

MICHAEL BEST

& FRIEDRICH LLP

Michael Best & Friedrich LLP
Attorneys at Law

One South Pinckney Street
Suite 700
Madison, WI 53703

P.O. Box 1806
Madison, WI 53701-1806

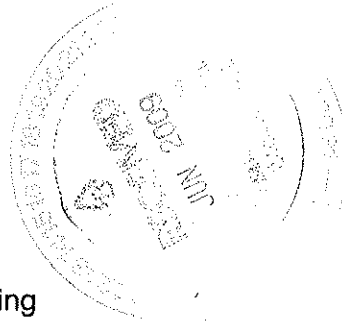
Phone 608.257.3501
Fax 608.283.2275

Angela Black

Direct 608.283.2264
Email ablack@michaelbest.com

June 11, 2009

City of Madison Plan Commission
c/o City of Madison Department of Planning
& Development
Room LL-100
215 Martin Luther King, Jr. Blvd.
Madison, WI 53709



Re: 2 South Bedford Street Redevelopment

Dear Friends:

This letter is sent on behalf of Badger Coaches, Inc. and the Meier family, who have been active member of the Madison and Wisconsin business communities for nearly 100 years. They are the developers of a proposed mixed-use project at 2 South Bedford Street, the current bus depot property, which will come before the Plan Commission for approval of a GDP/SIP on Monday evening, June 15, 2009. We ask for approval of the project at that meeting.

The project consists of one 5-story building and one 4-story building which will include 82 apartment and townhomes and approximately 12,000 feet of commercial space. The project itself has undergone reviews by the Urban Design Commission (initial approval was granted on April 22, 2009), Capital Neighborhood, Inc. Steering Committee and the Bassett Neighborhood, and many modifications have been made based on those meetings. We believe the project conforms not only to the various desires of the constituencies to whom the project has been presented, but also to the Bassett Neighborhood Plan and the Downtown Comprehensive Plan.

While there is substantial neighborhood support for the project as configured, there are members of the Neighborhood who believe that the project, with its stepped-back fifth story is not in keeping with the Bassett Neighborhood Plan or the Comprehensive Plan. We respectfully believe that the design enhancements suggested by the Urban Design Commission have alleviated any concerns that the massing and height are out of character with the rest of the street. The high quality of the architectural details and the excellent suggestions of the Urban Design Commission have made this a project which conforms to the intent and spirit of the Bassett Neighborhood Plan as well as the Comprehensive Plan.

We have also become aware that questions have been raised about how bus service will work once the bus depot site is redeveloped. Badger Coaches has submitted a statement which will be included in your packets for Monday night which explains how operations will work once the bus depot is gone. Operations going forward will be more in line with how bus companies are now operating all over the country, and includes tickets sales through a combination of internet, telephone, counter sales at designated stops and by bus drivers. Badger Coaches will continue

MICHAEL BEST

& FRIEDRICH LLP

June 11, 2009

Page 2

to pick up and drop off approximately 80% of its riders at the Memorial Union. The approximately 20% of riders who use the bus depot will have a new location within close proximity to the current location where they can buy tickets, get on and off the bus and use restrooms. The details of that location have not yet been finalized but will be finalized no later than the time operations cease at the bus depot. Finally, Badger Coaches will also begin a regular pick up and drop off at the Dutch Mill Park and Ride where its Madison to Milwaukee commuters will be able to park for free. It is our understanding that the City Traffic Engineering department has no objection to this new scheduled stop which is currently utilized by other bus companies, including the Van Galder.

We recognize and applaud the efforts and suggestions of many folks, including the UDC, City Staff and the Neighborhood, and look forward to the successful approval of the project on Monday evening. If there are any questions about the project in advance, please do not hesitate to contact me at 213-8832. We look forward to seeing you on Monday evening.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Angela Black

cc: Badger Coaches, Inc.
Michael May, Chair, Neighborhood Steering Committee
Bradley A. Murphy
Tim Parks

Q:\CLIENT\025694\0001\B1909688.1

Murphy, Brad

From: porchchat@gmail.com on behalf of Robbie Webber [robbie@robbiewebber.org]

Sent: Monday, June 15, 2009 4:29 PM

To: Murphy, Brad; Nan Fey; Eric Sundquist

Subject: Badger terminal

Brad -

Could you please make sure the Plan Commission members receive the email below? I will not be able to attend the meeting tonight.

