

From: [Martin, Al](#)
To: [Cleveland, Julie](#)
Subject: FW: For public input/comment --- Apex Proposal at Merry St & Winnebago
Date: Wednesday, May 05, 2010 1:55:39 PM

From: Rich Felsing [mailto:rich.felsing@gmail.com]
Sent: Wednesday, May 05, 2010 12:27 PM
To: Martin, Al
Subject: For public input/comment --- Apex Proposal at Merry St & Winnebago

Dear Mr. Martin,

Some brief comments regarding the Apex proposal for Merry Street and Winnebago.

The Apex proposal violates the Comprehensive Plan, violates the Marquette Neighborhood Association Plan, violates the Yahara River Corridor Plan, and violates the letter and the spirit and letter of the zoning ordinances for Low-Density Residential districts.

I contributed extensively -- as did fellow residents -- to the Comp Plan, Neighborhood Plan & Yahara River Plan precisely to prevent this 'misinterpretation' of ordinances & plans.

I did so specifically to preclude any future 'confusion' about development opportunities in the Merry Street area (bounded by Yahara River/Winnebago/RRtracks/First Street).

The MNA Neighborhood Plan EXPLICITLY defines other areas --- "industrial lands to the west of Thornton Avenue would provide THE opportunity to construct higher density residential buildings that would have the nearby amenities of the Yahara River and ... bike path." The Merry Street neighborhood is *not* identified as a suitable receiving area for dense apartment buildings---and the Comp Plan and Low-Density Residential District designation of the Winnebago/First Street/Yahara River/Railroad Tracks area makes this explicit.

I remind Michael Waidelich & the City that this language was included precisely to prevent any confusion about where higher density residential would be permitted---and that such density would not be permitted on the Merry Street side of the Yahara River. In fact, this language was repeated 3 times, to ensure no one could read any ambiguity into the Plan, or pretend it was a single-instance after-thought: rather, that aspect was the main point of this text. And both I, our alder and Mr. Waidelich, were in the room for multiple meetings at which this was point was made, agreed to by the City, and made explicit in the MNA Neighborhood Plan.

In addition, there are deed restrictions &/or past development agreements prohibiting the development of one of the parcels included in the Apex site. (This is the so-called 'vacant' strip to the east of 222 Merry.)

The zoning change from R-3 to R-5 is not consistent with, and violates, the LD-R District Comp Plan designation. We question whether that rezoning was conducted in accordance with defensible methods.

Further, the Comprehensive Plan states explicitly that pre-existing multi-family buildings may NOT be used to rationalize additional high-density buildings in Low-Density Residential Districts. Therefore, the presence of the 222 Merry Street apartment building MAY NOT be used to 'justify' an overly-dense proposal, such as the Apex project. The Low-Density District designation, and the zoning that protects & implements the Comp Plan holds sway.

Note well that the context and character of the Williamson-to-Winnebago stretch is residential, w/o multi-family apartment buildings. The context and character of the Riverside-to-Merry Street stretch is residential, without multi-family apartment buildings. In both directions---across Winnebago parallel to the River, and across the River up Williamson & Winnebago, existing context dictates that dense development proposed by Apex is not consistent with the neighborhood, nor with the Plans defining what buildings are permitted by law.

The MNA Neighborhood Plan clearly states:

"The top five housing recommendations are highlighted in bold:"

"5. New construction should be compatible with the surrounding environment in terms of bulk, scale, and style of nearby buildings to ensure that the architectural and historical character of the neighborhoods is retained."

The Apex proposal fails to fit into "the surrounding environment," and breaks with neighborhood character (in terms of bulk, scale & style), damaging legally applicable Plans on several levels. The Winnebago/Merry/Yahara is a micro-site, but it is a keystone parcel that will damage the integrity of residential areas across the River/across Williamson, across Winnebago, in addition to the Merry/Buell area.

All that doesn't even touch on the 80 cars entering at the convergence of the bike path & bus stop the project would bring--the auto traffic & driving behavior is dangerous & unpredictable in and of itself right there. Ped & bike travel patterns have already created problems: though the Mayor vowed publicly only yesterday to make it safer for bikes, this project would do the opposite.

We intend to hold the City, and the process, to the requirements of the process and the legal designations of the Comprehensive Plan, the MNA Neighborhood Plan, and the Yahara River Corridor Plan.

Correspondence between Archie Nicolette and Si Widstrand document the intention of City staff, during the Yahara River Corridor Plan process, to maintain the existing land uses and character on the Merry Street side of the Yahara River, explicitly stating that "Existing or proposed developments along the river should be designed and landscaped to minimize their visual impact on the natural character of the corridor." The elevations Apex provided for this project are 4 stories tall, and entirely out of scale with the size and character of the site. No attempt was made to mitigate the impact on the Yahara River Corridor.

Those elevations of the latest Apex proposal were not shown to the neighborhood during any meeting. Rather they were emailed to residents last Saturday by Alder Rummel. Despite PR statements by Mr. Yoder that Apex "is working with the neighborhood" this is not accurate: residents stated the proposal was too big for the site, which is a micro-site, in a very

urban micro-neighborhood that happens to have a lots of vegetation. Mr. Yoder's references to the "Bohemian feel" of Merry Street comes across as a somewhat or nearly derogatory approach: we are homeowners, business owners, blue-collar workers and professionals. We are diverse, and we benefit from a highly urban setting, and a highly urban level of social cohesion: we know each other, and we look out for each other. Some of us have lived on Merry Street for generations.

Most importantly, we have invested our time, labor and money to create exactly the kind of dense, sustainable, socially inclusive and livable neighborhood that the rest of Madison (& much of the country) has begun to aspire to in recent years. This occurred while the City allowed the infrastructure across the River to deteriorate into an at-best blighted condition (prior to Thornton St reconstruct & adjacent Commonwealth devt).

My suggestion is that the City of Madison honor and capitalize on the neighborhood strengths and quality of life created by Merry Street residents in recent decades. Homeowners and renters alike have labored to to create an unmatched and sustainable quality of life.

Please note: I volunteered for the East Washington BUILD process --- I went to every meeting. Residents went on record as *staunch proponents of density* in the main corridors where such density is appropriate. Our response to the Apex proposal cannot be labeled a NIMBY-esque reaction. Our position is strongly reinforced by existing, legally enforceable City of Madison plans, ordinances and related documents. Where Apex's projects meet with code, they'll encounter no resistance.

We trust you'll understand that our confidence in the planning process has not been misplaced. This letter should clarify why that faith is justify, and that we understand what steps must be taken to ensure the integrity of the Comprehensive Plan, the MNA Neighborhood Plan, and the Yahara River Corridor Plan.

In addition, we write to support the work of City Planning staff --- who spent many long hours to craft these plans, and to implement them. That work and dedication is undermined if Apex wins approval at Merry & Winnebago

despite their refusal to meet explicit requirements of applicable plans and ordinances.

Thank you.

Rich Felsing