

From: [Marisa Balistreri](#)
To: [All Alders](#)
Subject: Stone House Old Sauk Appeal (Supporting this Appeal)
Date: Friday, July 12, 2024 4:27:05 PM

Some people who received this message don't often get email from marisabal.mb@gmail.com. [Learn why this is important](#)

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Reference File Nos [82972](#) (Conditional Use) & [84123](#) (Appeal) - Stone House Old Sauk Proposal [Objection]

I'm a former resident of District 19 and grew up in Parkwood Hills. As my parents still live there, I'm in the neighborhood several times a week. I object to the proposal to build a 3 story 138 unit apartment and recreation complex on 6610-6706 Old Sauk Road.

The fact that the area has to be rezoned to accommodate the proposed complex demonstrates that this is the wrong development for the neighborhood. You all know it doesn't fit. In addition, it would sit in a flood zone. The whole proposal is illogical and potentially dangerous.

I do support a common sense development that adds housing and preserves the wildlife and trees. If the city really wants to ease the housing shortage and help the "missing middle" to build wealth, then a smaller development of affordable condos makes sense for the area.

I ask the Common Council to reject this proposal. I have to admit that it appears that The People no longer have a voice - even the Alder for District 19, Guequierre, voted for the proposal when his constituents clearly don't want a development of this size on that parcel.

My heartfelt thanks to those who have heard me and value compromise.

Sincerely,
Marisa Balistreri

From: [Jane Boryc](#)
To: [All Alders](#); [Plan Commission Comments](#)
Subject: Support of appeal - Registrar
Date: Sunday, July 14, 2024 7:50:02 PM

[Some people who received this message don't often get email from jboryc@tds.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I am writing in support of Item #6, Registrar 84123, opposing the Plan Commission and Common Council approval of the conditional use permit of property at 6610-6706 Old Sauk Road, as well as the approval of the storm water management plan, which is not complete. I find it extremely unacceptable that the Staff, Plan Commission, majority of the Common Council including the selected, not elected, alder person of District 19, have raised few concerns, questions, or challenges to the inadequate storm water plan proposed by Stone House Development, as well as the traffic safety report, lack of any affordable or “missing middle” housing included in the plan. It was evident at the June 10 Common Council meeting in the wee hours of the morning that many of the alders were not even educated in the issues presented by this Stone House Development proposal and were blindly following the lead of the Plan Commission, the city, and the developers in the approval of all aspects of the projects. I would hope they have made themselves more aware of what is at stake here for many of their Madison constituents and would open their minds to the serious issues involved. Thank you for your time.

Sincerely,
Jane Boryc
841 Sauk Ridge Trail
Madison, WI 53717
Sent from my iPad

From: jpcviolin@aol.com
To: [All Alders](#)
Subject: Stone House Project (Old Sauk)
Date: Wednesday, July 10, 2024 2:37:38 PM

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I am strongly opposed to the Stone House development project on Old Sauk Road due to concerns about storm water runoff. I support the appeals process that is now underway and ask the city council to refrain from approving the development until the appeals process is complete.

James Croxson
6209 S. Highlands Ave.
jpcviolin@aol.com

From: [Nicholas Davies](#)
To: [All Alders](#)
Subject: Reject appeal of Old Sauk Rd (84123)
Date: Sunday, July 14, 2024 1:54:10 PM

Some people who received this message don't often get email from nbdavies@gmail.com. [Learn why this is important](#)

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Dear alders,

A mere 21 people signed the petition to appeal this conditional use. This is because when an area is less dense to begin with, the proximity criteria give outsized weight to those few who own land nearby. This gives those with privilege increased access to the Common Council agenda, and more available tools to keep those without privilege out of their immediate area.

There is some multi-unit residential nearby the proposed site, but you won't find residents of those units amongst the petition signatories. Partly, this could reflect that residents of multi-unit housing lack the same fear of adding multi-unit housing nearby. (You might however notice Shaon Sabol listed twice, because he owns two condo units nearby, while living outside of Madison.)

However there's another reason why you might not see residents of multi-unit housing on the appeal: if those condos are rented out, the renters would be unable to sign this type of petition, because this process is exclusionary to the residential and commercial tenants of the nearby properties. This makes me seriously question the purpose of this appeal process--if it's to give voice to those impacted by a development, it's failing that purpose.

The appeal petition also doesn't list those in support of the project, only those against, whom you all already heard from, with the same complaints, during the initial process for granting conditional use approval.

Nor does this process include the 138 people (or likely more) who will be living within the appeal radius when the project is complete.

Sooner or later, I hope this pattern of frivolous appeals will prompt a full reevaluation of the appeal process. I'm not ready to say that there shouldn't be an appeals process, but by now there should be plenty of data points--of which approvals get appealed and which don't, inside vs. outside of Madison's Equity Priority Areas--to assess whether the current process is equitable in practice.

Thank you,

Nick Davies
3717 Richard St

From: [Debi Forrestal](#)
To: [All Alders](#); [Mayor](#)
Subject: Stone House Old Sauk Appeal (Supporting this Appeal)
Date: Friday, July 12, 2024 5:40:15 PM

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File Nos. 82972 (Conditional Use) and 84123 (Appeal) - Stone House Old Sauk Proposal

My name is Deborah Forrestal and I have owned my home at 21 St Andrews Circle for 27 years. My property is adjacent to the property Stone House proposes to develop. Stone House's proposed novel stormwater plan will have detrimental effect on public health, safety and welfare of surrounding properties and the city presently lacks an adequate stormwater infrastructure to handle the increased stormwater issues caused by the Stone House development.

