

VIA HAND DELIVERY AND E-MAIL

June 18, 2024

Matt Wachter
Secretary of the Plan Commission
City of Madison, Planning Division
215 Martin Luther King Jr. Blvd.
Madison, WI

RE: Appeal of Plan Commission's Approval of Conditional Use at 6610-6706 Old Sauk Road
Legislative File No. 82972

Dear Mr. Wachter:

Please find attached to this letter an appeal of the Plan Commission's decision at its meeting on June 10, 2024, to approve a conditional use at 6610-6706 Old Sauk Road, File No. 82972, pursuant to City of Madison Code of Ordinances, Chapter 28, Subchapter 28L, Section 28.183(5)(b).

Enclosed with this letter is the appeal, signatures for more than 20% of the property owners receiving notice of the proposed conditional use, and the list of persons receiving notice of the proposed conditional use, which was provided to me by the City of Madison Planning Division.

In total, 40 properties received notice of Stone House Development's proposed conditional use (although, three appear to be duplicative). The enclosed appeal includes signatures of property owners for 15 of the noticed properties.

Axley Brynelson, LLP represents four of the signatories to this appeal: Paul and Mary Umbeck, and Jeff and Kathy Western. If the City directs any communications to the appellants, please direct communications to the Umbecks and Westerns to me.

Please do not hesitate to contact me to further discuss this matter.

Sincerely,

AXLEY BRYNELSON, LLP

A handwritten signature in black ink, appearing to read "Christopher Nelson".

Christopher T. Nelson

CTN: eel

cc. Timothy M. Parks, City of Madison Planning Division, *Via Email*
Bill Fruhling, City of Madison Planning Division, *Via Email*
John P. Guequierre, City of Madison, Alder for Ward 19, *Via Email*
Jeff and Kathy Western, *Via Email*
Paul and Mary Umbeck, *Via Email*

Enclosures

APPEAL OF LEGISLATIVE FILE NO. 82972

Action Appealed: Approval of a conditional use in the [Proposed] Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with greater than 60 units and Approval of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a three store, 138-unit apartment building with an accessory outdoor pool.

Background: On June 10, 2024, the Plan Commission approved Legislative File No. 82972, which permits applicant Stone House Development to construct an apartment complex at 6610-6707 Old Sauk Road, at a density greater than permitted under the zoning code. Section 28.051 of the City Code of Ordinances permits multi-family apartments at a density of up to 36 units on a TR-U2 zoned property. With its conditional use application, Stone House Development requested to exceed the permitted use unit-limit in the TR-U2 District and construct a multi-family apartment complex totaling 138 units.

The following findings were made by the Plan Commission according to the draft minutes for the meeting held on June 10, 2024:

On a motion by Commissioner Solheim, seconded by Alder Duncan, the Plan Commission found that the standards were met and approved the conditional use requests subject to the comments and conditions contained in the Plan Commission materials. The motion to approve passed by voice vote/other.

In finding the standards for conditional use approval met, members of the Plan Commission specifically cited:

- The stormwater information provided, the traffic impact analysis, and the proposed conditions of approval to add a crossing of Old Sauk Road in finding that standard 1 was met;
- That there are adequate services in finding that standard 2 was met;
- That the significant setbacks and screen proposed and the findings in the traffic impact analysis in finding that standard 3 was met;
- That there was nothing that would suggest that standard 4 was not met;
- That the findings in the traffic impact analysis and proposed conditions of approval allow standard 5 to be met; and
- That the conditions of approval for the land use and Certified Survey Map should help to address the many concerns raised in public comments and during testimony at the meeting.

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

Grounds for Appeal: Madison City Ordinances Section 28.183(6)(a) articulates approval standards for conditional uses. Under the ordinance, “[n]o application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

- 1.The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- 2.The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
- 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.
- 4.The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 5.Adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided.

The Plan Commission erred in finding that Stone House Development's proposed 138-unit apartment complex satisfied factors 1-5. The record before the Plan Commission provides substantial evidence that Stone House Development's proposal fails to satisfy conditional use factors 1, 2, 3, and 5.