I note that the packet for tonight's consideration of a demolition permit for the Badger Bus terminal site does not include discussion or minutes from the Transit and Parking Commission or LRTPC. Both of these bodies discussed this proposal at least twice. Most recently, I testified at the June 9 TPC about concerns regarding blocking of parking spaces and poor/inadequate sight lines on Langdon St due to too many buses attempting to park and stage in front of Memorial Union. I took photos of the problem, but have not attached them so as not to clog your/my server.

I am concerned that not all relevant information is included in tonight's packet, because the TPC and LRTPC minutes are not included. Among the concerns raised:

Three buses were parked and staging in front of Memorial Union the day I went by. One bus blocked all the motorcycle parking to the east of the Memorial Union parking lot. This bus also blocked sight lines for all leaving the parking lot, creating a very dangerous situation. This bus was clearly illegally parked.

The city has no rules about where buses may pick up on the street. If rules are not made, buses could create traffic blockages and visual blockages as they stage or serve customers. Since there will no longer be a terminal to fall back on, I hope Badger, Van Galder, Mega Bus, and Greyhound won't be complaining in the future when the city finds it must restrict pick up and drop off locations.

I realize that the city may have no legal basis to deny demolition of the current building, and has no way to force Badger Lines to continue to operate the terminal, however, a condition of approval should be that they will work with the city - Engineering, Planning Dept, and Traffic Engineering - to work out rules about where all bus lines may pick up and drop off, how long they may stage, etc. I hope they understand that the City has every right to limit where they may engage in these activities. Without a terminal to use, they will be at the mercy of any rules or restrictions we put in place, including, but not limited to charging fees and requiring a permit to being able to do curb side pick-up. (This is what Milwaukee did after they opened their multi-modal terminal.)

Perhaps you should refer the item until the Plan Commissioners can read the minutes and public comments from the various transportation committees.

Thank you for your consideration in this matter.

Public citizen Robbie Webber
2613 Stevens St
Madison, WI 53705

6/15/2009

8

Parks, Timothy

From: Olinger, Mark
Sent: Friday, February 06, 2009 4:11 PM
To: 'David Knuti'
Cc: Trowbridge, David; Trowbridge, David; Parks, Timothy; Verveer, Mike; Murphy, Brad
Subject: RE: Transportation Issues in Badger Bus Station Redevelopment

Mr, Knuti:

Thank you for your letter and statement regarding the Badger Bus Station Redevelopment.

We are very aware of the issues you present and what that may portend for inter-modal transportation options in the near- and longer-term. The questions you raise are being reviewed and will certainly inform our thinking on this project.

If you have any questions, please contact me directly.

Have a good weekend.

m.

Mark A. Olinger, Director
Dept. of Planning & Community
& Economic Development
City of Madison
608-266-4635-ph
608-267-8739-fax
molinger@cityofmadison.com

In compliance with State public records law, the City of Madison retains copies of ALL email messages to and from this mailbox. Email messages may be released in response to appropriate open record requests.

From: David Knuti [mailto:knutifam@yahoo.com]
Sent: Thursday, February 05, 2009 7:46 AM
To: Olinger, Mark
Cc: Trowbridge, David; Trowbridge, David; Parks, Timothy; Verveer, Mike
Subject: Transportation Issues in Badger Bus Station Redevelopment

Mark A. Olinger, Director

Department of Planning & Development
 City of Madison
 215 Martin Luther King Boulevard
 Madison Wisconsin 53703

Transmitted by e-mail and regular mail

Dear Mr. Olinger

This letter is to express concern about the implications for the City of the Badger Bus Company's plans to redevelop their bus station site at Bedford and West Washington, and effectively abandoning fixed bus boarding and transfer services in central Madison. I am writing this letter as a resident of the Bassett Neighborhood, a strong supporter of mass transit, and a concerned observer of our advancing energy crisis. Concerned citizens are requesting that your department actively engage in the review of this project as it comes for approval to the City Planning Committee and Common Council. I am attaching a public statement that discusses this problem in some detail, which has been endorsed by my colleagues in the Madison Peak Oil Group, an organization dedicated to educating the public on the need to prepare for impending high energy prices and supply disruptions.