You now have my objection to this proposed development on record should this project be approved by the city and my home gets flooded.

Sent from my iPad

From: [Fun to Build](#)
To: [Figueroa Cole, Yannette](#); [All Alders](#); [Mayor](#)
Subject: Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, Agenda Item #6 for Common Council Meeting 7/16/24, 6610-6706 Old Sauk Rd
Date: Thursday, July 11, 2024 10:39:31 PM

Some people who received this message don't often get email from foster07cn@gmail.com. [Learn why this is important](#)

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To President Cole, All Alders and Mayor Rhodes-Conway,

We ask that you reverse your decision as appealed and defer approval of the Stone House proposal at 6610-6706 Old Sauk Rd until: a) a Stormwater Plan is approved by City Engineering and b) the City can provide an adequate stormwater infrastructure to accommodate increased storm runoff caused by the Stone House project.

If we were asked a year ago if we thought a 138-unit apartment could be built at this location so close to our home we would have said no way, that we are in the middle of 4 square miles of suburban neighborhoods and protected by zoning laws. Little did we know.

Back in October, 2023 at the initial Stone House proposal meeting our reaction was then as it is today, Stone House is trying to cram too much into this 3.7 acre location. Stone House has chosen to start with a large building design and left a small amount of room for a stormwater system, as an engineer I would say it should be the other way around, first figure out the room needed for a solid performing stormwater design and then design the building.

Since this initial proposal meeting we have learned a lot.

We have learned that the Plan Commission and Stone House teamed up in advance and conspired together to advance a radical zoning change and an urban building design to our suburban neighborhood prior to any public comment period. We watched in disbelief, despite overwhelming public opposition and professional analysis as the Plan Commission approved the project unanimously and without discussion. We have learned that our voices as residents are not being considered and that we are only pawns in the game to make it look like there is public involvement. This project was approved before it was announced.

We have learned that this location is identified on a City of Madison Flood Risk map.

We have learned from City Engineering that this property has an enclosed depression and the only way to drain it is via a storm sewer pipe and that Old Sauk Rd has a storm sewer that needs to be upsized and currently there are no plans to upsized. Since there are no City plans to make modifications, there are no available storm sewer accommodations to handle increased storm runoff caused by the Stone

House project.

We have learned from City Engineering that this project must be designed and managed in such a way that there is no additional flooding to adjacent property owners after development when compared to pre-development.

We have learned that revised MGOs in 2020 make stormwater planning more stringent, this is a result of the August, 2018 flooding and a recent history of more intense rainfall events in West Madison.

We know Stone House does not have a City Engineering approved Stormwater Plan.

We have reviewed Stone House's engineer's (Wyser Engineering) Stormwater Plan last revised on 5/24/24 and we do not believe their design will be successful and will not achieve 100% performance, 100% of the time.

We have learned the following about their Plan:

- a) it does not include spare reserve capacity where flow can be diverted to in an emergency or to perform cleaning maintenance,
- b) it does not include an underground water level or water flow monitoring system,
- c) it is relying on infiltration into soils with subpar percolation rates,
- d) it does not include confined space entry into the underground infiltration basins for inspection and cleaning and to our knowledge where there are no local confined space vessel cleaning services available,
- e) when the underground infiltration basins foul, do not drain properly and fill, 100% of the rainwater shed from all roofs and driveways will overflow directly to the west property line discharge point and onto adjacent neighborhood properties and
- f) it does not include a system that would provide regular performance reports to the City, utilize a flow meter at the west property line discharge point, on-site rain gauging, programming and a PLC (programmable logic controller) to ultimately determine if compliance of no additional flooding post development vs. pre-development is being met.

And lastly, we have learned through Alder Guequierre's Blog dated 6/30/24 that he and possibly City Engineering are using their position(s) to try and help Stone House, what does this all mean? Alder Guequierre stated: "On June 27 I met with Greg Fries of Madison's stormwater management engineering team to brainstorm about things we hope to see in the final Stone House stormwater and maintenance plans. We have reached out to the developer and their engineer with some ideas and will explore them and other ideas that may bubble up in further conversation."

For all these things mentioned here we ask that you reverse your decision as appealed and defer approval of the Stone House proposal at 6610-6706 Old Sauk Rd.

Sincerely, Gary and Barb Foster
6506 Old Sauk Rd

From: [Fun to Build](#)
To: [Mayor](#); [All Alders](#); [Figueroa Cole, Yannette](#); [Plan Commission Comments](#)
Subject: Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, 6610-6706 Old Sauk Rd
Date: Monday, July 15, 2024 8:41:23 PM

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

At the Common Council 6/18/24 meeting Helen Bradbury, Stone House Development gave the impression that she and Stone House Development had answered all questions raised by residents, which is not true.

On 3/14/24, I generated a full list of questions for Staff, Engineering and Stone House Development. I did receive and appreciate answers from Staff and Engineering that were published in a 3/20/24 Blog by Alder Guequierre, but Helen Bradbury and Stone House Development have never answered any of my specific questions, only responded once by saying I could find the answers in their presentations, which was not possible and made no sense.

So that there would be no confusion, I began prefacing the questions on 3/26/24 as “New Question for Stone House Development”. I sent out follow-ups on 4/8/24 and then again on 5/14/24 and have never received any specific answers. See below for the questions that remain unanswered as of today.