Stone House Development's project will have a detrimental effect and endanger public health safety and welfare of the surrounding properties because the stormwater management plan proposed by Stone House Development will exacerbate already existing surface water issues in the neighborhood.

At its meeting on June 10, 2024, the Plan Commission heard from Chuck Nahn, P.E., and Professor John Norman of the University of Wisconsin-Madison Soil Sciences Department. The Plan Commission also received written comments from Mr. Nahn and Professor Norman, which are in the record. Mr. Nahn and Professor Norman articulated in detail why the underground stormwater tanks proposed by Stone House Development in order to meet the requirements of Madison Code of Ordinances Ch. 37, are likely to fail.

The Plan Commission further heard from neighboring property owners about the extent of stormwater issues in the neighborhood, including from neighbors already running two sump pumps to prevent flooding.

The evidence before the Plan Commission establishes that Stone House Development's proposal is likely to have a detrimental impact on neighboring established uses. Accordingly, Section 28.183(6)(a) factors 1 and 3 are not satisfied.

Additionally, factors 2 and 5 are not satisfied because the City presently lacks sufficient infrastructure to handle the increased stormwater issues caused by the Stone House Development. Rather than routing stormwater into City storm sewers, Stone House Development proposes novel and theoretical solutions to handle stormwater on its property. These include the underground storage tanks, which a professional engineer and professor

of soil sciences have concluded are likely to fail, and an infiltration pond, which is designed to discharge water onto the property of a neighboring landowner. Stone House Development proposes these inadequate stormwater solutions because the City lacks adequate stormwater infrastructure to handle the stormwater produced on the property. Stone House Development's novel and theoretical solutions to the stormwater problem are only necessary because City infrastructure in the area does not allow Stone House to discharge its stormwater into public stormwater infrastructure. Section 28.183(6)(a) factors 2 and 5 are not satisfied.

For their Appeal, Appellants rely on the record before the Plan Commission at its meeting on June 10, 2024, and all the comments made during the public hearing on this matter.

We, the undersigned Property Owners, by signing our names below, declare that we received notice from the City of Madison regarding the Plan Commission's consideration of Legislative File No. 82972, own the property identified herein, and sign this document for the purpose of appealing the Plan Commission's approval of Legislative File No. 82972 to the Common Council.

Name (PRINT)	Signature	Address

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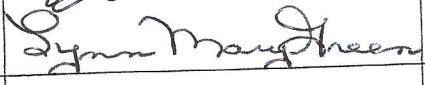
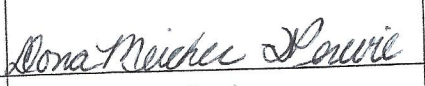

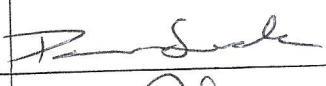
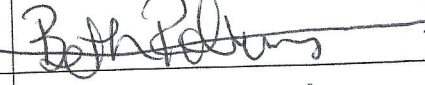
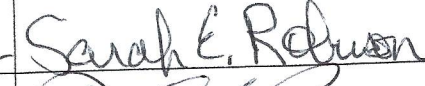

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Name (PRINT)	Signature	Address
Kathleen L. Western	Kathleen L. Western	25 St. Andrews Cir. - MADISON
Jeffrey Western	[Signature]	25 Saint Andrews Cir Madison, WI
Deborah Forrestal	Deborah Forrestal	21 St. Andrews Cir, Madison
SHAWN T. SABOL	Shawn Sabol	726 Sauk Ridge Trail, Madison 7833 Black River Road, Verona
SHAWN T. SABOL	Shawn Sabol	732 Sauk Ridge Trail, Madison 7833 Black River Road, Verona
JUDITH A. MEYERS	17 St. Andrews 53712 Circle, Madison, WI	17 ST. ANDREWS CIR. MADISON WI 53717
FRANK J. MEYERS	deceased.	17 ST. ANDREWS CIR. MADISON WI 53717
JUDITH A. MEYERS	Judith A. Meyers	17 ST. ANDREWS CIR. MADISON WI 53717
Carrie E. Grahn	Carrie Grahn	22 St Andrews Cir Madison, WI 53717
WILLIAM M. GRAHN	[Signature]	22 St. Andrews Cir. Madison, WI 53717

