear to be occurring in the same plane.”

### ***Uses***

The applicant’s Zoning Text proposes the following permitted uses:

- uses that are TSS permitted uses;
- uses that are TSS conditional uses;
- uses that are accessory to TSS permitted uses; and,
- uses that are accessory to conditional TSS uses.

In addition, the applicant proposes being governed by the MGO signage requirements applicable to the TSS district.

The staff report mentions that a commercial zoning such as NMX “would introduce commercial uses to the residential portion of the block and neighborhood.” Those commercial uses are already being introduced by the Zoning Text.

Under the Zoning Text, the applicant, or some future owner, could decide that turning the residential building into a hotel would be more profitable – and the owner could do so since the Zoning Text allows for all TSS conditional uses. Or have a restaurant. Or run a daytime shelter or mission house. Or have an outdoor cooking operation. And the list goes on, since TSS has many permitted and conditional uses that are not allowed for residentially zoned properties. ***At a minimum, the Zoning Text should be changed to allow uses permitted for TR-U1, and uses accessory to those permitted TR-U1 uses.***

### **Requirements for a zoning map amendment to PD**

***MGO 29.098(2)(a):*** “The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development.”

The applicant has not demonstrated this. For example, this building could be built as a TSS building with only two conditional use approvals required: (1) multi-family 25+ units; and, (2) waiver of the side yard height transition to residential districts requirement (this is not met where 2165 Linen abuts 253 Division Street).

The staff report notes that conventional districts (TR-U1, TR-U2, NMX) “could arguably allow for buildings of a similar use and size, districts allowing this density would also likely allow for greater density and height than what is allowed in the current plans or proposed amendment.”

TR-U1 would not allow for greater density because of the lot size requirement – the lot could only support 27 units, for a density of 58 units/acre. Although a TR-U1 building could go to 5 stories, this would not happen unless the applicant wanted to have a building entirely composed of 2 and/or 3 bedroom apartments. With 27 units, a TR-U1 building would provide “a substantially similar pattern of development.”

***MGO 29.098(2)(a):*** “Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above.”

The applicant claims to meet the objective stated in MGO 28.098(1)(a): Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

The applicant's commitment to this objective is tentative, using phrases in the Letter of Intent such as "aims to achieve" and "committed to pursuing" and "would be the first attempt." At UDC, the applicant made comments that indicate passive house certification of the constructed building has a high chance of *not* happening.

- "... that tentative commitment is actually what I think is the responsible way to do this. We speak to passive house consultants, and someone like Tim McDonald who has done like 30 of these, and they'll tell you that on the first project the goal is to attain passive house certification, whether you actually get it certified or not, don't let that be an obstacle to getting this project done." (minute 2:33:11 of the 4.13.22 UDC meeting recording)
- "It is not an easy standard to obtain and it's an all or nothing standard. The idea that we could only pursue this if we knew ahead of time that we could get passive house certification, I don't think we would ever commit to that, Tim McDonald wouldn't recommend that we commit to it, our consultants wouldn't recommend it – the level of craft and detail that this community in Madison needs to learn is - we're just not there." (minute 2:33:55 of the 4.13.22 UDC meeting recording)

I don't think anyone was asking them to commit to actually obtaining certification of the finished building. ***But what the applicant can do is obtain design certification of the plans.*** Phius, Passive House Institute US, provides a design certification of the plans before construction begins, and then, after construction is complete, provides final certification. If the applicant obtained the design certification, then Plan Commission would be assured that at least some sustainable building features will be implemented (but likely not all, since the applicant says the local skill is not there yet).

Design Certification of the plans by Phius should be a condition of Plan Commission approval. Alternatively, the applicant could be required to provide a list of sustainability measures which would be implemented whether or not passive house certification is pursued. To date, the only sustainability features that the applicant has committed to providing are:

- A rain garden of about 70-100 square feet. Sheet No. C5.0 of the plans shows the depth of this rain garden as 1 foot and it connects to a storm sewer inlet. Thus, this rain garden appears to be a filtration garden, a type of garden that generally does not significantly reduce stormwater volumes.
- A "green roof system." The 10 green roof segments cover about 1,500 square feet, or about 10% of the entire roof. There is no mention of what this green roof system will consist of – will it be a true green roof, or some trays placed on the roof, or planters? These green roof pockets are not accessible except through tenant apartments. Is there enough soil depth to sustain the plantings, or, if a tenant neglects to water, will the green roof wither away?
- Compliance with the City's stormwater standards. This has no meaning since the applicant is already required to comply with those standards.

- Perhaps some solar panels. No solar panels are shown on the plans, but the renderings on the final two pages of the applicant's submission reflect what appear to be solar panels.

Rain gardens and green roofs are fairly common stormwater management techniques. But are just these two sustainability commitments enough to justify meeting the PD objective of sustainable development? In addition, no information has been provided on what green building technologies will be used.

**MGO 29.098(2)(b):** The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

If a neighborhood plan amendment is not approved, this standard cannot be met. The GFLU map has this area as Low Residential. The Comprehensive Plan says: "Smaller two-, three-, and four-unit apartment buildings and row houses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and when constructed to fit within the general "house- like" context LR areas."

**MGO 29.098(2)(e):** The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

The PD plan is not compatible with surrounding land uses and does not create an environment of sustained aesthetic desirability compatible with the existing character of the area.

- 76% of the parcels surrounding this site are Low Residential, zoned TR-V1, with the primarily building form being a single-family home of 1 story with a partial second story tucked under the roof rafters. Even if one can accept the argument that the building reads like a series of 2-story connected row houses, those row houses have a general boxy dimension of 30' in width and 32' in height (the end boxes are about 36' in width). All those row houses have a flat roof, in contrast with all neighboring properties except for the 4-story building on Atwood.
- The 4-story building on Atwood is the only compatible land use, and that parcel only accounts for 19% of the property lines surrounding 2165 Linden. (For those doing the math, the other 5% around the property lines is the garage entry/parking for 257 Division and a 15' driveway easement.)
- The PD would only have a 2' setback from the property line along Linden for about half of the building's length due to the porches. A 2' setback is common in mixed-use districts, but not on residential streets.
- Overall height varies from 40' to 44', east to west, including the parapet, or at least 25% taller than the roof peaks of neighboring homes.

This PD would be a 204' long building with no articulation. Per the applicant, this has to do with getting Phius certification. But if Phius certification is unlikely, should the Plan Commission permit a 204' long building with absolutely no articulation? As noted in the staff report, the UDC's "approval recommendation is primarily anchored by the proposed achievements for the sustainability features" and "the UDC acknowledges concerns regarding the lack of

modulation/articulation and wanting more dynamism, but believes that bigger priorities, including sustainability should be considered."

Further, Phius passive house certification is not dependent upon a building having no articulation/modulation. The applicant, per the Letter of Intent, has hired Precipitate Architecture to train their entire team. Precipitate has a webpage that highlights projects, one of which is an 82-unit multi-family building in St. Paul. This multi-family building has articulation/modulation. The plans for this multi-family building received Phius design certification.



<https://www.precipitatearch.com/west-side-flats>

## **Conclusion**

The proposed PD is a building that does not fit the neighborhood, but which the UDC decided was acceptable because of sustainability. However, the sustainability factors to which the applicant commits are only those often used in newer developments – a rain garden and some sort of undefined roof greenery. Other factors which may be required for passive house certification are not discussed and no commitment is made to implement any of those factors.