It is important to prevent a near term deterioration of intercity bus service, but also the loss of the most promising site for the central focus for an expanded public transportation system. As the agency responsible for much of the actual work, you well know that such a facility is envisioned in many components of our ongoing transportation planning process including the Wisconsin Connection 2030 Plan, Transport 2020 Plan, and the Midwest Regional Rail System, and even our Bassett Neighborhood Plan.

Unfortunately, at this time, these plans are in the various stages of formulation, and need legislation and financing to put them in concrete form. Serious planning is also inhibited by the financial crisis and the abatement of last summer's high energy prices. Nevertheless, these same forces may also bring large Federal resources from pending economic stimulus appropriations. In addition, we should be ready for an emergency expansion of transportation alternatives when high energy prices return with a vengeance as the world economy recovers. This makes a pro-active intervention by City essential to the protection of the public interest--despite the current lack of a specific public plan to use the Bus Station facility and site.

Therefore, we urge the City Planning Department to immediately and vigorously:

- Hold the Badger Bus Company accountable for a viable plan for intercity bus boarding and transfers for the near term—two to three years—as a part of their plans for conversion of this site to non-transportation use.
- Obtain information from UW planners specifying what intercity bus boarding and transfer activities can be accommodated at the Union South facility, including the construction period through 2011, for both Badger and Greyhound bus service and transfers.
- In consultation with the Wisconsin Department of Transportation, provide the Planning Commission and the public with projected plans for intercity transportation terminal facilities and intermodal transfers in the downtown area—both near and long term--before recommending approval of the Planned Unit Development required for the implementation of this project.
- As part of a final recommendation, consider staying the abandonment of transportation services at

the Bus Station, and consider the purchase of this site for public transportation purposes aided with State or Federal funds.

The bus company owners appear bent on rapidly pushing their redevelopment plans through the city process while shamelessly neglecting plans for future intercity bus service. They feel they can operate profitably with poorer service and no provision for rider accommodations and transfers, but the city has broader responsibilities to the public which can not be neglected.

David Knuti
615 West Main Street #301
Madison , Wisconsin 53703
251-2173

CC: Alderman Michael Verveer
David Trowbridge, Transportation Planner
Tim Parks, Neighborhood Planner

Don't Let Bus Station Closure Set Back Madison

June 6, 2009

The Badger Bus Company plans to close its intercity bus terminal at West Washington and Bedford, which is likely to clog city streets, discomfort bus passengers and reduce total ridership when it needs to be sharply increased. In addition, the best site for a future central transit hub should not be permanently lost. When the issue comes up at its June 15 meeting, the City Planning Commission should withhold approval of the redevelopment plan until viable plans for intercity bus service have been worked out.

No plans have been offered for future service other than pile the rest of Madison's intercity bus activity onto the curb at Langdon Street and have the Union service the passengers. UW has said it will not cooperate with this development, and the added bus traffic is likely create a hopeless pile-up in an already crowded location. But a worse alternative would be for bus service to be completely dispersed to scattered street corners and peripheral locations.

It is time for the Mayor and Council to lead a joint search for solutions involving all the companies--Van Galder, Greyhound and Badger. To make this work, the city should dust off its traffic control ordinances, planning capability, and financial resources. Ultimately, an effort should be made to refocus bus service back to the station, and consider public support for its operation and improvement---with or without public acquisition.

At this time, Badger is rushing to build another downtown commercial-residential development when space is empty and projects are stalled all around them. In the meantime, a Regional Transportation Authority is being created, high-speed rail is coming to town, the state is considering more intercity bus routes, and commuter rapid transit is in planning---all with expanding Federal support. The current Bus Station is the best point for all these developments to converge in a multi-modal center. Time is needed to seriously deal with these issues.

