

From: [Cheryl Elkinton](#)
To: [Plan Commission Comments](#)
Subject: TOD Overlay Zoning Ordinance
Date: Wednesday, January 25, 2023 11:14:07 AM

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Petition for redress.

I am against the new ordinance. There is a list of reasons. One, is that it opens it up for too many more construction projects. Our environmental problems are to such a severe level, that neighborhood residents extremely suffer while construction projects are in process. Materials are expensive. And none of it should be necessary. Our city is presently overcrowded, and nobody wants any more of it. Other economic strategies might include causing loan opportunities that can fit for the needs of those wanting to be small business owners, but have to fight unreasonable, and unworkable loan options. Disabled people, and other economically affected individuals such as low income by itself, can't be expected to have perfect credit, cosigners, or collateral when looking to pull together a loan. Furthermore, money is designed to reduce racial disparity cause discrimination against non-qualifying races. If money is for individuals looking to help support our economy were to come about equally to anyone that can support a viable plan, our city would improve that way and save uncountable amounts of money, absent building new buildings. Current buildings that need help could be on the list for repairs, but this rezoning ordinance has got to be stopped.

Sincerely,

Cheryl Elkinton
2504 Calypso Rd Apt 3
Madison WI 53704
(608)419-4483

From: [Jordan Allen](#)
To: [Transit-Oriented Development](#)
Subject: TOD Overlay District and historic neighborhoods
Date: Monday, January 9, 2023 2:15:01 PM

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Good afternoon:

Recently, the Plan Commission recommended the adoption of an amendment to rezone property located within 1/4 mile of the BRT route at its December 12th meeting. This was not in alignment with my prior understanding through my engagement with the process. Originally, my understanding was that historic districts (such as mine in University Hill Farms) would be excluded from rezoning.

I'm writing to oppose the adoption of including historic districts in the TOD overlay district. The proposed amendment is contrary to the Hill Farms neighborhood plan and would negatively impact our livability. I'm asking that you please exclude Hill Farms and other historic districts in the TOD overlay as originally stated and documented prior to December 12th.

Thank you,
-Jordan Allen.

December 29, 2022

The Honorable Satya Rhodes-Conway
Mayor of Madison
210 Martin Luther King Jr Blvd, Room 403
Madison, WI 53703

Dear Mayor Rhodes-Conway:

The proposed changes to expand the Transit-Oriented Development (TOD) Overlay Zoning to include national historical districts such as the Hill Farms neighborhood is in direct violation of federal funding. Your plans to develop and construct the new Rapid Transit system were made possible by the inflow of federal transportation dollars. Specifically, the City of Madison assured the Federal Transit Authority that historic districts would not be included in the TOD.

The letter, dated 1/24/2022, from Jason Viavarella of the US Department of Transportation – Federal Transit Authority to Ms. Kimberly Cook confirms this determination. Paraphrasing language from the attached letter, the FTA, *in compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined that the Project will result in **no adverse effect to historic properties.***

We are writing to inform you that we oppose amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning.

The proposed amendment would be contrary to the integrated neighborhood plan developed between the City of Madison and the Hill Farms Neighborhood Association. The amended rezoning neither integrates nor harmonizes the proposed additional housing into Hill Farms. It is a construct forced upon a vibrant, workable neighborhood which will erode that neighborhood's basic concept and livability. While City of Madison officials have a stated goal for strong, vibrant neighborhoods, the amendment is contrary to that goal. Furthermore, it would directly counter to language of the Hill Farms neighborhood covenants related to single family dwellings as agreed upon by the University of Wisconsin System Board of Regents when they sold Hill Farms to the city in the 1950s (see attached).

If approved, the proposed use of FTA funds for the Rapid Transit system would be jeopardized as such funds would have been obtained under false pretenses.

As such, we would like to know your position regarding the proposed zoning changes to allow multifamily dwellings within a quarter of a mile of the TOD and what steps you will take to protect the rights of property owners in the Hill Farms neighborhood and other nationally designate historic districts in Madison.

Sincerely



Amy and Jay Ford
5026 Marathon Dr.
Madison, WI 53705
608-469-2597
jhfordii@sbcglobal.net

Cc: U.S. Senator Tammy Baldwin

U.S. Representative Mark Pocan
State Senator Kelda Roys
State Representative Sheila Stubbs
City of Madison Alders

Attachments:

2022-01-24_Madison BRT_FTA to SHPO Eligibility and Effects Tansmital.pdf
Dane County Register of Deeds: Document #957656



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

January 24, 2022

Kimberly Cook
Historic Preservation Specialist
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RE: Madison East-West Bus Rapid Transit Project, Madison, Wisconsin
Section 106 Eligibility and Effects Determinations, Project No. 21-0692/DA

Dear Ms. Cook,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is writing to continue Section 106 consultation with your office for the Madison East-West Bus Rapid Transit (BRT) Project (the Project) in Madison, Wisconsin, proposed by Madison Metro Transit.

The East-West BRT is an approximately 15-mile east-west BRT route that will run along E. Washington Avenue, around Capitol Square, through the University of Wisconsin-Madison campus, and along University Avenue and Mineral Point Road to Junction Road. It will be an on-street system with buses operating in a combination of mixed traffic and both center running and side running bus lanes, with running way improvements such as limited stops, transit signal priority, and other various intersection improvements. The BRT route will have a total of between 30 and 32 station locations and terminate to the east near the intersection of E. Washington Avenue and East Springs Boulevard and to the west off Mineral Point Road near the Madison Beltline.

On May 6, 2021, FTA submitted our determination of the Area of Potential Effect (APE) for the undertaking. Your office agreed via email on May 24, 2021, that the APE was appropriate. Since that time, two consulting party meetings were held on September 14, 2021 and December 9, 2021. The project has been presented to the Madison Landmarks Commission twice on September 20, 2021, and December 13, 2021. Consulting party meeting minutes, comments and responses, and landmark commission reports are included in Appendix B of the *Determination of No Adverse Effect Report*. Additionally, a meeting was held on December 29, 2021, with consulting parties representing the University Hills Farms Historic District to discuss their concerns. As a result of that meeting, the project team has reduced the size and removed the green roof from the proposed station design at Whitney Way/Regent Street. A summary of the meeting is also included in Appendix B.

In compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined the following for the Project based on the enclosed materials:

1. Research was conducted to identify resources previously listed or eligible for inclusion in the National Register of Historic Places (NRHP) and field investigations were undertaken to identify any additional resources that may be eligible for inclusion in the NRHP. The results for archaeology and architectural history are documented in *Phase I Archaeology Survey Report* and the *Architecture/History Report* both of which are included as enclosures. Due to file size, a link is included below to download the reports.

The archaeology investigation identified six sites that are within, intersect with, or are adjacent to the Project APE. No further work is recommended for four of the sites as the Project does not have the potential to impact them. Monitoring by a qualified archaeologist is recommended for the remaining two sites (47DA0136/BDA0389 – Monona Avenue Park Mound Group and 47DA0177/BDA0586 – Capitol Park Effigy) pursuant to Wisconsin’s burial sites law, Wisconsin State Statute §157.70. However, if advanced design shows that ground disturbance will not occur within the reported site boundaries, no monitoring will be required. No archaeological sites were determined eligible for inclusion in the NRHP as part of this investigation.

The architecture/history investigations determined that the following NRHP-listed or previously determined eligible historic properties are within the Project APE:

- University Hills Farm Historic District
- Bascom Hill Historic District
- State Street Historic District
- Wisconsin State Capitol (National Historic Landmark)
- Dane County Courthouse/Madison City Hall
- St. Patrick’s Roman Catholic Church
- Breese Stevens Field
- Kleuter Wholesale Grocery Warehouse
- Gisholt Machine Company
- Madison East High School

The architecture/history investigations also recommended the following resources as eligible for inclusion in the NRHP:

- James Madison Memorial High School
- Garner Park Shelter
- UW-Madison Central Heating Station/Service Building Annex
- UW-Madison Vilas Hall

Therefore, based on the research, field investigations, and evaluations in the *Architecture/History Report*, FTA has determined that there are 14 historic properties within the APE.

2. The *Determination of No Adverse Effect Report* details the assessment of both the potential direct and indirect effects resulting from the Project. The assessment of effects did not identify any potential for physical destruction or damage, alterations, or relocations of historic properties resulting from the

Project. The Project will introduce new visual elements to the streetscape and may change the character or physical features within the setting of historic properties. In select cases, stations are located within the boundaries of the historic district. The new visual elements will not detract from the characteristics that qualify the individual properties or districts for NRHP eligibility. The project team identified potential indirect effects related to the City's Transit Oriented Development (TOD) zoning effort, which could impact historic properties in the vicinity of station areas. The Project team and city staff are recommending that any TOD zoning exclude local and NRHP-listed historic districts from the zoning overlay. If, however, the TOD overlay includes historic districts, FTA may need to reassess the Project APE and the assessment of effects if development in proximity to historic properties is identified. Further discussion is provided in the report. Based on the assessment of effects in the report, FTA has determined that the Project will result in **no adverse effect to historic properties**.

Thank you in advance for your assistance on this Project. We look forward to receiving your concurrence with FTA's Section 106 determinations within 30 days of receipt of this letter. Please contact Elizabeth Breiseth of the FTA Regional Office at (312) 353-4315 or elizabeth.breiseth@dot.gov with any questions.

Sincerely,

Jay Ciavarella,
Director, Office of Planning & Program Development

ecc: Elizabeth Breiseth, FTA
William Wheeler, FTA
Graham Carey, Madison Metro Transit
Mike Cechvala, Madison Metro Transit
Adele Hall, SRF Consulting
Greg Rainka, Commonwealth Heritage Group
Heather Bailey, City of Madison/Madison Landmarks Commission
Mike Lawton, Hills Farm Association
Joe Keyes, Hills Farm Association
Carmelo Alfano, Business Owner
Sue Springman, Mullins Group
Mark Buechel, NPS

Enclosures: *Phase I Archaeology Survey Report*
Architecture/History Report
Determination of No Adverse Effects Report

Due to file size, reports are available for download at the following link:
https://chgi.sharepoint.com/:f/s/CHGMarketing/EgrHE-fBkF1DlPdpJadO_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH

RESOLUTION ADOPTED BY THE EXECUTIVE COMMITTEE OF THE REGENTS OF THE UNIVERSITY OF WISCONSIN BY MAIL VOTE CIRCULATED ON APRIL 18, 1958

"RESOLVED: That the Declaration of Covenants, Restrictions and Easements, hereto annexed and filed with the minutes, is hereby approved, applicable to the Plat of University Hill Farms - South Hill Addition, which was approved by The Regents of The University of Wisconsin on February 1, 1958.

"RESOLVED FURTHER, That the President and Secretary shall execute the said Declaration on behalf of the Regents as owners and thereafter cause the same to be recorded."

I, Clarke Smith, do hereby certify that I am the duly elected, qualified and acting Secretary of The Regents of The University of Wisconsin, a body corporate duly organized and validly existing under the laws of the State of Wisconsin; that the above is a true and correct copy of a resolution duly adopted by the Executive Committee of The Regents of The University of Wisconsin, by mail vote circulated on April 18, 1958, by authority of The Regents of The University of Wisconsin; and that said resolution has not been altered or repealed and is in full force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity and affixed the seal of The Regents of The University of Wisconsin on this 25th day of April, 1958.

Clarke Smith

Clarke Smith, Secretary
THE REGENTS OF THE UNIVERSITY OF WISCONSIN



DANE 5 7 6 5 6 MAY 1 3 58

3.50 RM

LICENSED TO DANE COUNTY AND NOT FOR RELEASE, REBROADCAST, REPRODUCTION, OR ANY OTHER TRANSFER.