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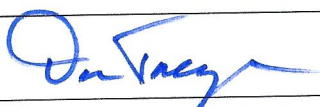
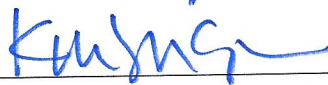
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Name (PRINT)	Signature	Address
Michael A. Green		6709 OLD SAUK RD MADISON 53705
Lynn Mary Green		6709 Old Sauk Rd. Madison, WI 53705
Dona Meikher-Werwie		22 E. Spyglass Ct Madison, WI 53717
Mary A. Umbeck		25 E. Spyglass Ct Madison WI 53717
Paul F. Umbeck		25 E. Spyglass Ct madison, WI 53717
Beth Robinson		17 E. Spyglass Ct Madison WI 53717
Sarah E. Robinson		17 E. Spyglass Ct Madison WI 53717
Timothy J. Burns		17 E. Spyglass Ct Madison WI 53717

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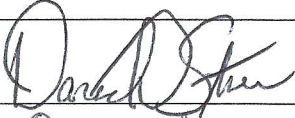
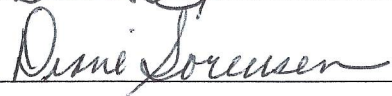
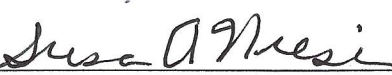

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Name (PRINT)	Signature	Address
Dan Jaeger		14 Torrey Pines Ct. Madison, WI 53717
Karen Gibson		14 TORREY PINES CT MADISON WI 53717

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Name (PRINT)	Signature	Address
Daniel Stier		606 San Juan Trail Madison, WI 53705
DIANE SORENSEN		606 San Juan Trail Madison, WI 53705
SUSAN NIESSEN		6613 OLD SOVE RD MADISON WI 53705
Chris Pajerski		6713 Old Sove Rd Madison WI 53705

