

My name is David Shaffer. I support smart development in Madison, but I am asking you tonight to refer this appeal pending modifications. Here's why:

We first heard about this development on March 1st, but it was election season, and a neighborhood meeting was not scheduled until April 18th.

On April 14, I wrote our Alder: "I am very troubled by the rushed time-frame in which all of this is unfolding... There has barely been enough time for anyone to study the proposal--much less talk with you about it--before the meeting with the developer." Our Alder responded: "I don't feel there is a rush on the Town & Country proposal. The developer hasn't filed anything with the City.... The neighborhood meeting is the very first step."

At the neighborhood, there were many concerns raised. The Alder committed to holding a second meeting, which never happened. There wasn't time. Only 34 days later, the developer filed a land use application with the city.

A group of neighbors held two meetings with the developer in those 34 days. We had been told—repeatedly, but incorrectly—that the proposal met the zoning code. This was the framework for our initial conversation with the developer. We requested some modest changes in the proposal. The developer told us we could review the plans again before they were submitted. This never happened either.

When the plans were submitted, I wrote to the developer, pointing out this discrepancy. His reply? "I should have given you a chance to review the plans again before submittal. I said that I would do that and the truth is... I didn't remember to make the contact."

As you know, the actual proposal requires a conditional use permit, being both too large and too tall for the zoning code. The result—and let me be crystal clear here—is that there was no

opportunity for informed input from the neighborhood until after the plans were submitted.

The Planning Commission hearing was scheduled for July 8th, just over a month later. The same group of neighbors met with the developer again on June 3rd. We requested additional changes to the plan at that time, based on the requirements for conditional use. Following the meeting I wrote to the developer: "We remain hopeful that we can get to the point where the neighbors support the requested conditional use. As we all agreed at the meeting, we'd like to get this resolved by June 15. To that end we're happy to talk again as soon and as often as you'd like."

We heard nothing back from the developer until well after that deadline, despite three phone calls to the architect, who could only say he had nothing to report. We did meet with the developer one more time before the Planning Commission hearing. He was willing to change the size of the building by about 300 square feet, or about 1% of the total project. The change did nothing to meet our concerns about traffic and parking.

You all know the results of the Planning Commission meeting that followed on July 8th.

In other words, what was "not a rush" for our Alder on April 14th was a done deal less than three months later. There had been exactly two opportunities in that time for neighbors to meet with the developer once we had correct information about the project.

Now we have appealed the decision of the Planning Commission, but not to ask that the building be stopped. We want the Town and Country site to be developed, and despite everything that has happened, we are happy to be working with Fred Rouse and Randy Bruce. But we believe there are serious concerns about traffic, parking, and the impact of the building mass on the neighborhood that could be addressed in the proposal but are not now. Concerns that are justified based on the location of the site. Concerns that have merit based on the

requirements for conditional use. And concerns that could be resolved with more time for good-faith negotiation, backed by direction from the Common Council to resolve issues of traffic, parking, and building mass.

Now, at some point tonight, you will be told that our Alder has already brokered a compromise that addresses these issues. Let me be clear once more: This is simply not true.

A compromise is an agreement reached by mutual consent. What you will be told about is a backroom deal, reached by the Alder and the developer. It would reduce the size of the building by approximately 60 square feet. 60 Square feet out of 29,000. The developer has also agreed to provide the city with a deposit for the cost of one speed bump—which is something the neighborhood could get by petitioning the city anyway. All of the other provisions of this supposed compromise are things that the developer had already agreed to, but are now in writing. This bargain between the developer and the Alder does nothing—nothing at all—to address substantive concerns about traffic, parking, and impact on the neighborhood.

Thus, I urge you to vote to refer the appeal pending modifications to the plan. Doing so would give the neighborhood and the developer time to improve the current proposal. This proposal was rushed through the approval process, in a time frame unheard of for a proposal of this type in the city. There is opposition to the project not just from the local neighbors, but from across the city. This is one of the first developments under the new zoning code. It requires exceeding the zoning requirements. A number of you have already expressed serious concerns about it. If ever there were a proposal that deserved more time for discussion, surely this is it.