Declaration of Covenants, Restrictions
and Easements for the Plat of

UNIVERSITY HILL FARMS -
SOUTH HILL ADDITION

A Subdivision of the
City of Madison, Dane County, Wisconsin

The Regents of The University of Wisconsin, hereinafter referred to as the Regents, owners of the property known as University Hill Farms - South Hill Addition, a subdivision in the City of Madison, Dane County, Wisconsin, on behalf of themselves, their successors, and assigns, for the purpose of preserving the value of the lots in said subdivision, do hereby covenant, grant, declare, and provide that all lots in said subdivision shall be used only for the purposes and in the manner set forth herein.

Land Use and Building Types

1. All lots, except those listed in "2" and "3" below, in the plat of University Hill Farms - South Hill Addition shall be used only for single-family, residential purposes, and no structures shall be erected, altered, placed, or permitted to remain upon any lot in said plat other than:

- A. One single-family dwelling not exceeding two stories in height.
- B. One private garage attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

2. Two-family dwellings not exceeding one and one-half stories in height may be constructed on the following lots:

- Block 24 - Lots 12 through 19
- Block 26 - Lots 1 and 2
- Block 27 - Lots 1 through 9.

No structures shall be erected, altered, placed, or permitted to remain on said lots other than:

- A. Those authorized under "1" above, applicable to single-family dwellings.
- B. One two-family dwelling not exceeding one and one-half stories in height.
- C. One private garage for each family, attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

3. Churches may be constructed on lots in this plat upon approval of the Architectural Control Committee.

LICENSE TO TAKE COUNTY AND CITY RECORDS BY OTHER TRANSFER.

This clause is subject to the proviso that lands to which the Regents retain title, or for which they have the written consent of the owner, may continue to be used for present agricultural uses and purposes.

Architectural Control

No building shall be erected, placed, or altered upon any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of materials, harmony of external design with existing structures, and as to the location with respect to topography and finished grade elevations. A copy of such plans and specifications, together with a plat plan, shall be furnished by the owner for filing with the Committee.

No fence, wall, or hedge shall be erected, placed, or altered upon any lot nearer to the street than the minimum setback line unless similarly approved. All external construction and landscaping for a structure on any building site shall be completed within 18 months from the date of issuance of the city building permit unless a delay in completion is due to war, strikes, or an Act of God.

Dwelling Quality and Size

No residential structure shall be erected on any building site which has a ground floor area of the main structure, exclusive of one-story open porches and garages, of less than the following minima, as indicated below:

	<u>Minimum Ground Floor</u> <u>Area - Square Feet</u>
Block 24 - Lots 12 through 19)	
Block 26 - Lots 1 and 2)	1,200
Block 27 - Lots 1 through 9)	

Minimum Ground Floor
Area - Square Feet

<u>All Other Lots</u>	
For 1-story, 1-1/2 stories, and split-level dwellings	1,176
For 2-story dwellings	882.

The Architectural Control Committee may, whenever such action is rendered necessary by a change in the house-building art or a change in the public health standards for adequate housing or for other reasons consistent with the objectives of the control of size of structures, authorize a variance from the requirements from minimum ground floor area where the plans and specifications assure a high-quality house in harmony with the external designs of other houses in the neighborhood.

Building Location

No building shall be located on any lot nearer than 30 feet to the front lot line, and the Architectural Control Committee shall have the authority to require a setback between 30 and 38 feet from the front lot line. No part of any dwelling on a corner lot shall be located less than 25 feet from the right-of-way of the street. No dwelling shall be located on any interior lot nearer than 40 feet to the rear lot line. No part of any structure shall be located on any lot less than 10 feet from the side lot line, and the sum of the distances between any part of the structure and the two lot lines shall not be less than 25 feet. For two-story dwellings, no part of any structure shall be located on any lot less than 10 feet from the side lot line and the sum of the distances between any part of the structure and the two lot lines shall not be less than 35 feet.

Within the limitations of applicable zoning ordinances, the Architectural Control Committee or its designee may approve a variance from the sideyard and setback lines established herein when it finds that strict application thereof would result in peculiar and exceptional practical difficulties and undue hardship on the owner of the lot without commensurate benefit to the owners of neighboring lots.

No lot, as platted, shall be resubdivided without the consent of the Architectural Control Committee. This covenant shall not be construed to prevent the use of more than one lot as a building site subject to the approval of the Architectural Control Committee.

Lot Area and Width

No dwelling shall be erected or placed on any lot having a width of less than 50 feet at the building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 8,000 square feet.

Easements

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

Nuisances

No profession or trade nor any noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

VOL 318 PAGE 378

FORWARDED TO DANE COUNTY AND NOT RECORDED IN THIS OFFICE, SUBJECT TO THE TERMS AND CONDITIONS OF THE ORIGINAL INSTRUMENT

Temporary Structures

VOL 318 PAGE 379

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, nor shall any residence of a temporary character be used as a dwelling.

Architectural Control Committee Membership

The Regents or their successors shall establish by appointment a committee to be known as the Architectural Control Committee. The Committee may select an architect registered in the State of Wisconsin as its representative to act with full authority of the Committee, provided that such architect shall not have authority to vary the minimum ground-floor areas specified herein. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor and shall have full authority to act until the vacancy is filled. Action of the Committee shall be by majority vote.

The Regents may elect to surrender the selection of the Architectural Control Committee to any duly-organized community association governed by a majority vote of all lot owners in the University Hill Farms - South Hill Addition, or the majority vote of said lot owners.

I. Procedures

The Architectural Control Committee shall exercise its powers herein in accordance with the following purposes and standards:

- A. To assure the most appropriate development and improvement of the University Hill Farms - South Hill Addition.
- B. To protect each owner of a lot against improper uses by any other owner.
- C. To preserve so far as practicable the initial beauty of the subdivision.
- D. To guard against the erection thereon of poorly designed or poorly proportioned structures, or structures built of improper or unsuitable material.
- E. To encourage and secure the erection thereon of attractive, adequate-sized homes, which conform and harmonize in external design with other structures to be built in the subdivision which are properly located upon the lot in accordance with its topography and finished grade elevation.
- F. To provide for high-quality improvements which will protect the investments made by purchasers of such lots.