New Question for Stone House Development, 3/26/24: Describe what construction methods will be used and required to install the stormwater systems and the plans to be used that will not allow any damage to surrounding properties?

New Question for Stone House Development, 5/7/24: We have been told that you are not responsible to fix all flooding issues of the area, just those created by your new development and no worse than pre-development conditions. Do you plan to go beyond the minimum required and help out with the existing situation?

New Question for Stone House Development, 3/26/24: The homes in our neighborhoods have architectural styles with sloped roofs, most of them resembling Colonial, Mid-Century, French/English Country, not Craftsman or Prairie and not with flat roofs. Have you considered proposing Townhouse Style apartment designs with gable roofs (like those that can be found elsewhere in the City of Madison)?

New Question for Stone House Development, 3/26/24: Describe how this development will meet or exceed ordinances referenced in the District 19 Blog answers dated March 20, 2024 addressing light pollution. Because the development is so tall and had to be moved close to Old Sauk Rd to deal with shadowing issues, the one and only driveway is now at the back very close to many neighbors. Describe how vehicle lights will not be an issue for the neighbors?

New Question for Stone House Development, 3/26/24: Describe how this development will meet or exceed ordinances referenced in the District 19 Blog answers dated March 20, 2024 addressing noise pollution. Because the development is so tall and had to be moved close to Old Sauk Rd to deal with shadowing issues the one and only driveway and all its associated vehicle noises are now at the back of the development very close to many neighbors. Describe how vehicle noises will not be an issue for the neighbors?

New Question, 3/26/24 for Stone House Development: Describe your plan to recycle demolition materials and not just send everything to a landfill?

New Question for Stone House Development, 3/26/24: What specifically have you done, or could you do to gain support of your development with the surrounding neighbors that you are so greatly impacting?

New Question for Stone House Development, 3/26/24: Part of the discussion at the 3/13/24 meeting was about the apartment rental rate pricing structures, would you confirm that pricing will always be at market rate and never a rent assistance rate or a low-income rate?

New Question for Stone House Development, 4/8/24: The 3/13/24 proposal eliminated one of the two access points into the underground parking and relocated the one and only access to the rear of the facility. This change creates confusion, congestion, safety concerns and traffic issues for those coming into and out of the facility, including the added congestion with deliveries being made in a tight area on the access road behind the building. In addition, twenty-one parking spaces were added with headlights facing directly into neighbor's windows on St Andrews Cir and with all deliveries being made to the facility in very close proximity to homes to the north. These parked vehicles will be 20' to 30' from neighbor's homes resulting in unwanted around the clock noise and chaos. All of the natural buffers that were in the 10/24/23 proposal were eliminated in the 3/13/24 proposal. What specifically will be done to eliminate 100% these impacts and to the satisfaction of all adjacent neighbors?

New Question for Stone House Development, 5/7/24: At the 3/13/24 presentation it was unclear about the exact building heights and whether the shadow drawings presented were very accurate. Now that you know the building heights more accurately and the building location on the site would you now provide accurate shadow drawings?

Sincerely, Gary Foster
6506 Old Sauk Rd

From: [barry.g](#)
To: [All Alders](#)
Subject: SUBJECT: Stone House Old Sauk Appeal (Supporting this Appeal)
Date: Tuesday, July 9, 2024 9:08:05 PM

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Reference File Nos [82972](#) (Conditional Use) & [84123](#) (Appeal) - Stone House Old Sauk Proposal [Objection]

Dear Alders:

As residents of the community that will be impacted by the proposed Stone House Development project on Old Sauk Road, we are writing to convey in the strongest terms our objection to the proposed project and our support of the pending appeal.

Although the reasons for objection are numerous, we are particularly concerned that problems with stormwater management have not been adequately addressed and that substantial evidence indicates that the existing standards described under Madison City Ordinances Section 28.183(6)(a) for conditional uses have not been met.

In view of these considerations, we strongly urge you to vote in favor of the appeal and to oppose any further pursuit of the Stone House Old Sauk project.

Sincerely,
Barry and Ilona Ganetzky
929 Sauk Ridge Trail

From: [Green, Rebecca](#)
To: [All Alders](#); [Mayor](#); [Matthias, Isaac L](#)
Subject: Stone House Old Sauk Appeal (Supporting this Appeal) Reference File Nos. 82972 & 84123
Date: Thursday, July 11, 2024 5:46:38 PM

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Dear Common Council,

I am a resident of District 13, Friend of Old Sauk, and have worked professionally to responsibly site projects. I am writing to voice my strong opposition to Stone House's project proposal for 6610-6705 Old Sauk Road. I support the Letter of Appeal of the Plan Commission's decision which approved this project. My comments pertain to your July 16th agenda item 6 and to Legistar Nos. 82972 and 84123. My parents have owned a home across from the property for 44 years and thus have deep roots in the neighborhood and throughout the community.

The following points summarize my opposition to this development plan and support of the Letter of Appeal.