David Knuti, Madison Peak Oil Group
Susan De Vos, Madison Area Bus Advocates

Parks, Timothy

From: Patrick Rynes [echotap@charter.net]
Sent: Monday, June 15, 2009 11:11 AM
To: Parks, Timothy
Subject: Badger Bus Depot Project !!

6/15/09

It is always sad to see a business leave the neighborhood but the new plan Mr. Myers proposed calls for some new retail shops. Hopefully these new businesses will energize the area. Business attracts business !! (as long as it is not another tavern). My family has operated the Echo Tap & Grill for almost 75 years. We have seen many changes over that time. I look at this project as a positive step not only for the neighborhood but for the whole downtown area. I do have one concern. I hope that the "on street" is not affected and it stays the same. So I vote yes !!

Patrick H. Rynes
Owner of The Echo Tap & Grill

ADVISORY STATEMENT

BASSETT DISTRICT STEERING COMMITTEE REVIEW OF 2 S. BEDFORD STREET (BADGER BUS STATION SITE) REDEVELOPMENT PROPOSAL

Introduction. Below is a summary of the outcomes of the Bassett District steering committee meetings of February 9th, February 16th, and March 3rd, 2009, regarding the current site of the Badger Bus Station at 2 S. Bedford Street. The committee met with Knothe & Bruce Architects, represented by Mr. Randy Bruce for the development team. This statement is not an expression of outright support or opposition to the project, but rather a summary of significant neighborhood issues and concerns that need to be addressed by the developer, the neighborhood, and relevant city review authorities if and when this project is considered for approval.

The attached appendix includes written comments by individual steering committee members addressing matters they believe to be significant.

Summary of Major Concerns

Building Heights, Massing and Setbacks. The major concerns involve the dominating 5-story building height along W. Washington and portions of S. Bedford, and resulting size inconsistency with nearby structures. This is Bassett's first multi-building mixed use proposal to place a 5-story structure on the property line facing the two corners noted above. Typical building heights are two to four stories in the Bassett neighborhood. It was noted that the project at 538 W. Washington (diagonally across the street to the NE) placed its 5-story apartment well back, behind a historic row of low-rise shops. The developer has indicated that building placements on or near the property lines will be consistent with adjoining and nearby buildings, and will not further obstruct the Capitol viewscape. To address the committee's concerns, as of March 3rd the architect had amended his drawings in an attempt to reduce the project's bulk and size as noted below:

- Tapered the 1st floor corner at W. Washington/S. Bedford to allow better traffic visibility and more pedestrian space.

- Used a "shed roof" treatment along S. Bedford to give a lower silhouette adjoining the sidewalk, covering the commercial store frontages.

- Reduced the 10 ft. studs to 9 ft. in height for all floors in all three buildings, lowering the 5-story structure by about six (6) feet. An overlay of the existing 4th Ward Lofts on W. Main Street (4-stories) was superimposed by the architect to show the relative heights, with the proposed 5-story building about 7 feet taller than 4th Ward Lofts' parapet wall.

- Eliminated the NE corner unit on 5th floor to reduce the bulk and create a roof patio.

- Used multiple light brick/masonry treatments to break up the solid dark brick mass.

- Emphasized that the proposed apartments on W. Main St. will be only 3-stories tall.

- Increased planted areas in the surface parking lot.

Unit density of 82 apartments/acre (with 31 of these having 2 bedrooms) was a concern to some committee members. However, the BNP allows for very high density (60+u/a) in this area. Also, a number of Bassett projects have exceeded 100 units/acre in the last seven years.

Major remaining issues include the precedent that would be set for 5-story structures in a neighborhood with newer structures no taller than four stories. The BNP states (pg. 32) “Bedford Street is an important edge to these residential districts (Bedford to Broom) and commercial development on Bedford should be scaled to fit the edge, much like Meriter Terraces has been designed to compliment the residential uses on S. Broom Street and W. Doty Street.” Further, the current residences on W. Washington are predominantly 2 or 3 stories with yards, side setbacks, and porches.