Recommended Conditions of Approval #1 states that the PD cannot be recorded or building permits issued until the UDC "determines that the standards for Planned Development design objectives listed in Sections 28.098(1) and (2) and other requirements of the Sections 28.098(1) and (2) have been met." Making that determination is the duty of the Plan Commission. The UDC "*shall make a recommendation to the Plan Commission* with specific findings ..." (MGO 28.098(5)(c)1., emphasis added)

If approved, I urge the Plan Commission to add a condition that the project is required to obtain Phius design certification (of the plans), and to construct the building in accordance with those plans. Final passive house certification may or may not be achieved, but at least some sustainable building features will become part of the building. Without that condition, since the plans do not provide for sustainable building features, objective (a) cannot be met.

In addition, I urge the Plan Commission to change the Zoning Text to TR-U1 permitted uses and TR-U1 uses accessory to those permitted uses.

Respectfully Submitted,  
Linda Lehnertz

**From:** [RITA HOCKERS](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Zion Development Legistar File #69937 and 70655  
**Date:** Friday, April 22, 2022 3:47:22 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Commissioners:

We are writing this letter to inform you that we oppose amending the Schenk-Atwood-Starkweather -Worthington Park Neighborhood Plan to add a land use recommendation. We do not approve of this redevelopment to be “medium residential” nor do we approve of rezoning this property located at 2165 Linden Ave. to a PD. We do not think either of these should be approved because they do not fit the needs of the neighborhood. This neighborhood needs more affordable, owner-occupied housing which gives people the means to build equity. It does need another large developer building high-end apartments that are mostly studios and one bedrooms and making a huge profit. This proposed development does not fit the surrounding neighborhood, nor does the scale of this building transition from apartments on the commercial street of Atwood to the small homes on Division, Linden and Dunning Streets. The addition of 32 units will increase traffic and parking congestion. The parking in our neighborhood is already problematic since the building of the Cornerstone building. We can no longer have guests or parties at our house because there is no place to park for several blocks. When there are shows at the Barrymore, it is even worse. I know the Krupp proposal has underground parking, but this will not meet the needs of the tenant's guests. This proposed development increases the density 3100% in one, ugly massive building that does not fit in with the architecture of the neighborhood. This proposed development requires an amendment to the Neighborhood Plan which the neighborhood had no input.

We were part of the core group of neighbors who met with the developers over a 10 month period. We can tell you that there was not a consensus to approve this building. That is a misrepresentation of what happened. There was a split vote in this core group. The majority of the neighbors were not in this group and were quite upset that the Alders gave their approval without seeking neighborhood input. Grant Foster was invited several times to these core group meetings with the developers, but never attended. When Grant became the new alder to this neighborhood, he okayed this development without meeting with any of the neighbors. How is that representation of the people? The majority of the neighbors are not in favor of this development being allowed, Many have not spoken up because they think that the city is so hungry for development that it will listen to the developers and not the residents. Many have said that this is a “done deal” and that you won’t listen to the needs of the neighborhood. We hope you can prove them wrong, Most of the neighbors are not opposed to rezoning but are opposed to rezoning to allow something of this size and mass on our small streets.

We are in favor of the large apartment buildings on Winnebago St., Atwood Ave and Washington Ave .because we know there is a shortage of housing, but we are not in favor of large apartment complexes in the residential neighborhoods that are off the main corridors. We also do not believe that this development meets the purpose of a PD. It is being touted as a “passive house”, but that was only added in by the developers later in the process to get this special zoning. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain.

Please listen to the people, not just the developers.

Sincerely,

Rita Hockers  
Harold Rottier  
237 Division St

**From:** [Matt Becker](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Comment on Zion Project: 2165 Linden Item 10-13  
**Date:** Friday, April 22, 2022 3:22:01 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

We're writing to express support for the planned development at the Zion church property that sits directly across the street from our home.

We were torn on this decision, and we see both pros and cons. A neighborhood vision for the Zion site was developed last summer that included elements related to parking/traffic, townhouse style design, height of no more than 2 stories with 3rd story stepback, affordable housing, fewer than 20 units, and sustainability features among other elements. In a perfect world, we would prefer a development meeting all these criteria. However, over the past months there have been multiple rounds of negotiation with the builder that we think resulted in significant and meaningful improvements to the original design, such that we feel comfortable with the project.

The future of this site involves a process of negotiation and compromise in which the neighborhood has some voice to influence but not final decision rights. To that end, we want to use our influence to maintain the gains achieved over the past months that align to neighborhood feedback:

1. Traffic impact has been mitigated by routing to Atwood/Dunning and away from the neighborhood
  - Placing the exit/entrance on Division or Dunning would channel greater traffic through the neighborhood. Instead, the builder will put a "no left turn" sign on the Dunning St exit to funnel traffic towards Atwood and encourage use of the direct Atwood exit
  - The builder has promised to lobby with us for ongoing traffic mitigation improvements
2. It's fully parked with underground parking
3. The scale is lessened by setbacks from the curb and a stepback on the 3rd story
4. Townhome entrances provide an opportunity for neighborhood interaction
5. Related to sustainability, the builder intends to pursue "passive house" net zero ready standards. This represents a 'first-of-its-kind' endeavor by a for-profit developer in Madison on a multifamily project and would lead to similar future projects throughout the city. This sustainability aspect of the development is very special and presents a significant opportunity to positively impact the broader community now and in the future.

### **Density/Housing Shortage**

There's a housing shortage in Madison; adding to the housing supply positively impacts that problem. We've reflected on this shortage when considering the new development. We listened to [this podcast](#) that talks about how current residents impact local housing availability. To summarize the most relevant point: A key driver of our current housing shortage is opposition to higher density development from existing neighbors. Nearby opposition to this project exists as well.

Many people in our neighborhood have lived here a long time, buying homes during times of much different economic and housing market conditions. Those of us in that situation are quite lucky, and we've heard many people express concern that they couldn't live in the neighborhood today due to prices or availability. Decreasing available housing units in the neighborhood doesn't help remedy that situation and works to the opposite. Adding density on this site beyond the current zoning offers only minor relief to the broader housing issues, but we are open to doing our part in that.

As we look across the street and see an apartment building in the future, we hope to view that as a group of people who now have the opportunity to join our neighborhood—in the same way that existing neighbors like us have had the privilege to join the neighborhood previously.

### **The Past and The Future**

As mentioned, there have been ongoing discussions with the developer to try and shape the building to the varied preferences and needs of the neighborhood. Different people have very different perspectives about the process and dialogue that occurred between the developer, neighbors, alders, and the neighborhood association. From what we observed, everyone involved was working with good intentions through a very challenging situation. We have appreciated the ongoing, good-faith efforts of all parties—even when we might reach different conclusions on complicated topics.

Although we negotiated improvements, we didn't fully achieve our goal as we didn't reach a consensus around support for the development.

Some hope to see a building (or buildings) that align to the existing lower density zoning specifications with additional features incorporated like affordable housing. Others worry that if this proposal is declined the site will be purchased, held vacant until zoning laws relax, and then something worse developed without the opportunity for the neighborhood to influence. Either could happen. Most of us would likely cheer the first outcome and be very disappointed by the latter.

