

**From:** [gordian@nym.hush.com](mailto:gordian@nym.hush.com)  
**To:** [All Alders](#)  
**Subject:** 2103 Sherman - Legistar 91289  
**Date:** Monday, February 9, 2026 10:12:27 AM

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Feb. 9, 2026

Madison Common Council members,

On Monday, Feb. 2, 2026, Madison's Plan Commission approved SARA Investment Real Estate's five story housing project at 2103 Sherman Ave. next to Banzo restaurant.

The Plan Commission's Minutes of the meeting [1], concerning Legistar 91289, are copied below. Notice that, in approving the building's excessive height, the Plan Commissioners focussed entirely on the words of the Comprehensive Plan and Neighborhood Plan. The heights of the actual buildings in the area were ignored.

When approving a conditional use permit, the Plan Commission is supposed to "find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district..." [2] By focussing entirely on the official plans and ignoring the neighborhood that exists today, the Plan Commission fails to consider both the "existing or intended character of the area". For project approval purposes, the character of an area is largely defined by the existing buildings, not by the words of City plans.

MGO 28.183 - Conditional Uses also says,

"3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." [2]

Common sense says that the heights of buildings affect the character of a neighborhood and the "enjoyment of other property in the neighborhood." The overwhelming majority of houses and apartment buildings in the area are a small fraction of the height of the proposed development. Even the nearby factory building is much shorter.

The Plan Commission is also supposed to consider "the public interest in exceeding the district height limits." [2] Neither the developer nor the Plan Commission have proven that exceeding the 3 stories/40 foot height allowed in NMX zoning districts [3; p. 2] advances the public interest. The official height of the proposed building is five stories/63' 10 & 1/2" [3; p. 3 of 18]. This height does not include the 2 foot parapet. The proposed height exceeds the 40 foot maximum height in the NMX zoning code by 60%.

The Staff Report for the project says,

"While there is not a specific neighborhood plan recommendation regarding height, the NMU land use recommendation in the Comprehensive Plan recommends a maximum height of four stories." [3; p. 5]

The Plan Commission disingenuously says that the building height is "is generally consistent with the Comprehensive Plan and neighborhood plan..." [1; pp. 3 - 4] In fact, the five story height of the proposed building is 25% taller than the four story height in the NMU land use recommendation. If a builder constructed a house that was 25% taller or shorter than what the construction contract called for, no one would say that the result is "generally consistent" with the clear instructions the builder was given.

The Plan Commission goes on to say that the proposed project is "consistent with the adjoining land use recommendations for medium residential to the south and industrial to the east, both of which allow greater heights than NMU [1; pp. 3 - 4]. The actual height of buildings in that area is generally one or two stories and no taller than three stories. The Plan Commission's willful blindness to the actual buildings in the neighborhood has led to a faulty decision to approve the proposed housing project.

Objections to the project's excessive height also apply to the project's excessive residential density because these two attributes are directly correlated. According to the Staff Report,

"Further, the calculated residential density is 115 units/acre, which is higher than the range of up to 70 units/acre for the NMU land use designation." [1; p. 4]

The proposed project exceeds the NMU land use maximum density recommendation by 64%.

The Minutes of the Plan Commission meeting say,

"On a motion by Commissioner Solheim, seconded by Alder Field, the Plan Commission found the standards met and approved the conditional use request subject to the comments and conditions in the Plan Commission materials." [1; p. 3]

Comments from the public detail at great length the many ways in which the proposed housing project does not meet the standards under which the Plan Commission may grant a conditional use project. I will not repeat those many arguments in this comment. Please download the public comments from the web page for Legistar 91289 [4] and take the time to read them.

Thank you for considering this comment.

Don Lindsay

## SOURCES

[1] Meeting Minutes

<https://madison.legistar.com/View.ashx?M=M&ID=1347449&GUID=F876CCDC-9A85-4592-8317-075892A06EDA>

Accessed 20260205

City of Madison

Meeting Minutes - Draft

PLAN COMMISSION

Consider: Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

This meeting may be viewed LIVE on Charter Spectrum Channel 994, AT&T U-Verse Channel 99 or at [www.madisoncitychannel.tv](http://www.madisoncitychannel.tv)

Monday, February 2, 2026 5:30 PM \*\*Virtual Meeting\*\*

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Call to Order/Roll Call

Chair Gnam called the meeting to order at 5:30 p.m.

Present: 10 - John P. Guequierre; Carmella Glenn; Derek Field; Emily R. Gnam; Sara R. Sanders; Christopher T. McCahill; Anjali Bhasin; Nicole A. Solheim; Patrick W. Heck and Scott Chehak

Excused:

1 - Darrin S. Wasniewski

Gnam was chair for the meeting.