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General Provisions

Term

These restrictions shall be binding on all persons claiming under them for a period of 25 years from the date this Declaration is recorded, after which said Restrictions and Covenants shall automatically be extended for successive periods of five years, unless the owners of a majority of lots in the subdivision prior to the expiration of any term shall, by majority vote duly recorded, agree to amend or repeal said Restrictions.

These Covenants and Restrictions run with the land and shall be binding on all persons having an interest in said subdivision until terminated in accordance with the previous paragraph.

Enforcement

These Covenants and Restrictions may be enforced by any lot owner by proceedings at law or in equity against any person or persons violating or attempting to violate the same, either to restrain the violation or to recover damages.

Severability

Invalidation of any one of the covenants or restrictions herein, or any severable part thereof, by judgment or court order shall in no way affect any of the remaining provisions, which shall continue in full force and effect.

WITNESSES:

THE REGENTS OF THE UNIVERSITY OF WISCONSIN

Margaret Slightan
Margaret Slightan
Lucille A. Dietrich
Lucille A. Dietrich
Melvin F. O'Brien
Melvin F. O'Brien
Marcia Mahnke
Marcia Mahnke

By Wilbur N. Renk
Wilbur N. Renk, President
Clarke Smith
Clarke Smith, Secretary

ACKNOWLEDGMENT

STATE OF WISCONSIN)
(SS
COUNTY OF DANE)

April 24, 1958

Personally before me today, came Wilbur N. Renk, President, and Clarke Smith, Secretary, of The Regents of The University of Wisconsin, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same.



RECORDED

MAY 13 1958

At 9:45 o'clock P.M.

Lucille A. Dietrich
Lucille A. Dietrich, Notary Public
Dane County, Wisconsin
My commission expires August 10, 1958.

From: [James Ford II](#)
To: [Plan Commission Comments](#)
Subject: Opposition to Transit-Oriented Development Overlay Zoning
Date: Friday, December 30, 2022 10:50:50 AM
Attachments: [City of Madison Letter Final.pdf](#)

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

We are writing to express our opposition to amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning and express concern over the potential misappropriation of federal funds related to the Rapid Transit system which were secured through promises to the Federal Transit Authority that it would not impact historic districts. Our opposition is further clarified in the attached document.

Sincerely

Amy and Jay Ford
5026 Marathon Drive
Madison, WI 53705

From: [Charles Gervasi](#)
To: [Tishler, Bill](#)
Cc: [Melinda Gustafson Gervasi](#); [Plan Commission Comments](#)
Subject: Support Dense Development Near BRT Route
Date: Thursday, December 29, 2022 12:56:20 PM

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

Alder Tishler,

I am writing to ask you to support the zoning ordinance that would allow dense development along the BRT route. My wife and I have lived in Hill Farms for 20 years and have lived on Whitney way since 2010. We support development around the BRT route even within historic districts. Because the BRT plan calls for more frequent service along main routes but less service off the main road, density is essential for it to work.

Our [218 S Whitney Way home is in the historic district](#). I would even support tearing it down if it meant high-density development with convenient access to transit, if it ever came to that.

The changes being made to Whitney Way, making it more European-style, one-lane, 25mph, with no on-street parking, are difficult to adapt to. But I'm optimistic they're a good thing, part of the larger trend of Madison growing in population and wealth.

Please support the recent ordinance at the Jan 17, 2023 City Council meeting.

Respectfully Yours,

Charles J Gervasi

From: [Doug Carlson](#)
To: [Plan Commission Comments](#)
Subject: Request Regarding Agenda Item 27 on 12/12/2022
Date: Friday, December 9, 2022 2:47:31 PM

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

Dear Plan Commission Members:

The Transportation Policy & Planning Board on 12/5/22 recommended removal of the exclusion of historic districts from the TOD boundaries. TOD is scheduled for Plan Commission consideration as Agenda Item #27 on 12/12/2022. Public discussions and documents from City staff through November had excluded historic districts from the TOD area, including presentations and discussion led by City staff at a District 13 meeting on 9/14/22. Inclusion of historic districts in the TOD boundaries represents a significant and unexpected change.

Over one-half of the Vilas Neighborhood lies within the Wingra Park national historic district, most of which lies within the TOD boundaries. This change has a significant and disproportionate impact on the Vilas neighborhood.

Given the timing and nature of this change along with its impacts on the Vilas neighborhood, we request that the Plan Commission do one of the following at the December 12 meeting:

1. Consider the TOD excluding historic districts, as has been communicated with residents over the past year.

OR

2. If TOD including historic districts is to be considered, please delay action on this action item until affected residents and neighborhoods have time to provide input to the Plan Commission and elected representatives.

We appreciate your consideration,
-Doug Carlson
President, Vilas Neighborhood Association

Plan Commission Members.

I support the concept of the TOD Overlays. It will lead to better transit options for the city. However, I have concerns about the impact on owner occupied housing and **affordable** owner-occupied housing. One example is on the north side where affordable owner-occupied homes may be at risk due to the width of the overlay. The overlay width in many parts of the city may lead to non-owner densities in isolated pockets within neighborhoods and the desire for density may displace owner-occupied housing.

I also am concerned that until now, local and national historic districts have been excluded from the transit-oriented development overlay. **The neighborhood and I were surprised that only on Monday night, December 5, the Transportation Policy and Planning Board included both local and national register historic districts in the TOD overlay.** (The models for neo-traditional districts.)

I have concerns that the TOD overlay does not encourage owner occupied housing even though the city is promoting affordable owner-occupied housing. Owner occupancy is vital to Madison and its dynamics. Most of you, for example, are home owners as well as most other city committee and commission members.

Further I am concerned about lack of usable open space requirements and impact on quality of life for new renters.