name1	name2	mailing_address	city	state	zip
MAKKENA, YASHASWINI	& ASHUTOSH ARYAL	6714 OLD SAUK RD	MADISON	WI	53705-2427
PAPPAS, MICHAEL N		6718 OLD SAUK RD	MADISON	WI	53705
BURNS, TIMOTHY	SARAH ELIZABETH ROBINSON	17 E SPYGLASS CT	MADISON	WI	53717
UMBECK JR, PAUL F	& MARY ACKERMAN UMBECK	25 E SPYGLASS CT	MADISON	WI	53717-1143
MEICHER-WERWIE, DONA J		22 E SPYGLASS CT	MADISON	WI	53717
LAND, ANDREA E	JOSHUA A LAND	18 E SPYGLASS CT	MADISON	WI	53717-1143
WOREL LIVING TRUST		717 PEBBLE BEACH DR	MADISON	WI	53717-1139
GREUNKE, DAVID R		6 TORREY PINES CT	MADISON	WI	53717-1153
MARTY, TRENTEN & KATHRYN		10 TORREY PINES COURT	MADISON	WI	53717-1153
JAEGER/GIBSON FAMILY TR	& BRIAN L BEARD	14 TORREY PINES CT	MADISON	WI	53717
BRADLEY, LEONARD & DIANNE		18 TORREY PINES CT	MADISON	WI	53717-1153
MORRISON, LISA A		21 TORREY PINES CT	MADISON	WI	53717
LEEMKUIL REVOCABLE TRUST		17 TORREY PINES CT	MADISON	WI	53717-1153
WINNIG, PAULA JAYNE	& CARRIE E GRAHN	18 ST ANDREWS CIR	MADISON	WI	53717-1154
GRAHN, WILLIAM M		22 ST ANDREWS CIR	MADISON	WI	53717-1154
WESTERN, JEFFREY L		25 ST ANDREWS CIR	MADISON	WI	53717-1154
FORRESTAL SURVIVOR'S TR,		21 ST ANDREWS CIR	MADISON	WI	53717
MEYERS, FRANK & JUDITH	DEBORAH L	17 ST ANDREWS CIR	MADISON	WI	53717-1154
PIERSTORFF, ROBERT		6610 OLD SAUK RD	MADISON	WI	53705
PIERSTORFF, ROBERT W	SQ CDM	6610 OLD SAUK RD	MADISON	WI	53705
UNIT OWNERS SAUKBOROUGH		6417 NORMANDY LN	MADISON	WI	53719
NORMANDY PARTNERS LLC		725 E JOHNSON ST	MADISON	WI	53703
SABOL, SHAUN T		7833 BLACK RIVER RD	VERONA	WI	53593
SABOL, SHAUN T	OWNRS ASSOC % S.PACKWOOD	7833 BLACK RIVER RD	VERONA	WI	53593-8400
NORMANDY PARTNERS LLC		725 E JOHNSON ST	MADISON	WI	53703
SAUKBOROUGH PROPERTY		5 COURT OF BRIXHAM	MADISON	WI	53705
ROELKE IRREV TRUST, C M		6621 OLD SAUK RD	MADISON	WI	53705-2424
SCHUCK, HOWARD & DIANE	& XUDONG ZHU	6617 OLD SAUK RD	MADISON	WI	53705-2424
NIESEN TRUST		6613 OLD SAUK RD	MADISON	WI	53705-2424
MO, LUOSHENG		6605 OLD SAUK RD	MADISON	WI	53705
HARRIS, ZE'EV		6601 OLD SAUK RD	MADISON	WI	53705
JOSVAI, SAM	DANIEL D STIER	609 EVERGLADE DR	MADISON	WI	53717-1118
SORENSEN, DIANE M		606 SAN JUAN TRL	MADISON	WI	53705
JORANLIEN, ERIK	GRACE RIEDLE	610 SAN JUAN TRL	MADISON	WI	53705-2463
GREEN, MICHAEL A & LYNN M		6709 OLD SAUK RD	MADISON	WI	53705-2426
GREEN, MICHAEL ANTHONY	AND LYNN MARY GREEN	6709 OLD SAUK RD	MADISON	WI	53705-2426
PAJERSKI, CHRISTOPHER A		6713 OLD SAUK RD	MADISON	WI	53705-2426
Occupant		10 TORREY PINES CT	MADISON	WI	53717
Occupant		6706 OLD SAUK RD	MADISON	WI	53705
Occupant		738 SAUK RIDGE TRL UNIT B	MADISON	WI	53705
Occupant		738 SAUK RIDGE TRL UNIT C	MADISON	WI	53705
Occupant		738 SAUK RIDGE TRL UNIT D	MADISON	WI	53705
Occupant		736 SAUK RIDGE TRL UNIT A	MADISON	WI	53705

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Occupant	738 SAUK RIDGE TRL UNIT A	MADISON	WI	53705
Occupant	732 SAUK RIDGE TRL UNIT B	MADISON	WI	53705
Occupant	732 SAUK RIDGE TRL UNIT C	MADISON	WI	53705
Occupant	732 SAUK RIDGE TRL UNIT D	MADISON	WI	53705
Occupant	734 SAUK RIDGE TRL UNIT A	MADISON	WI	53705
Occupant	734 SAUK RIDGE TRL UNIT B	MADISON	WI	53705
Occupant	734 SAUK RIDGE TRL UNIT C	MADISON	WI	53705
Occupant	734 SAUK RIDGE TRL UNIT D	MADISON	WI	53705
Occupant	732 SAUK RIDGE TRL UNIT A	MADISON	WI	53705
Occupant	728 SAUK RIDGE TRL UNIT A	MADISON	WI	53705
Occupant	728 SAUK RIDGE TRL UNIT B	MADISON	WI	53705
Occupant	728 SAUK RIDGE TRL UNIT C	MADISON	WI	53705
Occupant	728 SAUK RIDGE TRL UNIT D	MADISON	WI	53705
Occupant	726 SAUK RIDGE TRL UNIT B	MADISON	WI	53705
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Occupant	726 SAUK RIDGE TRL UNIT C	MADISON	WI	53705
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Occupant	724 SAUK RIDGE TRL UNIT D	MADISON	WI	53705
Ald. John Guequierre	887 N High Point Rd	MADISON	WI	53717