Those possibilities aside, we have a proposal today that can be evaluated on its own terms. As described above, we feel the proposed building provides many positive features that align to neighbor input, were achieved as a result of mutual compromise, and work in service of the greater community. Therefore, we offer our support.

Matt and Erica Becker  
246 Division St  
Madison, WI 53704

To: Plan Commission

Date: April 21, 2022

RE: Zion Redevelopment - 2165 Linden Ave  
Legistar File 70655 - Agenda Item #11

We oppose the rezoning of the Zion site from TR-VI to PD and oppose the development proposal for the site in its present form.

### Zoning

PD zoning is supposed to be rarely used, and must meet certain standards of approval.

The applicant has not demonstrated that no other base zoning district can be used for a similar development.

The applicant has not demonstrated that it will be **able to achieve** the standards upon which it is basing its request for PD zoning – MGO 28.098(1)(a):

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

There are scant details provided in the application on how this will be achieved. This may be because it was not part of the proposal in the initial application submitted in January and only came up while the first UDC meeting was in progress. The developer's sudden shift during the first UDC meeting to a "passive house" commitment was surprising. We were told in no uncertain terms during our neighborhood meetings that the economics of this proposed development would not allow for building a multi-family passive house certified project.

Unfortunately, the UDC Report from the 4/13/2022 UDC meeting is not available for public review. However, as commenting participants we heard the developer admit there was no certainty they could meet the requirements of MGO 28.098(1)(a). Nevertheless, the UDC granted initial approval even though they were cautioned by the Chair about approving a project on things that a developer may or may not be able to achieve.

The application was moved forward to the Plan Commission on the basis of "allowing concessions" because the city needs more density and in the interest of supporting sustainability goals that may or not be achieved. Regardless of how admirable one may find a developer's intentions, PD zoning should not be granted on that basis. Coded law cannot be ignored in favor of high hopes.

### Development Plan

The proposed development is not in keeping with the stated goals of the Comprehensive Plan<sup>1</sup> to *"ensure that redevelopment is well-integrated into adjacent low density residential areas."*

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<sup>1</sup> 2021 Progress Update City of Madison Comprehensive Plan



- The proposed development is not transitional to the neighboring properties with the exception of the Cornerstone apartments on Atwood Avenue. Cornerstone represents about 15% of the lot lines around Zion (99 of 640 feet). The proposed development is not transitional to 85% of the surrounding properties.
- There is nothing that puts this design in context to the neighborhood. It is massive in nature and now that the southside step-back has been eliminated, it will loom even larger over its residential neighbors on its southwest side. The LOI alludes to being transitional to the homes to the north while ignoring the properties to the south (other than Cornerstone), east and west. It is not anything close to being transitional to the neighboring homes in any direction and does not resemble townhomes built next to each other. The aspect ratios of the renderings always appear to be skewed to present a lower profile than what the profiles actually are.
- Except for the Cornerstone, which is designated Neighborhood Mixed Use in the Comprehensive Plan, all of the surrounding properties are designated Low Residential. The applicant relies on a Neighborhood Plan Amendment to receive zoning approval. That amendment bypasses what might be an appropriate transition (Low-Medium Residential) and jumps to the next classification, Medium Residential. Again, not transitional and solely to accommodate the proposed development.



Although it may have no bearing on the Plan Commission's determination on zoning or approval of the development, we are compelled to comment on the involvement of the neighborhood and in particular,

the immediate neighbors. As part of the group of immediate neighbors involved in discussions, we take exception to the applicant's representations. In the first Letter of Intent, it was stated: "The project evolved through these discussions and the final resulting design was based on a joint consensus reached with all parties." The current LOI states: "The project evolved through these discussions and the final resulting design was based on an iterative process arrived at through collaboration with all parties." That is some fancy verbiage but the Commission should know that there was no consensus, and no substantive compromise. It is simply disingenuous to continue to publicly claim that there was.

While close by, Dunning St, Linden Ave and Division St are not Atwood Avenue – they are residential streets lined with traditional residential dwellings. In scale and density, the proposed development is not transitional to the neighborhood.

This area already has parking and traffic concerns that will only be made worse by the addition of 32 apartment units, doubling the number of apartments already on this square block. It is too much density for this residential neighborhood to absorb. If the city's interest includes the quality of the entire neighborhood, the Zion parcel should be utilized for compatible residential development under the existing TR-VI zoning.

We are asking the city to work to pursue a reasonable development in truly transitional scale to the neighboring homes that surround the bulk of this parcel. The Commission can recognize the need for development of this parcel while at the same time preserving the character of the neighborhood into which it will be received.

We appeal to you today to reject the rezoning request and plan application needed to build the proposed development. Thank you for your consideration.

Respectfully,

Bruce and Barbara Becker  
253 Dunning Street

TO: Plan Commission

DATE: April 21, 2022

RE: Proposed Zion Redevelopment and Rezoning – File # 70655  
4/25/2022 Agenda Item #11

One or more of the objectives listed in MGO 28.098(1) must be met to zone a parcel Planned Development. Only objective (a) was cited in the application for rezoning the Zion property:

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

The application letter of intent states “... We are committed to pursuing passive house net-zero ready standards of construction and building performance on this project...”

“Green building technologies” is not an arbitrary term or concept. It was coined by the U.S. Green Building Council (USGBC) which established a set of rating systems for design, construction, operation, energy efficiency, sustainability, and maintenance under Leadership in Energy and Environmental Design (LEED).

The goals and principles of green building technology include:

- 1 Life cycle assessment
- 2 Siting and structure design efficiency
- 3 Energy efficiency
- 4 Water efficiency
- 5 Materials efficiency
- 6 Indoor environmental quality enhancement
- 7 Operations and maintenance optimization
- 8 Waste reduction
- 9 Reducing impact onto electricity networks

Passive design strategies are based on four basic principles:

- 1 Climate analysis and comfort
- 2 Passive heating
- 3 Passive cooling
- 4 Daylighting

While addressing aspects of energy efficiency and climate control, passive design touches only on limited elements of green building technologies. Green building technology and passive design are not the same, nor are the sets of principles interchangeable.

The applicant’s commitment “...to *pursue* passive house net zero standards...” doesn’t satisfy objective (a). There must be a commitment to promote green building technologies, not a statement that something else might be pursued. Either the building is green or it is not green. For builders to cherry pick which of the goals of green building technology they may want to pursue so they can circumvent City statutes does not meet with the intent of the coded law.

Bruce Becker  
253 Dunning Street

**From:** [Firchow, Kevin](#)  
**To:** [Cleveland, Julie](#)  
**Cc:** [Punt, Colin](#)  
**Subject:** FW: April 25 Plan Commission meeting - public comment  
**Date:** Friday, April 22, 2022 2:18:04 PM

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Please add to Legistar. Thanks.

**From:** Catherine Stephens <cstephenshome@gmail.com>  
**Sent:** Friday, April 22, 2022 2:17 PM  
**To:** Punt, Colin <CPunt@cityofmadison.com>; Firchow, Kevin <KFirchow@cityofmadison.com>  
**Cc:** Foster, Grant <district15@cityofmadison.com>; Benford, Brian <district6@cityofmadison.com>  
**Subject:** April 25 Plan Commission meeting - public comment

Caution: This email was sent from an external source. Avoid unknown links and attachments.