Historic Concerns. There was concern by some committee members that approval of this 5-story project would signal open season for Bassett developments of over four stories in the near future. It was feared that such developments would effectively destroy the residential, welcoming character of W. Washington’s 400/500 blocks and their human scale and traditional architecture. The proposed project is across the street from the historic Doris House and the former “cream city brick” grocery (office conversion) on W. Main Street. It is visually close to the well preserved 538 W. Washington retail/apartment development whose owners took great pains to retain the scale and classic architecture of the facades. Mr. Bruce was commended for the choice of traditional materials and design themes reflecting the character of Bassett’s loft/warehouse structures and thereby supporting their historic influence.

Traffic, Parking and Safety. This is a high traffic area with numerous activities both morning and night to draw visitors. Parking for events at Kohl Center, Overture Center, etc. place a premium on safe ingress/egress for vehicles and the resulting heavy pedestrian flows. The committee suggested a careful parking management review for this site since retail parking could be overwhelmed by off-site user impacts. The efficient use of technology (RFD tags and key cards, etc.) may help. Also, shared parking with day users (employees) and night users (residents) could maximize the available 97 underground spaces. Bike parking should also be included for visitors and residents. The architect has assured the committee that the site will have the maximum amount of below grade parking the parcel permits. Left turn controls will need to be discussed for W. Washington ingress/egress. Three driveways, one each on the three street exposures, are planned. The current taxi stand spaces on S. Bedford are proposed as metered parking, subject to city approval.

Economics. Informal comments from the development team indicate the economy will have a direct impact on the feasibility and timing of this project. While the Madison apartment market is currently healthy in this area, commercial space demand is weakening. Without commitments to fill a majority of the retail space, this project might not commence. The committee recommends that no site work or demolition approvals be granted until financing for the development has been confirmed. Otherwise, a neighborhood eyesore could result for an indefinite period. (Ref. Hilldale project)

Signage. The committee recommended careful control of retail signage, in keeping with the architectural themes. The choice of fonts, colors, materials, and size will be crucial to avoid damaging an otherwise attractive appearance. Exterior warning and safety notice signs should also be designed early, rather than being purchased “over the counter”. UDC review of signage concepts, particularly any marquees, should occur early in the process, and not as an afterthought.

Public Areas and Amenities. The architect is using the connector/bridge between the four and the five story buildings (facing Bedford) for common area spaces. The multi-story space is roughly 24' x 30' long and might include a management office, a commons room, and an exercise room. A roof terrace is planned, and the committee strongly recommends security cameras to monitor activities and prevent alcohol related problems. The committee recommended adding a second elevator to the project, and the architect has done so. The S. Bedford driveway/pedestrian courtyard access will have colored pavers or similar materials rather than asphalt or concrete. The architect has added more esthetic screening of the parking lot from the first floor apartments on the west side of the project. The committee has encouraged the maximum number of street trees and preservation of the mature trees now on the site's perimeter. Parking lot plantings are planned.

Mechanicals and Lighting. The mezzanine level on the west side of the retail space is the proposed location for mechanical elements. Low noise units are to be used and "echo effects" to be considered, given the nearby properties. The basement garage will also contain mechanical spaces. Exterior lighting is to be designed for "dark sky" compatibility.

Energy and Ecology. No determination has been made whether to use individual HVAC units or a centralized system. Hot water will be centrally sourced. A "green roof" concept has not been studied by the architect to date.

Process. To date, the steering committee has received prompt and courteous attention from the architect. The level of responsiveness to suggestions and the rapid updating of the preliminary drawings have been most helpful to these deliberations. We look forward to this level of transparency and professionalism as the review process continues.

Summary. The steering committee supports the growth of higher density mixed use projects in the Bassett district. More retail services along W. Washington can help existing merchants sustain their businesses and create the critical mass needed for greater foot traffic. Adequate parking must accompany the new retail, while new residential parking demands must be met on site, rather than overwhelming the inadequate amount of street parking now available. The architectural effort is to be commended regarding the choice of loft/warehouse concepts common to the neighborhood. The use of traditional materials, textures, colors, fenestration, and signage would be very compatible with other high quality projects nearby.

The key issues of project height (5 stories) and mass have yet to be resolved. The outcome of this effort could well determine the sustainability of the Bassett District's character and livability for decades to come.

Appendix: 4 memos from S. Knuti, steering committee member