That said I ask:

- Continue to have local and national historic districts excluded from the transit-oriented development overlays.
- Consider narrowing the TOD overlays to better protect owner occupied housing. This should promote more orderly density development and have less impact on owner occupancy. If the overlays are narrowed, they can be always reviewed and widened in the future.
- At the same time consider widening the overlays in poorly planned or undeveloped fringe corridors/areas. These are potentially high traffic generators that could negatively impact the isthmus.
- Consider any ways that TOD overlays could encourage owner occupancy and also lessen unintended consequences for renters, such as open space, in new dense development.

Thank you for your considerations in making Madison a better community.

Michael Rewey, 1921 Jefferson Street
Member Vilas Neighborhood Association Council and Zoning Committee
(my personal comments)

Cc: Heather Stouder, Tag Evers



222 W. Washington Avenue, Suite 600 | Madison, WI 53701
608-286-6300 | aarp.org/wi | wistate@aarp.org
twitter: @aarpwi | [facebook.com/AARP Wisconsin](https://facebook.com/AARPWisconsin)

12 December 2022

Comments of AARP Wisconsin Regarding Madison's Draft TOD Overlay Zoning

On behalf of AARP Wisconsin's almost 30,000 members in Madison, we write to submit comments regarding the City of Madison's DPCED Planning's proposed TOD Overlay Zoning. AARP is a nonpartisan, nonprofit, nationwide organization that helps empower people to choose how they live as they age, strengthens communities, and fights for the issues that matter most to families, including issues that support the creation and preservation of livable communities.

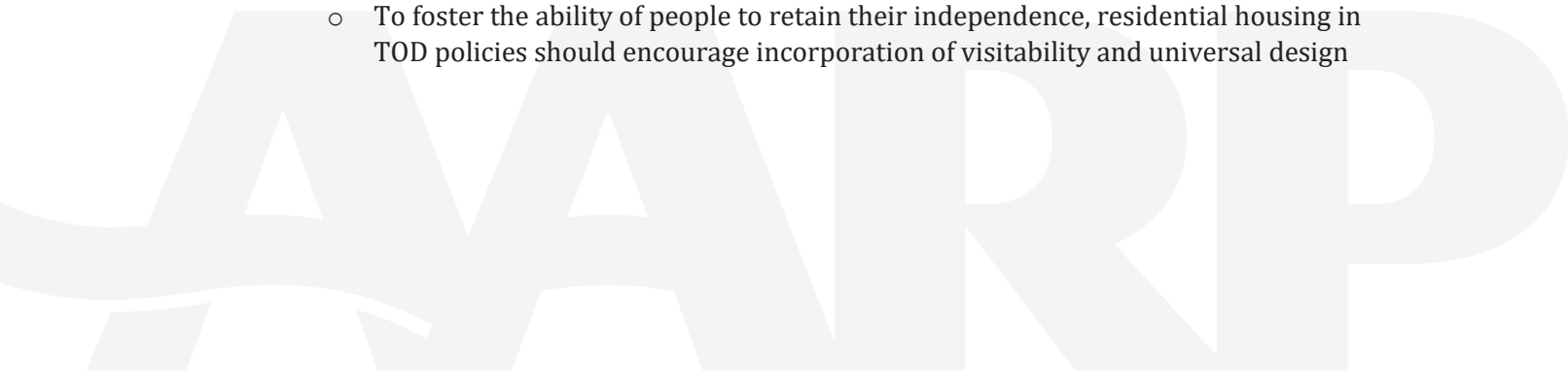
A livable community has affordable and appropriate housing, supportive features and services, and adequate mobility options for people, regardless of age or ability. While for many communities the general shortage of affordable housing is a challenge, a community can increase its livability by implementing measures to facilitate transit-oriented developments (TODs) that intentionally incorporate affordable housing. Without this intention, the desirability of TODs can exacerbate the challenges of housing affordability due to increased land and property values.

AARP applauds the overall direction of the DPCED's proposed plan along Madison's soon-to-be implemented Bus Rapid Transit corridors and along some High-Frequency Local Bus Routes. We especially appreciate the broad scope of the DPCED's efforts to support and encourage TODs, as well as engaging in a development process that has included substantial public input and technical analysis.

As Madison's policymakers seek to extend the benefits of TODs, we urge you to ensure that those benefits are available to people of low and moderate incomes and to those with different mobility challenges and needs. TOD policies must ensure that these developments provide both housing and transportation options and a range of features that allow people to retain independence as they age.

For these reasons, AARP offers the following additional recommendations:

- In general:
 - To foster the ability of people to retain their independence, residential housing in TOD policies should encourage incorporation of visitability and universal design



- features, like wide doorways and hallways, accessible bathrooms, and accessible kitchens to name a few. Although the term “visitability” refers to design elements that enable mobility-constrained neighbors and relatives to visit socially, the features also allow for some degree of aging-in-place and are relatively low cost.
- To ensure that streets in TOD districts are safe and accessible, Madison’s Complete Green Streets and Vision Zero policies and principles should be incorporated to focus on the safety and security of pedestrians in the design and operation of transportation facilities.
 - To facilitate housing affordability, policies should include incentives to promote affordable housing and mixed-income housing served by high levels of transit to ensure a diverse mix of households.
 - Specifically, as drafted:
 - Inclusion of TOD in Madison’s historic districts, both local and national. Local districts require approval before building or alteration thus already providing a level of protection to these areas and national districts that have review requirements in place when federal dollars are proposed to be spent. Excluding these areas hampers potential housing near the city’s investment in public transit.
 - Page 5, 7a1, Max Principal Building Setbacks “Buildings shall occupy at least 30% of the primary street frontage.” The possibility of up to 70% of the block without a building façade runs contrary to environmental psychology and urban design principles, which, in turn, is not good for TOD. We encourage the street frontage floor to be raised to something more appropriate to TOD.
 - Page 5, 7a3, “When more than one principal building is developed on a zoning lot, additional buildings shall be exempt from the maximum setback requirement.” We suggest language that establishes a standard setback and building façade line in order to create that edge for the best pedestrian experience.
 - P. 6c4, Minimum Number of Stories and Height. Exclusions to the minimum story requirement of 2 stories could cause the block to feel like a strip mall more suitable for an outlying commercial district instead of an urban TOD. We suggest this exclusion be eliminated.
 - P. 7 We suggest inclusion of bike lockers to promote the use of bicycles as a means of transportation and to access other modes of transit. Less parking in TOD helps to activate the street and sidewalk. Less parking also enables construction to be more compact and to be done more affordably.