RE: 2165 Linden Avenue

Dear Plan Commission,

I am writing to ask for your No vote and reject "spot zoning" to allow for a proposed 32 unit development at 2165 Linden Avenue, a site surrounded by 3 residential streets.

Reasons include:

- \* No affordable housing to help address the shortage.
- \* No opportunities for owner-occupied housing or condo units.
- \* A scale which does not fit the surrounding neighborhood nor transition from commercial Atwood Ave to residential Dunning, Linden and Division.
- \* Adding 32 units to increase traffic and parking congestion.
- \* No units for families; mostly studio and 1 bedroom apartments.
- \* Increasing density on that block by 3100% in just one massive building.
- \* Requires a zoning change which 67% of the polled neighbors oppose.
- \* Requires an amendment to the Neighborhood plan which the neighborhood had no input on.
- \* Sets a precedent for similar developments and higher density in traditional residential neighborhoods throughout the city.

Thank you,  
Catherine Stephens

cc: Alder Foster and Alder Benford

Plan Commission Meeting of April 25, 2022  
Agenda #11,  
Legistar 70655

Dear Members of the Plan Commission,

I am writing in opposition to the change from TR-V1 to a PD for the development proposed by Threshold in their Land Use Application.

The problems that are stated in this letter were echoed by the UDC at their meeting April 13<sup>th</sup> in regards to not meeting the purpose of a PD 28.098(1) or meeting objective 28.098(2)(a) for the Standards of approval for a zoning map amendment.

**As stated in ordinance 28.098 for a Planned Development District**

**28.098(1) Statement of Purpose**

**The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.... Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed.**

This is a typical zoning compliant lot that could be sensitively developed under its current zoning, with increased housing density. The applicant has not shown that any other base zoning cannot be used to achieve their development.

**28.098 (2) Standards for approval of a Zoning Map Amendment**

**The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:**

**Site conditions such as steep topography or other unusual physical features; or**

**Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.**

This is not a unique lot with any unusual features listed as conditions in 28.098 (2). It is a church lot that resides in a residential area. That is a typical situation as is true for churches throughout the city of Madison.

**28.098 (2) (a)**

The proposal has now expanded to meet the first objective of a PD

**To allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives:**

(a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

One would expect at the time of submittal to see the detailed plans to meet the criteria of green technology and low storm water management in order to be granted a rezoned to a PD. That is not the case with this proposal – only good intentions with no commitment. I have listed below specifics that are lacking under the categories of green technology and low impact storm water management

When faced with these questions and concerns by the UDC commissioners, the architect threatened to walk away from the project if he were required to do much more.

**Green technology:**

*“We are committed to pursuing passive house net zero ready standards on this project for its own sake, but also as a step towards making passive house construction our baseline for all future projects. We have hired Precipitate passive house consulting to train our entire team, including the contractor and architect for this project, and to expand our capacities for future passive house projects in Madison.”* Page 3 of LOI

The proposal uses “passive house” to equate to green building technologies in order to fulfill objective **28.098(2)(a)**. They are intending to be trained in passive house construction with no obligation to actually commit to certification.

According to the [www.phius.org](http://www.phius.org) site **“Passive house and its established set of principles represent the underlying theory, while passive building is the act of implementing that theory”** There is no mention on the PHIUS website that this is nearly impossible to achieve if done with the proper materials especially when starting with a new building. Successful Passive House has been achieved retrofitting already existing homes. This has been claimed by the developer numerous times.

The Land Use Application has changed the design to a more monolithic shape claiming, according to the developer, the new design is necessary to achieve passive house.

According to the [www.phius.org](http://www.phius.org) site **“Although many early passive homes used an austere European style, passive design does not dictate aesthetics. Phius has certified projects in dozens of styles ranging from Cape Cods to traditional Four Squares, contemporary multifamily projects, and more.”**

Examples are available on the [www.phius.org](http://www.phius.org) site of CERTIFIED houses and buildings with peaked roofs, porches, and articulations.

The LOI states net zero energy from the standpoint of passive house

*“When combined with renewable Photo Voltaic (PV) energy, passive house buildings can attain net-zero energy use”* Page 3 of LOI

While the renderings show what look like solar collectors on the roof, there is no documentation and is lacking specifics on the number that will be on the roof, the HVAC system, and how much energy they will actually collect.

*“We are committed to pursuing passive house net zero ready standards on this project for its own sake, but also as a step towards making passive house construction our baseline for all future projects”* Page 3 of LOI

To pursue is not the same as implementation and is an easy way to not follow-through.

**28.098 (2) (a) Low impact storm water management**

The proposal and drawings claim that a green roof and rain garden will accomplish low impact storm water management, but are lacking in all details. Page 46 of Land Use Application:

SITE INFORMATION BLOCK	
SITE ADDRESS	2165 LINDEN AVENUE
PROPERTY ACREAGE	0.47 ACRES
NUMBER OF BUILDING STORIES	3
TOTAL BUILDING SQUARE FOOTAGE	12,796
GROSS BUILDING SQUARE FOOTAGE	45,506
NUMBER OF UNDERGROUND PARKING STALLS	32 (42 VEHICLES)
NUMBER OF INTERIOR BICYCLE STALLS:	32
NUMBER OF EXTERIOR BICYCLE STALLS:	4
EXISTING VS. PROPOSED SITE COVERAGE	
EXISTING IMPERVIOUS SURFACE AREA	17,328 SF
EXISTING PERVIOUS SURFACE AREA	3,269 SF
EXISTING IMPERVIOUS SURFACE AREA RATIO	0.84
PROPOSED IMPERVIOUS SURFACE AREA	16,796 SF
PROPOSED PERVIOUS SURFACE AREA	3,801 SF
PROPOSED IMPERVIOUS SURFACE AREA RATIO	0.82

The impervious surface area is listed as 16,796 SF. The size of the rain garden is 70 SF. It has a storm water drain in the bottom hooked up to traditional storm water pipes.

"Rain gardens are generally 5-10% the size of the impervious surface generating the runoff entering the garden."

[https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs142p2\\_008528](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs142p2_008528)

The green roof is a narrow strip with no description of what it will consist of, or how it will be watered and cared for. Is this the responsibility of the tenants or will someone need to enter tenants' private units to access it?

There is no documentation as to how much rainfall is expected to be absorbed to prevent runoff.

Actual rainfall and runoff are not calculated to substantiate the rain garden and green roof will accomplish low impact storm water management.

There is just traditional storm water management.