- **The Residents are Not Represented** by an elected alder, and thus, no controversial development should be approved by the City during this time. John Gueguierre was not elected by residents but rather was installed by the City, after Kristen Slack had to leave the post for health reasons. Gueguierre is essentially a developer and has blatantly not represented his residents who have come out in strong opposition. Instead, he serves on the Planning Commission and has blatantly sided with Stone House throughout the entire process.
- **The Planning Commission's Process Was Heavily Biased Towards Stone House.** They did not follow their own guidelines which require careful assessment of all the approval standards for conditional uses (see below). The Planning Commission's staff report was highly subjective and based on personal speculation, frequently using words like "believe(s)" and "feel(s)". During their meeting, Planning Commission members only asked follow-up questions (often leading questions in nature) of Stone House and the City, giving them significantly more time to make their case than was given to residents who only had 3 minutes each.
- **Standard 1 Related to Endangerment of Public Health and Safety is Not Met.**
 - **Major Stormwater Issues** are created by the proposed development with its massive amount of concrete which would cover what is currently largely permeable soil. The Stone House stormwater plan relies on risky methods and requires access to another landowner's property, which they do not have. This site is in a flood prone area per the City Flood Risk Map that extends from Old Sauk Rd across this site to E Spyglass Ct to Pebble Beach Dr. Properties directly to the north already have sump pumps that run regularly. Climate change is causing and forecast to cause ever greater storm and rainfall events. Today the site is a large depression that acts as a rain garden; this is proposed to be replaced with impervious roofs and driveways, as well as a pool

- which would require further drainage.
- **Major Traffic and Safety Issues** would be created by the proposed high-density apartments, with their excessively large # of new residents and vehicular traffic. The Planning Commission's own Staff Report indicates that "the property is located in an area of the City that does not have neighborhood-serving commercial businesses within reasonable walking distance". Old Sauk Rd is only a two lane, minor arterial road. This is a suburban residential area and there are no amenities close by. Thus, the hundreds of apartment residents and their visitors would be forced to drive vehicles, in addition to delivery services (e.g., Amazon, FedEx), all of which would significantly add to traffic, safety, and noise problems.
- **Standard 2 Related to the City's Provision of Municipal Services is Not Met.**
 - **City Drainage Infrastructure is Currently Lacking** at this location to handle the increased stormwater issues caused by the Stone House development on top of the major existing surface water issues in the neighborhood. Because Stone House cannot route stormwater into City storm sewers, it must resort to other tactics in its stormwater plan, including the risky use of underground storage tanks and an infiltration pond, designed to discharge water to the property of a neighboring landowner.
- **Standard 3 Related to Neighborhood Uses, Values, and Enjoyment is Not Met.**
 - **Small Residences Entirely Surround the Proposed Development.** According to the Planning Commission's own staff report "the scale and mass of the proposed building will be unlike any other residential building in the surrounding area".
 - **Proposed Recreational Facilities Present Major Nuisance and Drainage Issues** associated with the swimming pool, bocce court, and other facilities. The facilities mean significantly more ground would be covered in concrete (i.e., destroying greenspace) and the need to manage pool water drainage, both of which create stormwater issues. The facility's area lighting and noise generated by users would be a significant nuisance to neighbors. Currently the area is beautiful with its dark night sky which would be impacted by the facility lighting. The noise and facility usage would be hard to manage and rules for use difficult to enforce. This would highly disrupt the well-being of the surrounding neighborhood, as the property is currently largely wooded, quiet, and peaceful. The recreational facility being proposed is an added complication and is not common to developments.
 - **Negative Impacts on Health and Well-Being** of the existing residents would be caused by the proposed development, in favor of some future TBD residents that the city and developers are attempting to lure. The property is currently a very green space, with many large trees, which are highly valued by the neighbors. This greenspace and tree canopy would be destroyed by the new development.

Standard 5 Related to Site Adequacy is Not Met because there are multiple issues with drainage (as previously noted), parking, traffic, and other parts of this standard. The City has not fully considered the impacts of traffic to be introduced onto Old Sauk Road and throughout the neighborhood from a single feeder driveway that would service all apartment residents, their visitors, garbage/recycling pickup, delivery vehicles, and other vehicular transport. Bicyclists on this already busy road will be endangered.

- **Standard 8 Related to Sustaining Aesthetics of the Existing Neighborhood is Not Met.** The massive structure that Stone House is proposing is totally inconsistent with the existing neighborhood, which are small residential structures. Stone House's comparison to Yorktown Estates is not appropriate, because it is not in the immediate neighborhood but rather is nearly a mile away and by Mineral Point Road. Stone House's 138-unit rental apartment is a single mass that is notably longer than a football field. It also includes recreational facilities, a pool, parking lots, etc. This is not seamlessly integrated with the surrounding properties nor sustains aesthetic desirability compatible with the existing characteristics of the area as required in both the Comprehensive Plan and the Madison General Ordinances.

Please listen to the area residents who are in opposition to Stone House's proposal and support the Letter of Appeal of the Plan Commission's decision which approved this project. We are longtime residents of the City of Madison and deserve that the City ensures a responsible siting process based on the unique characteristics of this location.

Sincerely,

Rebecca Green

Current resident of District 13

Previous resident & Friend of Old Sauk District 19

From: [Green, Rebecca](#)
To: [Perez, Nikki](#)
Cc: [Fields, Debbie](#); [Banuelos, Lorissa R](#); [Kapusta-Pofahl, Karen](#); [All Alders](#)
Subject: Visual Presentation for Rebecca Green - Agenda Item 6
Date: Tuesday, July 16, 2024 10:46:41 AM
Attachments: [Presentation for Rebecca Green - Agenda Item 6 - 16Jul2024.pdf](#)
[Presentation for Rebecca Green - Agenda Item 6 - 16Jul2024.pptx](#)

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Hi Nikki,

Attached is my visual presentation for tonight's Common Council meeting. I've provided the same presentation in both PPT and PDF, depending on what works best for you.