AARP Wisconsin appreciates the opportunity comment on this important matter. We believe that the city of Madison is on the leading edge of promoting the creation of robust TOD districts to make Madison a vibrant city where residents of all ages can participate fully and live independently. We commend you for the proposed transit-oriented zoning overlay and your efforts to expand Madison’s housing and transportation options. Should you have any questions or need any further information, please feel free to reach out to me at dwasniewski@aarp.org or 608-286-6303.

Sincerely,
Darrin Wasniewski
Associate State Director- Community Outreach, AARP Wisconsin



From: [Mary Pustejovsky](#)
To: [Plan Commission Comments](#)
Subject: TOD ordinance
Date: Friday, December 9, 2022 9:45:07 AM

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Hello

I am writing to urge the passage of the TOD ordinance as it is amended by the TPPB to include historic districts. I live very close to Mineral Point Rd and went to take a look at some of the areas that would be included with the new maps. Parallel to Mineral Point Rd, on Manitowoc Parkway, there are already duplex homes. The TOD ordinance would allow duplexes at most in this area, where they are already present. I do not think these are "out of character" with the neighborhood in any way. With BRT being added, and developments along Mineral Point (especially near Whitney Way), it just makes sense to allow homeowners to modify their homes as they see fit. If they would like to add a second unit, or split a large home into two, they should be able to do so. This ordinance would not **require** them to do so.

The National historic district does not provide protections for any sort of aesthetic changes. So currently a homeowner could tear down their home, build a larger, out-of-character home, and it would be completely permitted. Yet if they wanted to add an addition to turn their home into a duplex that looks the same from the front, they would not be allowed to. This ordinance is very common sense and would show that we as a city are committed to allowing more people to live near transit and amenities, where they are able to live car-lite or car-free lifestyles. For local historic districts, I have full confidence in the historic preservation commission to review cases that come before them. The protections provided there will ensure that renovations and developments to add further density in the TOD areas will maintain the historic nature of the district. They do not need the TOD to accomplish this goal.

Thank you for your consideration.

Mary Pustejovsky
Midvale Heights

From: [Jeremy Cesarec](#)
To: [Transit-Oriented Development](#)
Cc: [Heck, Patrick](#)
Subject: transit oriented development #74703
Date: Monday, December 5, 2022 8:42:02 AM

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Hello,

I just learned about this proposed ordinance and I am in favor of it. I'm a single-family homeowner in Tenney-Lapham and I welcome more population density in our city's desirable, walkable neighborhoods near reliable public transportation.

If there is still an opportunity to file an official public comment on this matter, can you please advise?

Thank you,
Jeremy Cesarec
408 Sidney St, Madison, WI 53703

From: [Lynch, Thomas](#)
To: [Stouder, Heather](#); [Zellers, Benjamin](#)
Subject: FW: Legistar item 70576
Date: Wednesday, November 30, 2022 1:24:18 PM

From: Whitney Cook <whitneyah@gmail.com>
Sent: Wednesday, November 30, 2022 1:23 PM
To: Lynch, Thomas <TLynch@cityofmadison.com>
Subject: Legistar item 70576

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Hello,

I believe there should be an amendment to include national and local historic districts in legistar item 70576, Transit-Oriented Development Overlay Zoning. I do not believe it is a good idea to include an owner-occupancy requirement for duplexes in these areas. We need good, affordable, and plentiful housing that meets the needs of our community. Dense housing is beneficial to the environment through fewer single occupant car commuters. It is beneficial to our citizens through stable and affordable housing. And it is beneficial to our economy as more potential employees find it easy and convenient to commute and more buyers find it pleasant to spend an afternoon shopping in nearby areas.

Please consider these matters when voting on legistar item 70576.

Whitney Cook
6146 Sandstone Dr, Madison, WI 53719

From: [Eric Richards](#)
To: [council](#); [Plan Commission Comments](#); [Transportation Commission](#); [Lynch, Thomas](#); [Stouder, Heather](#)
Subject: Legistar items 70576 & 74703 (Transit-Oriented Development Overlay Zoning)
Date: Tuesday, November 29, 2022 4:14:46 PM

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Hello,

I am a homeowner in the Emerson East neighborhood (TR-C4) and I am an area representative on the Emerson East Neighborhood Association board. I am writing to express my personal support of Transit-Oriented Development Overlay Zoning. I also approve of the proposed specific TR-C4 zone changes; I feel they are a reasonable step in the right direction.

Our current zoning situation is one of the largest barriers to our city's continued equitable growth. TOD overlay zoning is an effective tool for improving our city's housing supply while also making it easy for more and more residents to access public transit. Study after study show that prioritizing public transit access and multi-family housing have huge impacts on cost of living, traffic congestion, and equitable access to all. If we want to be a modern city, we need to make changes that allow us to grow like one.

I believe local and national historical districts should be included in TOD overlay and not excluded as exceptions. Current protections for those sites are sufficient, and any changes affecting those areas can be reviewed on a case-by-case basis through the existing historical preservation channels. It doesn't make sense to entirely exclude those areas from a TOD overlay.

As far as proposed owner-occupancy requirement for multi-unit residential dwellings goes ... I see the reasoning, but I feel that it does not fit in with the overall TOD overlay plan. Adding that clause would just serve to give people a reason to vote this down. Any changes to zoning regarding owner-occupancy should be made for each zoning categorization itself separately and not restricted to only overlap with TOD overlay zones. For example, an owner-occupancy change to TR-C4 should impact *all* TR-C4 and not just the TR-C4 parcels that intersect with a TOD overlay.