Standards for Approval of a PD

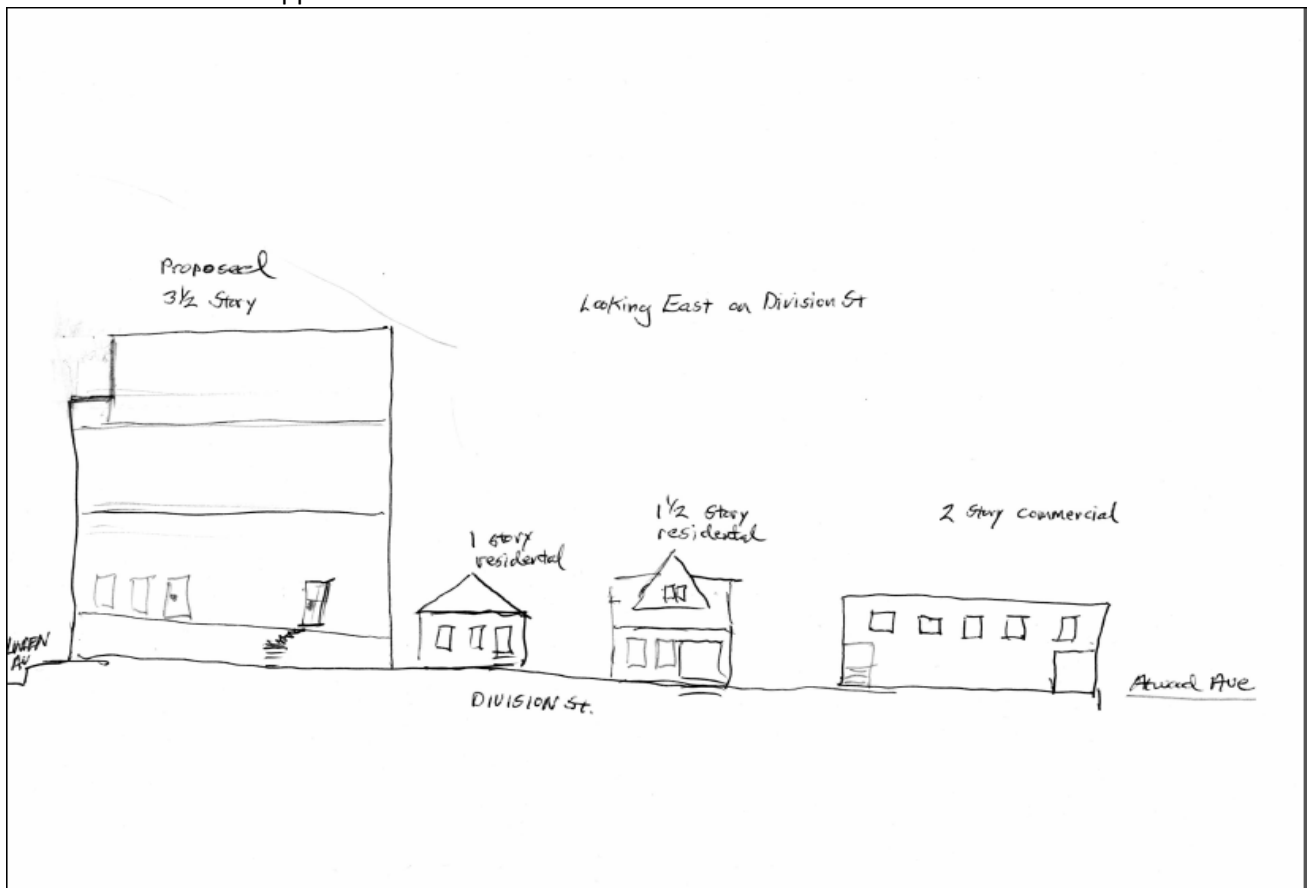
(e)The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

*D. Maximum Building Height: Heights shall be as indicated on the adopted plans and shall be no higher than 3 stories. Page 34 of Land Use Application*

This is not a level lot and slopes down towards Division Street. The building of 3 stories on the Division Street side is actually higher than "3 stories" relative to the other houses on Division St. There is a wall and 2 sets of stairs to enter the units on Division Street to adjust for the slope, thus making it actually higher from the street level than Dunning Street. The renderings fail to show a view from that perspective. The small one story house in the rendering is a white structure suggesting a garage or storage shed. It is therefore NOT compatible, nor transitional with the surrounding area. The only mention of transition is on the southwest side with the Cornerstone Building.

The renderings are deceptive. There is no longer a stepback for the third floor on the south side of the building. This actually creates a taller building on that side therefore even less of a transition.

There is no rendering of the residences of Division Street from Atwood Ave going north to Linden Ave. in the Land Use Application.



View of Division Street from Atwood Ave. to Linden Ave. walking north from Atwood Ave.  
(2 story commercial building, 1 ½ story residential, 1 story residential, proposed 3 ½ story building)



**(f)The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.**

There is little or no green space for tenants to gather. Most of the “green space” is only plantings along the periphery of the building.

This proposal lists surface and balcony square footage in their open space calculation. These totals are not aligned with the surrounding neighborhood, and seem to be inconsistent with the requirements for open space in new buildings in the current TR-V1 district. Existing zoning for multi-family units requires 160 sq ft of usable open space for 1 bedroom units and 320 sq ft for 2+ bedroom units.

In summary, this project does not meet the fundamental purpose and standards for a PD. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain. This proposal is neither harmonious with nor complementary to the visual standards of the adjacent residential neighborhood and it is therefore a flawed **and noncompliant** application.

Respectfully submitted,  
Terry Cohn  
2135 Linden Ave.

**From:** [Terry Cohn](#)  
**To:** [Plan Commission Comments](#); [tony.fernandez5@gmail.com](mailto:tony.fernandez5@gmail.com); [bacantrell@charter.net](mailto:bacantrell@charter.net); [Albouras, Christian](#); [jshagenow@yahoo.com](mailto:jshagenow@yahoo.com); [klanespencer@uwalumni.com](mailto:klanespencer@uwalumni.com); [ledell.zellers@gmail.com](mailto:ledell.zellers@gmail.com); [Lemmer, Lindsay](#); [mcsheppard@madisoncollege.edu](mailto:mcsheppard@madisoncollege.edu); [nicole.solheim@gmail.com](mailto:nicole.solheim@gmail.com); [Heck, Patrick](#)  
**Subject:** Agenda Item #11 Item 70655  
**Date:** Thursday, April 21, 2022 8:18:27 PM  
**Attachments:** [PC\\_042522\\_neighbors.docx](#)

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Plan Commission,

I am submitting the attached letter on behalf of 25 people - 15 households who oppose the rezone from TR-V1 to a PD for the Threshold Proposed Development on the Zion lot. This was originally submitted to the UDC January 26 and has been updated with additional signatures.

Thank you from the names who have signed the letter

January 26, 2022 resubmitted April 11, 2022 to the UDC  
Meeting April 13, 2022 to the UDC  
Agenda

Dear Members of the PC,

This letter was originally sent to the UDC in January now is being resubmitted to the Planning Commission.

We are opposed to approval of the PD application by Threshold Development.

We believe that this application does not fulfill the stated requirements for recommendation by the UDC, based on criteria (b) and (d) outlined in **Ordinance 33.24 Section 2:**

**(b)To protect and to improve the general appearance of all buildings, structures, landscaping and open areas in the City; to encourage the protection of economic values and proper use of properties.**

**(d)To foster civic pride in the beauty and nobler assets of the City, and in all other ways possible assure a functionally efficient and visually attractive City in the future.**

- There is inadequate green space.
- The size of the structure leaves no opportunity for canopy shade trees on the site, now or in the future. As noted in the Street Tree Report attached to the application, trees on the terrace have suffered from “severe utility line clearance pruning and girdling roots”. This situation makes the option to plant trees on private property critical, (City of Madison Urban Forestry Report, 2019) and privately owned trees are the norm on surrounding lots.
- The monolithic building does not relate to the architecture of the surrounding residential blocks and is therefore inconsistent with the neighborhood zoning plan.