Please let me know if you have any trouble opening these presentations. Thanks so much for your help with this!

Sincerely,
Rebecca Green

CITY OF MADISON STANDARDS FOR REVIEW OF CERTAIN TYPES OF DEVELOPMENT PROPOSALS

The following Standards are used to review development proposals

Excerpts* from the following sections of the
Zoning Code (Chapter 28, MGO):

Sec. 28.102	Zoning Map & Text Amendments	(See Page 2)
Sec. 28.183	Conditional Uses	(See Page 3)
Sec. 28.184	Variances (Zoning Board of Appeals)	(See Page 7)
Sec. 28.185	Demolition and Removal	(See Page 8)
Sec. 28.098	Planned Development District (PD)	(See Page 9)
Sec. 28.138	Lakefront Development	(See Page 14)

*This packet includes portions of each of the sections noted above and does not contain the entire section. The reader is encouraged to refer to the ordinance for all of the requirements and process for each of these approvals.

Prepared by: Planning Division, May 2024

Approval Standards

- No application for a conditional use shall be granted by the Plan Commission unless it finds that **ALL** of the following conditions are present ...

Standard 1

- The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the **public health, safety, or general welfare.**



Standard 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.



Standard 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.



Standard 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.



Standard 8

- When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of **sustained aesthetic desirability compatible with the existing or intended character of the area** and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.



From: the-greens31@charter.net
To: [Perez, Nikki](#)
Cc: [Fields, Debbie](#); [Banuelos, Lorissa R](#); [Kapusta-Pofahl, Karen](#); [All Alders](#)
Subject: RE: Visual Presentations, CC Mtg of 16 July
Date: Tuesday, July 16, 2024 10:21:27 AM
Attachments: [20240716 Conditional Use Appeal to CC - Green.pptx](#)
[20240716 Conditional Use Appeal to CC - Green.pdf](#)

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Good morning, Nikki, and All_Alders

Attached is the PPTX (PPT if you will) file for tonight's CC meeting; it is from a Windows PC, if that matters. I have also converted it to PDF, also attached, if that helps.

There are more "slides" there than will be immediately needed, the balance being in reserve.

Please let me know if what I've sent is viable for presentation, or not.

Thanks,

Mike Green

From: Kapusta-Pofahl, Karen <KKapusta-Pofahl@cityofmadison.com>
Sent: Monday, July 15, 2024 9:33 AM
To: the-greens31@charter.net
Cc: Fields, Debbie <DFields@cityofmadison.com>; Perez, Nikki <NPerez@cityofmadison.com>; Banuelos, Lorissa R <LBanuelos@cityofmadison.com>
Subject: RE: Visual Presentations, CC Mtg of 16 July

Dear Mike,

Thank you for that clarification. Here are the instructions for sharing visuals as a public commenter.

Please contact the clerk on duty for the meeting to work out the details and make sure they have everything they need for the meeting. The 7/16 meeting will be clerked by Nikki Perez NPerez@cityofmadison.com, 266-4601 press 7. **Please get everything to her by noon on Tuesday (7/16), to make sure she has what she needs and can open the files without a problem.**

I believe there is a 20-25 mb file size limit on our email, in which case you would want to send in multiple email messages labeled part 1 part 2 etc. so the clerks know the order the files belong in. PPT format is fine to send for a presentation; just FYI everything gets converted to PDF for attachment in Legistar. The City uses M365 products, so PPT should work fine. Please feel free to confirm with the clerk that they are able to open the files.

The mayor calls on folks in the order that they register. It is not allowed to give your time to another presenter so that that presenter has more than 3 minutes. I have seen people who register one right after another share a larger speech going from one to the next as each person's 3 minutes are up. It takes a bit of coordinating and someone else could be registering at the same time you are, so I

would suggest instead thinking about having each person in your group who wants to speak cover a specific topic that each can get through in 3 mins. That way even if someone gets registered in between you, it wouldn't feel as jarring. Another thing your group could do to try to get into the order you want is have one person designated to register everyone in the group. However, someone totally unrelated could always be registering at the same time, so it isn't foolproof. The clerks can pull the same presentation back up again for the various speakers.

Best,
Karen



Karen Kapusta-Pofahl (she/they)

Chief of Staff

City of Madison ● Office of the Common Council
Room 417, City-County Building
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703

Tel 608 261 9159 ● **Fax** 608 267 8669

Email kkapusta-pofahl@cityofmadison.com

Web <https://www.cityofmadison.com/Council/>

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From: the-greens31@charter.net <the-greens31@charter.net>
Sent: Sunday, July 14, 2024 9:48 PM
To: Kapusta-Pofahl, Karen <KKapusta-Pofahl@cityofmadison.com>
Cc: Fields, Debbie <DFields@cityofmadison.com>
Subject: RE: Visual Presentations, CC Mtg of 16 July

Good evening (morning?), Karen

Thanks for the prompt response.

I carelessly wrote "video" when I should have used "visual". Sorry, as that certainly led to a very bad misdirection.

Could you pick up your reply with that substitution (visual instead of video)? Platform(s) for PPT & PDF - single platform or dual platform? The file size issue may come up as it becomes server dependent especially where email is concerned.

Also, as I'll pass this information along – Can you hazard a (safe) drop-dead time for submission ... assuming that platform & file size limits have been established?

If there's any further clarification on the "grouping" topic, please let me know.

Thanks!

Mike

CONDITIONAL USE STANDARDS



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.

No-Comment

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.