Thank you,
Eric Richards
201 N Third St

From: [Lynch, Thomas](#)
To: ["Cailey Jamison"](#)
Cc: [Stouder, Heather](#); [Zellers, Benjamin](#)
Subject: RE: TOD Feedback
Date: Tuesday, November 29, 2022 3:56:43 PM

Thank you Cailey!

I am copying Planning Staff who will have your comment added into legistar for the ordinance.

Tom

From: Cailey Jamison <cailey.jamison@gmail.com>
Sent: Tuesday, November 29, 2022 2:13 PM
To: Lynch, Thomas <TLynch@cityofmadison.com>
Subject: TOD Feedback

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

Hi Tom,

I'm a Madison (Marquette Neighborhood) resident and wanted to reach out and share my thoughts ahead of the TPPB's consideration of the Transit Oriented Development plan next Monday.

I fully support the TOD plan's goals and encourage TPPB to move forward with it. However, I did want to share some thoughts about proposed historic district carveouts and owner-occupancy requirements.

Existing local/national historic district protections are sufficient, and further limitations would block a gentle increase in density the city needs in order to remain an affordable place to live for future generations. Preventing very small increases in density near transit stands in the way of more walkable, 15-minute city neighborhoods, and would serve the interests of a few wealthy homeowners rather than the whole city. Excluding these areas from the plan could lead to more cars and parking requirements – often directly at odds with maintaining the "character" of the area and meeting our climate goals. On the other hand, more density + fewer cars – while maintaining historic district aesthetics – is exactly what we should be looking for as the city grows. And the clearest way to get there is to include these areas in TOD while relying on existing protections to ensure that changes are in line with current character.

In order for millennials like me and future generations to afford housing in Madison, the city must increase housing supply. The city has been underbuilding for years now and it has caught up to us. To solve that issue, we need to build – and requiring owner occupancy for duplexes/ADUs will prevent much of the needed supply building in the city. More houses and more options helps everyone. For that reason, we should not impose additional residency restrictions on duplexes.

Thank you for everything you are doing on this project and for being a voice of reason at every meeting I've observed, and please do everything you can to make this TOD plan even better. I will be reaching out to the other involved groups to share similar thoughts. Have a great week!

Cailey Jamison

Heiser-Ertel, Lauren

Subject: FW: TOD Feedback

From: Cailey Jamison <cailey.jamison@gmail.com>

Sent: Tuesday, November 29, 2022 2:15 PM

To: Stouder, Heather <HStouder@cityofmadison.com>

Subject: TOD Feedback

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

Hi Heather,

I'm a Madison (Marquette Neighborhood) resident and wanted to reach out and share my thoughts ahead of the Plan Commission's consideration of the Transit Oriented Development plan next Monday.

I fully support the TOD plan's goals and encourage Plan Commission to move forward with it. However, I did want to share some thoughts about proposed historic district carveouts and owner-occupancy requirements.

Existing local/national historic district protections are sufficient, and further limitations would block a gentle increase in density the city needs in order to remain an affordable place to live for future generations. Preventing very small increases in density near transit stands in the way of more walkable, 15-minute city neighborhoods, and would serve the interests of a few wealthy homeowners rather than the whole city. Excluding these areas from the plan could lead to more cars and parking requirements – often directly at odds with maintaining the "character" of the area and meeting our climate goals. On the other hand, more density + fewer cars – while maintaining historic district aesthetics – is exactly what we should be looking for as the city grows. And the clearest way to get there is to include these areas in TOD while relying on existing protections to ensure that changes are in line with current character.

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Thank you for everything you are doing on this project, and please do everything you can to make this TOD plan even better. I will be reaching out to the other involved groups to share similar thoughts. Have a great week!

Cailey Jamison

Heiser-Ertel, Lauren

Subject: FW: TOD Feedback

From: ianjjamison@gmail.com <ianjjamison@gmail.com>

Sent: Tuesday, November 29, 2022 8:32 AM

To: Stouder, Heather <HStouder@cityofmadison.com>

Subject: TOD Feedback

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

Hi Heather,

I wanted to reach out and share my thoughts ahead of the Plan Commission's consideration of the TOD plan on Dec 12.

I wholeheartedly support the plan and its goals and urge you to move forward with it. My two pieces of feedback are with regards to proposed historic district carveouts and owner-occupancy requirements.

Existing local/national historic district protections are sufficient, and extending further limitations is at odds with the gentle increase in density we're looking for. It stands in the way of more walkable, 15-minute city neighborhoods, and would serve the interests of the few rather than the whole city. Excluding these areas from the plan could lead to more cars and parking requirements – often directly at odds with maintaining the "character" of the area. On the other hand, more density + fewer cars – while maintaining area aesthetics – is exactly what we should be looking for here. And the clearest way to get there is to include these areas in TOD while relying on existing protections to ensure that changes are in line with current character.

I also believe that the top impediment to affordable housing is lack of supply. The city has been underbuilding for years now and it has caught up to us. To solve that issue, we need to build – and we shouldn't be worried about *who* is building or *why*. More houses and more options helps everyone. For that reason, we should not impose additional residency restrictions on duplexes.

Thank you for everything you do and please do everything you can to make this TOD plan even better. I will be reaching out to the other involved groups to share similar thoughts. Have a great week!

Ian Jamison

Heiser-Ertel, Lauren

Subject: FW: TOD Feedback

From: ianjjamison@gmail.com <ianjjamison@gmail.com>

Sent: Tuesday, November 29, 2022 8:30 AM

To: Lynch, Thomas <TLynch@cityofmadison.com>

Subject: TOD Feedback

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

Hi Tom,

I wanted to reach out and share my thoughts ahead of the TPPB's consideration of the TOD plan next Monday.

I wholeheartedly support the plan and its goals and urge you to move forward with it. My two pieces of feedback are with regards to proposed historic district carveouts and owner-occupancy requirements.