We have reviewed the PD Zoning Purpose and Standards (**Ordinance 28.098(1 & 2)**). We have listed our objections to the relevant sections below:

#### **28.098(1) Statement of Purpose**

**The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion... Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed.**

The application has not demonstrated anything unique about this project, and therefore does not meet the purpose of a PD. This is not a unique lot. This is a typical zoning compliant lot that could be sensitively developed under its current zoning, with increased housing density. It does not meet objectives b, c, e and f in Section 28.098(1).

- This parcel is in a residential area, not transitional. The parcel represents a substantial element of the existing residential neighborhood. (b)
- There is no preservation and enhancement of environmental features such as green space or trees

- There is no preservation of historic buildings, or landscape features through the use of preservation of land (c)
- Has not provided for open space, recreational amenities (e)
- High quality development consistent with the goals, objectives, policies and recommendations of the Comprehensive Plan. As currently zoned, this parcel is TR -V1. In June 2021, density in this district was increased to allow 12-13 dwelling units (f)

#### **28.098(2) Approval Standards for Project**

**(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include: 1. Site conditions such as steep topography or other unusual physical features; or 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.**

The current zoning TR-V1 allows for infill to a maximum of 12-13 units.

**(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.**

This project will impact on the neighborhood, with increased traffic, less per capita park space and uncertainty about the continued historic residential character of the neighborhood. There will be a precedent for inappropriate development on residential streets, which could have a negative economic impact on the area.

**(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.**

The parking structure has 10 stacked-parking places that are not conducive to easy in-out underground parking. The addition of 44 parking places means 44 more vehicles on narrow neighborhood streets, with parking only on one side.

**(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.**

This project is not consistent with the architecture of the surrounding neighborhood. The design is typical of current commercial corridors, but not a residential block. It is not harmonious or compatible with the surrounding residential structures, nor does it protect and enhance the aesthetic and historic

character of the neighborhood and its property values. The proposed monolithic structure with a nearly flat façade and flat roof could not diverge more totally from the typical old style houses of the neighborhood with their steep pitched roofs, multiple gables, and front facades that are articulated by functional porches and sunrooms. What minimal articulation is provided is frankly cosmetic and without architectural merit.

Although it is described in the application as a transitional building, this description is contradicted by the mass of the structure. One of the most problematic aspects of the design is the elevation of the first floor. On Division Street, the entry level is 8 1/2 feet above street level - this is completely out of scale with the adjacent dwellings – there is a single story home within 20 feet of it. This building elevation also means that the building is effectively 4 stories high along most of Division Street.

**(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.**

This proposal lists surface and balcony square footage in their open space calculation. These totals are not aligned with the surrounding neighborhood, and seem to be inconsistent with the requirements for open space in new buildings in the current TR-V1 district. Existing zoning for multi-family units requires 160 sq ft of usable open space for 1 bedroom units and 320 sq ft for 2+ bedroom units.

#### **CLOSING STATEMENT**

In summary, this project does not meet the fundamental purpose and standards for a PD. A PD cannot and should not be a catchall for the purpose of increasing density because the developer wishes to increase the number of units for greater financial gain. This proposal is neither harmonious with nor complementary to the visual standards of the adjacent residential neighborhood and is a flawed application.

Finally, we would like to draw your attention to misleading statements in the application. There was no positive consensus amongst the close neighbors or the wider neighborhood. We also understand that the Alder Foster was not present at the small or larger meetings of the neighborhood. Due to redistricting, he has been the Alder for this site only since January 1.

Respectfully submitted,  
Terry Cohn and Michael Johns, 2135 Linden Ave.  
Philip Wisely and Aletha Jones, 2133 Linden Ave.  
Sandy Blakeney, 2138 Linden Ave.  
Anne Reynolds and Tom Liebl, 2139 Linden Ave.  
David Griffeath and Cathy Loeb, 2145 Linden Ave.  
Sarah and Zach Agard, 2150 Linden Ave.  
Rita Hockers and Harold Rottier, 237 Division St.  
Madeline Gotkowitz, 243 Division St.  
Jim and Susan Young, 201 Division St.  
Bruce and Barbara Becker, 253 Dunning St.  
Mary Thompson-Shriver and Tim Shriver, 249 Dunning St.  
Marolyn Bahr, 233 Dunning St.  
Anne Tigan, 225 Dunning St.

Angela Richardson and Paul Andrews, 217 Dunning St.  
Sandra Anton, 201 Dunning St.

**Plan Commission  
Meeting of April 25, 2022  
Agenda #11, Legistar 70655**

I write in regards to a re-zoning application before the Commission, requesting a change in zoning from TR-V1 to Planned Development (PD) District at 2165 Linden Ave, site of the former Zion Lutheran Church.

Per Madison General Ordinance (MGO) 28.098(5)(c), the application needed to go to the Urban Design Commission (UDC) twice, first as purely informational, and then again for the UDC to make a recommendation to the Plan Commission “with specific findings on the design objectives listed in Subsections 28.098(1), Statement of Purpose, and 28.098(2), Standards for Approval of Zoning Map Amendment.”

The UDC met with the developer to review this application on January 26<sup>th</sup>, and again on April 13<sup>th</sup>. At the meeting in January, the UDC made a number of requests to the developer to improve the overall design of the structure and to provide more detailed information. At the April meeting, a majority of the Commissioners commented that they felt the developer had actually “made it worse,” “misunderstood what we had asked for,” and had failed to provide adequate detailed information to assure the UDC that the developer’s plan was an actual commitment, rather than simply “good intentions.” Unfortunately, after much discussion, the developer stated that if the city were to ask them to put much more effort into this application, they would be “forced to walk away.” Shortly after that, the UDC voted 4-2 to give Initial Approval to the plan and move it forward to the Plan Commission. This was a missed opportunity to require the developer to actually demonstrate their level of commitment to their stated desire to utilize passive-house, net-zero strategies to develop a building designed for the future. This could have been the beginning of a new age of construction in Madison.

To be approved for a Planned Development District, a proposal needs to achieve both 28.098(1) and 28.098(2).

**MGO 28.098(1) Statement of Purpose:** To “facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.” The application must meet at least one of the listed objectives.

The applicant’s Letter of Intent (LOI) dated February 28, 2022 states “While we understand the PD is meant to rarely be used, we believe the particulars of this site and process are uniquely suited for a PD. We were encouraged to pursue a PD by City Officials and neighborhood leaders familiar with the particularities of this site and process.”

This is a .47 acre site with a slope of about 2% along Linden Avenue (east to west). There is nothing unique about the site itself. It is not the only relatively large parcel in the area (e.g., 2829 Milwaukee is .42 acres, 2729 Hermina is .65 acres, 211 Clyde Gallagher is .43 acres). Also, it is important to be clear that any encouragement provided by City Officials and “neighborhood leaders” is irrelevant to whether this proposed PD meets the standards. Whether or not the standards are met is up to the Plan Commission (as advisory to the Common Council) and the Common Council.