No-Comment

6. The conditional use **conforms to all applicable regulations** of the district in which it is located.



8. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project **creates an environment of sustained aesthetic desirability compatible** with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission **may require the applicant to submit plans to the Urban Design Commission** for comment and recommendation.

JUDGEMENT CRITERIA

1. “Additionally, state law requires that conditional use findings must be based on ‘substantial evidence’ that directly pertains to each standard and not based on personal preference or speculation.
2. CU Standard #8 “... the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area ...”
3. “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan ...” which reads “... newly developing LMR areas should be seamlessly integrated with surrounding development”.
 - In critical instances
 - Qualitative, subjective, and tentative wordings such as “could find”, “believes”, “feels”.
 - Instead of quantitative, objective, and certain measures
 - CU #4: “significantly different building form”

SUMMARY

CU STD	DESCRIPTION	VIEW	REASON / NOTES
1	Public health, safety, or general welfare	Incomplete, unresolved	Jeff Western
2	Municipal services		City exposure, CU #1
3	Uses, values and enjoyment of other property	Fails: "Substantial evidence" favors residents	Resident feedback, noise, lighting, parking, profound loss of greenspace
4	Orderly development and improvement	No comment	Comment => CU #8
5	Necessary site improvements	Incomplete, unresolved	CU #1 + on street parking
6	Conforms to all applicable regulations	No comment	
8	Creates an environment of sustained aesthetic desirability compatible	Fails	Read on

Developer's comparison was to another, higher complex over a mile away

Best comparable next door =>



Proposed building substantially exceeds comparable



Side-by-Side Comparison: Top – illustrates height; Bottom – best illustrates frontal length and overall comparison.

BEST, IMMEDIATELY NEIGHBORING, COMPARABLE COMPARISON

Parameter	Proposed Building	Settlers Woods
Frontal Length	400 ft	100 ft
Setback from Curb	35	84
Height	More	Less
Ratio, Apparent (Angular) Height from Curb	2-3	to 1
Dwelling Units / Acre	36.6	14.4

Nearest are ranch, modified ranch and 2-story

This house is 2 blocks away



CU #8 Not Mention in PC Minutes



HIGH ROOF	139'-2"
ROOF	135'-0"
THIRD FLOOR	122'-4"
SECOND FLOOR	111'-0"
FIRST FLOOR	50'-0"
PARKING LEVEL	89'-0"

“... sustained aesthetic desirability ...” ???

“... seamlessly integrated with surrounding development” ???

NO ... not even close

APPROVAL PROCESS

A CITIZEN'S PERSPECTIVE

- For months the Plan Division staff worked with the developers.
- Mutual agreement(s) established.
- At PC review
 - Pre-approval, pre-determination evident.
 - Aside from Public Comments there was no disapproval, and only scant discussion, except for time-extending queries to the developer. There were no queries to the Public.
 - Voting – Default is Unanimous Approval except by a show-of-hands ... of which there were none.
- CC Mtg
 - Land Use “escalated” despite all select conditions/factors not being satisfied
 - Pro-active / preemptive upzoning enacted
- Pervasive Mentality (case of housing)
 - Outcomes pre-approved, pre-determined, and pre-ordained
 - End justifies means

WHERE ARE WE GOING?

A NECESSARY DISCUSSION

- Does densification have any limits, an end-point? Or, does it continue ad infinitum?
- What will Madison look like?
- Is that the Madison we want?
- To what extent/limit, and at what rate, can/should Madison absorb a greater population?
- How much of the influx is to be absorbed by the City vs the Madison-area vs the County?
- Sustainability
 - What is a sustainable balance between the preferences of current residents vs the desire of incoming residents (and developers/City)?
 - What is sustainable before the Madison we love evolves into an "urban jungle" (pardon hyperbole) via infill, loss of surrounding environment, and going vertical in the pursuit of sky's-the-limit higher-densification?
 - Is vertical densification a form of “(skyline) sprawl”?
- What sacrifices should be made before we say enough is enough?
- Is the City producing the other outcomes professed in policy?
- At what level can/should these be decided ... neighborhood, sub-area, district, area, or city-wide?
- For bottom-up -oriented folks: Neighborhoods are to cities what families are to community, which is to say decisions/policy should begin at the neighborhood level and then grow outward and upward.

(Above) Intro
(Following) Original

CHRONOLOGY

			<u>Demolition</u>	<u>Zoning</u>	<u>Conditional Uses</u>	<u>CSM</u>
➤ Staff Report, Planning Division	Friday	7 June	Approve	Approve	Approve	Approve
➤ Plan Commission	Monday	10 June	Approve	Approve	Approve	Approve
➤ Common Council	Tuesday	18 June		Approve		Approve
➤ Common Council	Tuesday	16 July			Appeal	

Despite problems with the Land Use “escalation” and Pro-Active (preemptive) rezoning. Where we are today started with the Staff Report which is all we have left to pursue at this level.

In essence we fault the findings of the Staff Report and the subsequent approval by the Plan Commission regarding the Conditional Uses.

GENERAL COMMENTS

- For months the Plan Division staff have worked with the developers.
- Much has already been determined which is mutually agreeable.
- At the time of PC review this pre-approval was evident.
- At PC Mtg -- Aside from Public Comments there was no disapproval, and only scant discussion, except for time-extending queries to the developer. There were no queries to the Public.
- PC Voting – Default is Unanimous Approval except by a show-of-hands ... which didn't occur.
- In the case of housing, this pre-approval mentality is pervasive.
- Do not have the backing of our appointed Alder. Our neighborhood associations not helpful – as they are somewhere between non-functional and disengaging.