Alders also present: Pritchett (9), Figueroa Cole (10), Matthews (12)

Staff Present: Meagan Tuttle, Tim Parks, Colin Punt, Planning Division

...

"8. 91289 2103 Sherman Avenue (District 12): Consideration of a conditional use in the Neighborhood Mixed-Use (NMX) District for a mixed-use building containing greater than 60 dwelling units, and consideration of a conditional use in the NMX District for a building exceeding three stories and 40 feet in height, to allow construction of a five-story mixed-use building with approximately 1,100 square feet of commercial space and 87 dwelling units.

"On a motion by Commissioner Solheim, seconded by Alder Field, the Plan Commission found the standards met and approved the conditional use request subject to the comments and

conditions in the Plan Commission materials.

"In approving the conditional use, members of the Plan Commission noted regarding approval standard 11 that the proposal is generally consistent with the Comprehensive Plan and neighborhood plan and contributes to the desired neighborhood mixed use node identified in the neighborhood plan, and is consistent with the adjoining land use recommendations for medium residential to the south and industrial to the east, both of which allow greater heights than NMU.

"The motion passed by voice vote/ other.

"A motion was made by Solheim, seconded by Field, to Approve. The motion passed by voice vote/other.

"9. 91294 Approving a Certified Survey Map of property owned by 2211 Fordem Ave, LLC located at 2103 Sherman Avenue (District 12).

"On a motion by Commissioner Solheim, seconded by Alder Guequierre, the Plan Commission found the standards met and forwarded the Certified Survey Map to Council with a recommendation to approve subject to the comments and conditions in the Plan Commission materials. The motion passed by voice vote/ other.

"A motion was made by Solheim, seconded by Guequierre, to RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - REPORT OF OFFICER. The motion passed by voice vote/other." pp. 3 - 4

[2] MGO 28.183 - Conditional Uses

[https://library.municode.com/wi/madison/codes/code\\_of\\_ordinances?nodeId=COORMAWIVOIICH20--31\\_CH28ZOCOOR\\_SUBCHAPTER\\_28LPR\\_28.183COUS](https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIICH20--31_CH28ZOCOOR_SUBCHAPTER_28LPR_28.183COUS)

Accessed 20260125

For clarity, standards 3, 8, and 11 are copied here:

MGO 28.183 - CONDITIONAL USES says,

"No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

...

"3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

...

"8. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district...."

...

"11. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits."

[3] Staff Comment

<https://madison.legistar.com/View.ashx?M=F&ID=15156709&GUID=E89540D2-CDB9-43F6-B2EA-95F3F5306658>

Accessed 20260202

[4] Legistar 91289

<https://madison.legistar.com/LegislationDetail.aspx?ID=7785457&GUID=63C72B10-E7EF-4C9D-8906-C64C1E56138C&Options=ID%7CText%7CAttachments%7COther%7C&Search=2103+sherman>

Accessed 20260125

**From:** [Nancy Thayer-Hart](#)  
**To:** [All Alders](#)  
**Subject:** 2103 Sherman - Legistar 91289  
**Date:** Monday, February 9, 2026 8:14:17 PM

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Some people who received this message don't often get email from nthayerhart@gmail.com. [Learn why this is important](#)

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Dear Members of the Madison Common Council,

Please exercise your authority and responsibility to reduce the height and density of the proposed 2103 Sherman project to be consistent with the NMU land use recommendations as well as all eleven conditional use approval standards which the City has enacted to protect the established character of Madison's unique neighborhoods.

The staff report on this proposal states: "In pre-application discussions with the applicant, staff expressed concerns regarding inconsistencies with the Comprehensive Plan's height recommendations. While the applicant adjusted the design in response to staff feedback, it still remains taller than what is generally recommended for new development in NMU areas."

The Plan Commission's discussion of the project's conditional use application focused only on approval standard #11 but failed to consider to consider the height of the other buildings in the area as required by that standard. Commissioners satisfied themselves that the standard was met because there was no wording in the Comprehensive Plan or a Neighborhood Plan specifically stating that relevant City codes should apply in this area. By this logic, is there any limit to the number of other City codes and laws that will be circumvented in the future through the conditional use process?

By City code, the purpose of conditional use provisions is to provide for reasonable exceptions to zoning codes. An exception that exceeds the zoning code by 60% is not reasonable. A building on the site in question should not exceed the Comprehensive Plan maximum height of four stories.

Sincerely,

Nancy Thayer-Hart