The LOI states: “The context itself, of a Church vacating land in a manner not anticipated by city planning makes the underlying zoning issues unique.” In actuality, a larger parcel coming on the market is not unique. (Even if it were, the ordinance is looking for unique *development*, not an unusual circumstance leading to a vacancy.) The fact that it was a church vacating land is of no consequence. The issue to be determined is whether or not the PD standards are met.

The LOI states: “That underlying unanticipated zoning context generated a truly unique consultative process involving neighborhood and City stakeholders. While that process did not generate unanimity or consensus, it did generate the outlines of a compromise that garnered significant support. The PD is being requested partly as a means to be sensitive to the ‘environmental and cultural’ considerations of respecting that compromise. The PD was thought to be the best way of ensuring that the developers would be narrowly constrained to honor the spirit and outline of the unique and specific compromise(s) that resulted from the neighborhood process.”

The assertion that there were “outlines of a compromise” that were generally agreed upon is not only not the case, the developer did not make any specific compromises based on neighborhood input. But even if it were the case, it does not fall within the parameters of the PD standards. Developers negotiate with neighbors all the time in order to minimize the prospect of neighbors derailing plans at the Commission/Council level. Equating “respecting that compromise” as being “sensitive to environmental, cultural, and economic considerations” is an inappropriate stretch and is unrelated to the intent of the ordinance. The ordinance’s purpose of encouraging “development that is sensitive to environmental, cultural, and economic considerations” is focused on the *built environment*, not on the process.

The statement of purpose lists six objectives, of which the applicant must meet at least one. The applicant’s LOI claims to meet Objective (a): “Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.”

These are my comments and questions regarding the applicant’s response to 28.098(1) that I would ask the Commission to consider:

1. The LOI states: “... our proposal aims to achieve the specific objective(s) (A) ... We are committed to pursuing passive house net-zero ready standards of construction and building performance on this project ... This project would be the first attempt in Madison by a for profit developer to achieve passive house standards on a multifamily project.”

I would respectfully ask the Commission to consider that “aims to achieve” and “committed to pursuing” and “would be the first attempt” are *not* commitments to *achieving* passive house standards.

In addition, although the applicant states that “passive house construction is best practice, and that solar energy can help buildings attain net-zero energy use,” they make no commitment to actually **implement these practices**.

Passive House Institute US (PHIUS) provides a design certification, which is awarded after the plan feedback process is complete and the project meets all requirements. The developer They acknowledges that “the PHIUS criteria for certification are the current best practice for



sustainable building,” the applicant does not include any intention to obtain that certification. If this project will be recommended for approval based on objective (a), then that recommendation should be made contingent on the project obtaining Passive House Design Certification.

The applicant mentions having hired Precipitate “to train our entire team.” Again, I would like to note that training is not the same as implementation.

2. The LOI discusses low-impact development techniques for stormwater management; i.e., a rain garden and a green roof system on the third floor.

The green roof system is about 1,500 square feet, or about 10% of the entire roof. There is no mention of what this green roof system will consist of. Will it be a true green roof, or some trays placed on the roof, or planters? These green roof pockets are accessible **ONLY** through tenant apartments. What is the plan for maintaining a green roof system going forward?

The applicant also states the project will be “in full compliance with the new stormwater standards.” Compliance with the stormwater standards is not a reason to find that a PD objective has been achieved, as the stormwater standards apply to this project whether or not it is a PD District. A PD District cannot be created simply to increase density, or allow development that otherwise could not be approved. ***The development must meet an objective of MGO 28.098(1), which for this application is (a). If (a) is not met, the PD cannot be approved. The applicant does not provide sufficient detail to assure that objective (a) will be met.***

**MGO 28.098(2), Standards for Approval of Zoning Map Amendment**, lists nine standards that must be met in order to approve rezoning to PD. Comments/questions related to three of these standards, that I hope the Commission will consider, are discussed below.

1. Standard (a): “The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above.”

In this case, three other base zoning districts could be used, two of which (TR-U1 and TR-U2) would achieve a “substantially similar pattern of development” and one (TSS) could achieve the exact same development. The ordinance requires only that another base zoning district ***could*** be used, not the likelihood of whether that base zoning ***would*** be approved. ***The development must meet all standards under MGO 28.098(2). Since standard (a) is not met, the PD cannot be approved.***

2. Standard (b): “The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.”

The GFLU map shows this area as Low Residential (LR). The Comprehensive Plan says “Smaller two-, three-, and four-unit apartment buildings and rowhouses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and when constructed to fit within the general “house-like” context LR areas.” The next Comprehensive Plan category is Low-Medium Residential (LMR), and the Plan says “Building forms present within

the LMR category of housing are generally compatible in scale with single-family homes, and may therefore be intermixed with small-lot single-family development or used as a transition from more intense development to lower intensity areas comprised primarily of single-family development.”

The Madison Comprehensive Plan of 2018 emphasizes the importance of building more affordable, accessible, housing within Madison in order to reduce the amount of spread into surrounding farmland. The plan recognizes the inevitable conflict that can exist in neighborhoods where there can be opposition to new development. Some have suggested that neighborhood preferences should be ignored because of that conflict. However, the plan correctly states that neighborhood involvement is critical to these development processes and “underscores the importance of ensuring redevelopment can integrate well with its surroundings through context-sensitive design and scale.” (City Comprehensive Plan, p. 50.) ***This PD plan does not facilitate the goals of the Comprehensive Plan.***

Both the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan and the Marquette-Schenk-Atwood Plan discuss future vision and goals for this area. Both plans stress the importance of maintaining the style and flavor of building in these neighborhoods. While both may make recommendations for what to do with existing structures that had reached or may be reaching the end of their lives, neither plan specifically recommends that the zoning of one-half of one specific block be changed in order to facilitate the plans of a specific developer. However, an amendment has been drafted for the Neighborhood Plan in order to accomplish just that. The Plan Commission is considering that proposed amendment concurrently with this Land Use Application, under a separate agenda item for this meeting. I would argue that standard (b) is not met in any case, but ***without the amendment, standard (b) is clearly not met.***

3. Standard (e): “The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.”

The lot lines around 2165 Linden total 640 feet. The proposed PD would have a building form that is compatible for just 99 of those 640 feet (6.5%), as it would be similar to the Cornerstone located at 266 Dunning Street, a mixed-use building on Atwood Avenue with a height of over 45 feet. Other than the Cornerstone, the building form of properties directly across or adjacent to 2165 Linden Avenue, and in the immediate vicinity, are primarily 1- or 2-family homes and are zoned TR-V1.

These TR-V1 parcels generally have 40 feet of street frontage, so the homes are about 25-30 feet in width, interspersed with open space (and small one-story garages across Linden Avenue). The proposed building would be 208.71 feet long along Linden Avenue. That would be 208.71 feet of a solid building unrelieved by any setbacks to create even an illusion of space.