STAFF REPORT

Generally

- Quibble: Pg 12 a mess; sloppy. How review? Important information not presented?

Trending toward specifics

- In critical instances
 - Qualitative, subjective, and tentative wordings such as “could find”, “believes”, “feels”.
 - Instead of quantitative, objective, and certain measures.

Judgement Criteria (from the Report)

1. “Additionally, state law requires that conditional use findings must be based on ‘substantial evidence’ that directly pertains to each standard and not based on personal preference or speculation.
2. CU Standard #8 “... the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area ...”
3. “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan ...” which reads “... newly developing LMR areas should be seamlessly integrated with surrounding development”.

ID #82950, 83477, 82972 & 82979
6610-6706 Old Sauk Road
June 10, 2024
Page 12

to be considered appropriate in LMR under select conditions. On balance, the Planning Division believes that the Plan Commission and Common Council could find that proposed development is consistent with the select conditions to allow large multi-family and courtyard multi-family building forms in LMR. Specifically, the site’s location along a minor arterial roadway that has relatively frequent daily bus service as the most significant factors as to why the proposed development may be approved. Additionally, staff believes that the conditional uses required for the development can meet the applicable standards for approval subject to the conditions in the following section.

In reviewing the project, the Plan Commission should carefully consider the dozens of public comments received since the development was first made public last fall. Those comments are attached to the legislative files associated with the project.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

Corruptions
on Pg 12

- That the Plan Commission that the standards for demolition permits are met to approve demolition of the two-story office building located at 1617 Sherman Avenue;
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00621, rezoning 6610-6706 Old Sauk Road from SE to TR-U2, to the Common Council with a recommendation of approval;
- That the Plan Commission find the standards for conditional uses are met to approve a residential building complex containing approximately 310 apartments in two five-story buildings and a residential building complex containing 20 townhouse units in three two-story building, subject to input at the public hearing, final approval by the Urban Design Commission, and the conditions from reviewing agencies that follow; and
- That the Plan Commission forward the Certified Survey Map to divide 6610-6706 Old Sauk Road into three lots and one outlot for stormwater management to the Common Council with a recommendation of approval subject to the conditions from reviewing agencies beginning on page 23.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Provide hours of operation for the proposed outdoor recreation for approval by the district alder and Planning Division director prior to issuance of building permits for the apartment building. Any revision to the approved hours of operation shall require approval of an alteration to the conditional use to be approved by the district alder and Director of the Planning Division or the Plan Commission.
2. Revise Sheet C100 to show the side and rear yard setback dimensions.

CONDITIONAL USE STANDARDS

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.
6. The conditional use **conforms to all applicable regulations** of the district in which it is located.
8. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project **creates an environment of sustained aesthetic desirability compatible** with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission **may require the applicant to submit plans to the Urban Design Commission** for comment and recommendation.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the **public health, safety, or general welfare**.
-

Specific to this appeal is that there is **definite, quantifiable, demonstrably tangible risk of flooding to neighbors immediately to the north** of the proposed development. This has been the subject of considerable documentation. **Covered by Jeff Western** and needs no repetition here.

The Report says “ ... staff does not believe ... that this standard cannot be met.” Point is: It has not been demonstrated that it can be met. **At best, CU #1 is incomplete and unresolved.**

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.
-

The Report says “... nothing out of the ordinary in providing municipal services to this property because of the proposed development”. **Given the exposure that the City has incurred from CU #1 (stormwater)**, it is not at all obvious if this statement is true or not; it **defaults to incomplete and unresolved**.

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.
-

Report: “This is often the most difficult standard ... to address”. It involves input (which has been near-unanimously negative) from neighborhood residents or property owners; it also acknowledges that **“The proposed building has elicited a significant amount of correspondence from nearby residents ...”**

There is no known, first-hand knowledge of (monetary) value ever coming up in local discussions. However, “enjoyment” is subjective (for either residents or the City). **To residents: noise, lighting, added traffic, on-street parking, and the profound loss of green space will all impair and diminish enjoyment ... no question.**

So, did the PC approve this based on “substantially”, or not? How does one satisfy the “substantial evidence” Criterion given its criterion for “substantial evidence”?

The “substantial evidence” favors residents in this case.

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.
-

The Report does say: “... the proposed building represents a significantly different building form compared to what currently exists on the subject site and on surrounding properties ...”
Although this thought carries forward, there is no other particular comment.

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.
-

Ref drainage, CU #1: this issue is still incomplete and unresolved.

As to parking, it is very hard to believe that this development will not result in on street parking.
This could easily be by residents not wanting to pay monthly underground parking fees or wanting to beat rush hour egress or ingress (on a single, internal driveway).