Existing local/national historic district protections are sufficient, and extending further limitations is at odds with the gentle increase in density we're looking for. It stands in the way of more walkable, 15-minute city neighborhoods, and would serve the interests of the few rather than the whole city. Excluding these areas from the plan could lead to more cars and parking requirements – often directly at odds with maintaining the "character" of the area. On the other hand, more density + fewer cars – while maintaining area aesthetics – is exactly what we should be looking for here. And the clearest way to get there is to include these areas in TOD while relying on existing protections to ensure that changes are in line with current character.

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Thank you for everything you do and for being a voice of reason at every meeting I've observed, and please do everything you can to make this TOD plan even better. I will be reaching out to the other involved groups to share similar thoughts. Have a great week!

Ian Jamison

From: John Perkins <perkinsj71@gmail.com>
Sent: Monday, November 21, 2022 10:21 AM
To: Zellers, Benjamin <BZellers@cityofmadison.com>
Cc: Aris Blevins <arisblevins@gmail.com>
Subject: Comment on TOD zoning overlay

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

Please add the following comments to the TOD package materials distributed to Common Council and Plan Commission members. If there is another address they should be sent to, please advise.

John

The Greenbush Neighborhood Association has had a chance to review aspects of the proposed Transit-Oriented Development proposal, and we have circulated a survey of neighborhood listserv members to gauge feedback from neighbors.

The survey had 36 respondents, and 2/3 of those took issue with the minimum parking requirements dropping to zero parking stalls per dwelling unit. The majority of respondents did not have an issue with changes to the maximum parking requirement change (2.5 stalls/dwelling unit hard limit) and were evenly split on changes to maximum dwelling unit limits allowed per parcel.

The Greenbush Neighborhood Council requests the minimum parking stall requirement change be struck from the TOD proposal for a number of reasons:

- When surveyed, the majority of respondents were not in favor of this change.
- We have a number of homes whose owners have been willing to invest in their properties with the current level of street parking resources available. We have already seen an increase in street parking usage with newer properties built along Park St at Drake St and Delaplaine Ct with a certain percentage of residents there not willing to pay extra for off-street parking. We feel allowing buildings to be built by-right with no parking allowed would be a disservice to those who have already invested in our neighborhood.

The ad-hoc Regent St Revitalization Committee that has met over the last several years has repeatedly identified parking resources as necessary to remaking the Regent St corridor between Monroe St and Park St more of a destination district. Allowing buildings to be built "by right" with zero parking resources on-site runs counter to identified needs from this group.

We feel Plan Commission oversight through the conditional use process is warranted for new buildings to be built with less than 1 parking stall per dwelling unit as is the case under current zoning code.

We do not take issue with other components of the TOD zoning overlay (maximum parking changing to a hard limit, dwelling unit maximum increases, build/lot layout guidelines).

John Perkins
Greenbush Neighborhood Council

Aris Blevins
Greenbush Neighborhood Association President

From: [Darrin Wasniewski](#)
To: [Zellers, Benjamin](#)
Cc: [Mayor](#); [All Alders](#); [Plan Commission Comments](#); [Lynch, Thomas](#)
Subject: TOD ordinance
Date: Friday, October 28, 2022 10:28:37 AM

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

Ben,

Thank you for attending this week's town hall on housing held at Sequoya Library and sharing about the upcoming TOD proposal. I have to say, I was dismayed to hear you say that you expect that National Register and local historic districts would be excluded from the final ordinance. I understand that this was not included in the original thinking, but added at the request of an alder.

My professional career in building communities began in historic preservation. I joined the German Village Society in Columbus, Ohio as historic preservation officer in 1999, after an internship in 1998 cataloging 15,000 unidentified slides that were donated by a long-time resident on his passing, but that's a story for another day. I jumped into this position with lofty goal of saving old buildings. In my six years there, my shifting evolved, and I learned that historic preservation is a means of building community, a much loftier goal. I have been a staunch defender of historic preservation ever since, having experienced this shift in thinking.

Recently, preservation, and preservationists, have come under fire and I have found myself having to defend the practice to people for whom I have deep respect both professionally and personally. Claims have been levied that it is exclusionary, at worst, and out-dated at best. I understand that historic preservation is a tool that could be used for good- protecting a community's historic assets, providing a space for skilled labor positions in rehabilitation, presenting a means for someone to enter as a small-scale developer and build their acumen, or a weapon- to exclude people based on perception of who they are or what they may contribute to an area. I'm afraid that I see excluding historic districts out of the TOD ordinance as the latter. Since being designated affords these areas a level of protection and review before any changes are made already, I just can't see any other reason than wanting to, code word, "keep the neighborhood character."

I recognize that just allowing neighborhood-appropriate, Missing Middle housing (2 to 4 family units) does not mean they will be built, but what is the point of outright making sure there is never an opportunity? Especially when a board comprised of Madison residents reviews requests for change and decides appropriateness for the area. I haven't completed an official study, but anecdotally, I've noticed multi-family units that exist already in Madison's historic district, to include Hill Farms. These are already in the fabric and character of the neighborhoods. I firmly believe that every resident in Madison has a right to access any part of the city and a basic human right to mobility- WITH DIGNITY. Excluding the districts from this TOD ordinance flies in the face of these principles. Are we really telling a life-long neighbors in these districts that when their housing needs change they have to abandon their friends and social connections and start fresh elsewhere because we do not want to allow housing for all life-stages and situations in our historic districts?

Ben, I know this isn't your decision to make, but I am admittedly using you as a vehicle to reach our

city's leaders. If you, or any of the elected leaders, or commission members who will be reviewing this proposal would like to discuss further, I am always happy to connect. Better yet, I invite anyone to a walking tour of Missing Middle Housing that I will be conducting on Sunday, November 13th at 1 pm with Madison is for People. Message me or visit the Madison is for People group on Facebook.com for more details.

Most sincerely,

Darrin Wasniewski
We Can If Consulting, LLC
608-886-3023

Shifting the conversation from “we can’t because” to “We Can If”