***This proposed PD would not have a building form compatible with surrounding land uses and does not meet standard (e).***

## Conclusions

1. At least one of the objectives of MGO 28.098(1) Statement of Purpose must be met. The applicant states their aim is to achieve objective (a). Having good intentions is not what the ordinance requires. The ordinance requires the objective to actually be met. Other than an infiltration garden and

covering about 10% of the roof with some sort of vegetation, no other commitment is made by the applicant regarding sustainable development. PHIUS criteria for certification are mentioned as current best practice, but the applicant does not commit to obtaining certification, or to even using PHIUS criteria. **Standard (a) of 28.098(1) is not met.**

2. The first standard for PD approval under MGO 28.098(2), Standards for Approval of Zoning Map Amendment, requires that no other base zoning district be available that can achieve a substantially similar pattern of development. Three base zoning districts could be used, two of which (TR-U1 and TR-U2) would achieve a “substantially similar pattern of development” and one (TSS) could achieve the exact same development. The ordinance requires only that another base zoning district *could* be used, not the likelihood of whether that base zoning *would* be approved. **Standard (a) of 28.098(2) is not met.**
3. All standards of MGO 28.098(2) must be met. ***In fact, the applicant does not meet at least three of these standards.***

If the Plan Commission recommends approval of this PD District, I would respectfully ask that you make approval contingent upon:

- 1) a commitment by the developer to design a structure that is compatible with the existing and intended character of the area; and,
- 2) the applicant providing details about what sustainable measures will be implemented in this development; the developer has shown that they can “talk the talk;” the Commission should require them to also “walk the walk.”

Respectfully Submitted,  
Sandy Blakeney

**From:** [Tom Liebl](#)  
**To:** [Plan Commission Comments](#); [Foster, Grant](#); [Benford, Brian](#)  
**Subject:** Item 70655, April 25, Rezone to PD  
**Date:** Thursday, April 21, 2022 12:53:22 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission members,

This proposal fails in almost every meaningful way to qualify for PD status.

No challenging site conditions exist, no “particulars of this site” make it uniquely suited to PD zoning. The design itself is neither “integrated” or significantly “innovative”. This commercial scale project would be well suited along an arterial corridor, but not within the well-established zoning boundaries of this neighborhood.

We consider this neighborhood (and others like it) as valuable amenities to both its residents as well as the City as a whole. Few of the higher density residential projects built nearby provide any useable green space, and no new City park space seems in sight; The “feel” of a TR-V1 environment, both social and natural, becomes a de-facto oasis that all can enjoy.

Every neighborhood has its “critical mass”. To remove nearly 1/2 acre from this small traditional neighborhood has serious significance. The project would cap-and-seal the entire site with a parking garage and a 3-story apartment block. Gone would be any connection with the adjacent built environment, and perhaps more importantly, it would sever any connection to this neighborhood’s vibrant natural environment. No possibility for canopy shade trees, no natural rainwater infiltration, no backyards, no side yards, no wildlife support.

All these (and many more) objections were strongly voiced by neighbors at the very first presentation of this proposal, almost a year ago. The developer has chosen to ignore overwhelming neighborhood opposition. This is unfortunate, but certainly in no way justifies sympathy or an approval. The PD process is not intended to be a conduit for the benefit of special interests, or a way of sidestepping the conventional re-zoning process. The negative impacts to the community far outweigh any positives. Based on the text of the PD ordinance (see detailed analysis below), this proposal should be rejected.

This site can easily be developed for higher density within TR-V1 zoning, thereby protecting the true, long-range interests of this traditional neighborhood and the City of Madison.

Thank you for your attention.

Tom Liebl  
Anne Reynolds  
2139 Linden Ave

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DETAILED COMMENTS ON PD ORDINANCE REQUIREMENTS:  
Sent to UDC January 2022

We believe that this application does not fulfill the stated requirements for recommendation by the UDC, based on criteria (b) and (d) outlined in Ordinance 33.24 Section 2:

**(b)To protect and to improve the general appearance of all buildings, structures, landscaping and open areas in the City; to encourage the protection of economic values and proper use of properties.**

**(d)To foster civic pride in the beauty and nobler assets of the City, and in all other ways possible assure a functionally efficient and visually attractive City in the future.**

- There is inadequate green space.
- The size of the structure leaves no opportunity for canopy shade trees on the site, now or in the future. As noted in the Street Tree Report attached to the application, trees on the terrace have suffered from “severe utility line clearance pruning and girdling roots”. This situation makes the option to plant trees on private property critical, (City of Madison Urban Forestry Report, 2019) and privately owned trees are the norm on surrounding lots.
- The monolithic building does not relate to the architecture of the surrounding residential blocks and is therefore inconsistent with the neighborhood zoning plan.

We have reviewed the PD Zoning Purpose and Standards (Ordinance 28.098(1 & 2)). We have listed our objections to the relevant sections below:

### **28.098(1) Statement of Purpose**

**The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion... Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed.**

The application has not demonstrated anything unique about this project, and therefore does not meet the purpose of a PD. This is not a unique lot. This is a typical zoning compliant lot that could be sensitively developed under its current zoning, with increased housing density. It does not meet objectives b, c, e and f in Section 28.098(1).

- This parcel is in a residential area, not transitional. The parcel represents a substantial element of the existing residential neighborhood. (b)
- There is no preservation and enhancement of environmental features such as green space or trees
- There is no preservation of historic buildings, or landscape features through the use of preservation of land (c)
- Has not provided for open space, recreational amenities (e)

- High quality development consistent with the goals, objectives, policies and recommendations of the Comprehensive Plan. As currently zoned, this parcel is TR -V1. In June 2021, density in this district was increased to allow 12-13 dwelling units (f)

## **28.098(2) Approval Standards for Project**

**(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include: 1. Site conditions such as steep topography or other unusual physical features; or 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.**

The current zoning TR-V1 allows for infill to a maximum of 12-13 units.

**(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.**

This project will impact on the neighborhood, with increased traffic, less per capita park space and uncertainty about the continued historic residential character of the neighborhood. There will be a precedent for inappropriate development on residential streets, which could have a negative economic impact on the area.

**(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.**

The parking structure has 10 stacked-parking places that are not conducive to easy in-out underground parking. The addition of 44 parking places means 44 more vehicles on narrow neighborhood streets, with parking only on one side.

**(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of**

**sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.**

This project is not consistent with the architecture of the surrounding neighborhood. The design is typical of current commercial corridors, but not a residential block. It is not harmonious or compatible with the surrounding residential structures, nor does it protect and enhance the aesthetic and historic character of the neighborhood and its property values. The proposed monolithic structure with a nearly flat façade and flat roof could not diverge more totally from the typical old style houses of the neighborhood with their steep pitched roofs, multiple gables, and front facades that are articulated by functional porches and sunrooms. What minimal articulation is provided is frankly cosmetic and without architectural merit.

Although it is described in the application as a transitional building, this description is contradicted by the mass of the structure. One of the most problematic aspects of the design is the elevation of the first floor. On Division Street, the entry level is 8 1/2 feet above street level - this is completely out of scale with the adjacent dwellings – there is a single story home within 20 feet of it. This building elevation also means that the building is effectively 4 stories high along most of Division Street.

**(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.**

This proposal lists surface and balcony square footage in their open space calculation. These totals are not aligned with the surrounding neighborhood, and seem to be inconsistent with the requirements for open space in new buildings in the current TR-V1 district. Existing zoning for multi-family units requires 160 sq ft of usable open space for 1 bedroom units and 320 sq ft for 2+ bedroom units.