6. The conditional use **conforms to all applicable regulations** of the district in which it is located.

No Comment

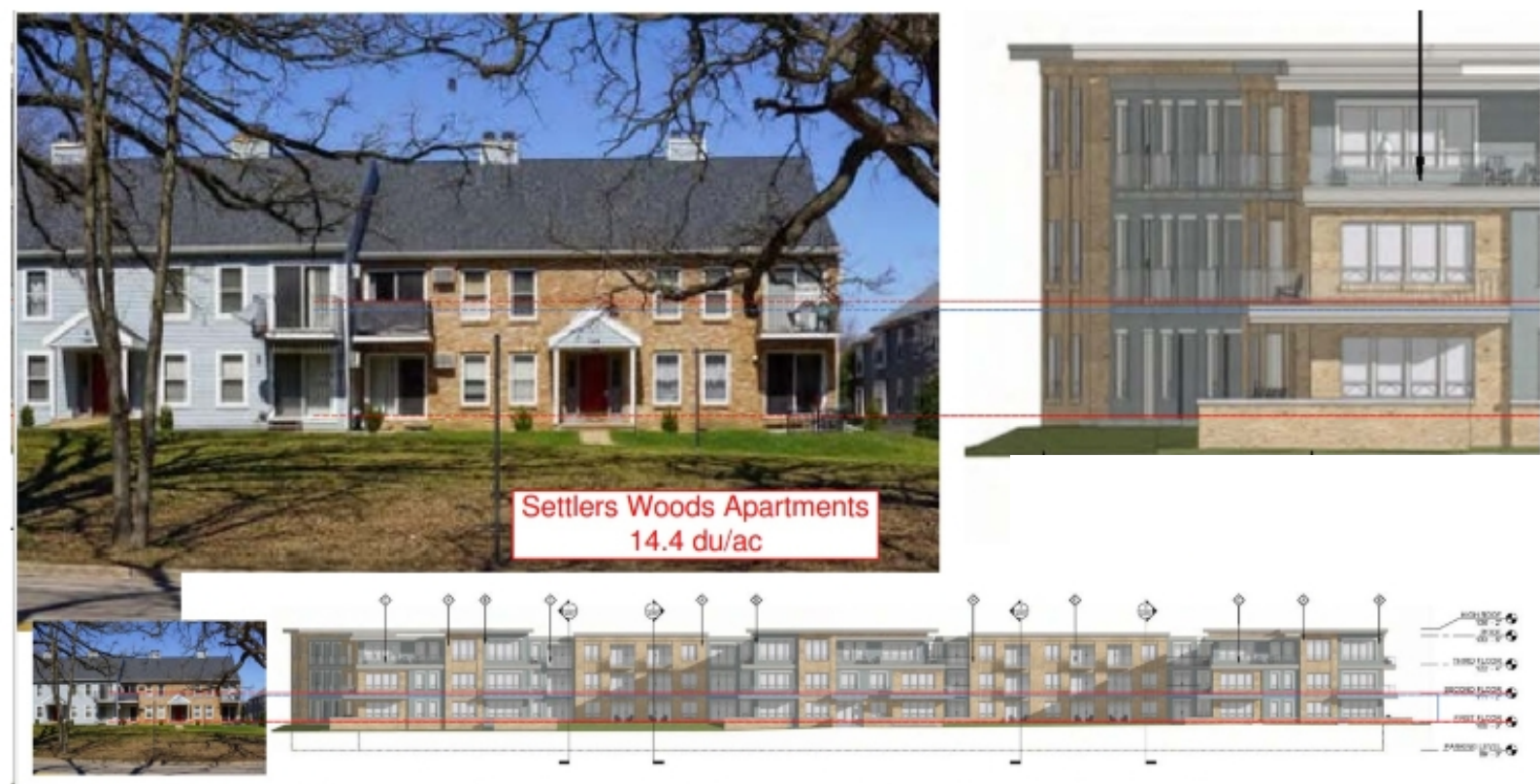
8. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project **creates an environment of sustained aesthetic desirability compatible** with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission **may require the applicant to submit plans to the Urban Design Commission** for comment and recommendation.
-

This is far harder than CU #3 to be justified in compliance by the PC; notably, they made no mention of this in their Minutes. Here, Judgement Criteria #2 & #3 pertain, which use phrasings “creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area ...”, and “seamlessly integrated with surrounding development”.

First, note the Reports’ comment on “significantly different building form” under CU #4, above. Then, referring to the Table at the end of Ref. 2, there is a comparison with what should be the developer’s best case comparable, viz. the adjacent Settlers Woods apartments. That Table summarizes the comparison of properly-scaled vertical height (top panel) and horizontal length (bottom panel); also included is curb setback from Old Sauk Road based on data from the developer and Google Earth. This is the comparison:

Developer's comparison was to another, higher complex over a mile away

Best comparable next door =>



Side-by-Side Comparison: Top – illustrates height; Bottom – best illustrates frontal length and overall comparison.

BEST, IMMEDIATELY NEIGHBORING, COMPARABLE COMPARISON

Parameter	Proposed Building	Settlers Woods
Frontal Length	400 ft	100 ft
Setback from Curb	35	84
Height	More	Less
Ratio, Apparent (Angular) Height from Curb	2-3	to 1
Dwelling Units / Acre	36.6	14.4

Proposed building vastly exceeds comparable

Not close to Comprehensive Plan's wording "... newly developing LMR areas should be seamlessly integrated with surrounding development"

This house is 2 blocks away

Nearest are ranch, modified ranch and 2-story



“... sustained aesthetic desirability compatible with the existing or intended character of the area ...” ???

“... newly developing LMR areas should be seamlessly integrated with surrounding development” ???

25. [82972](#)

Minutes
PC Meeting
10 June 2024

6610-6706 Old Sauk Road (District 19): Consideration 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 consideration of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a three-story, 138-unit apartment building with an accessory outdoor pool.

On a motion by Solheim, seconded by Ald. 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 condition 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 screening 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.

no mention at all of #8
on sustained aesthetic

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

Backup

RANDOM THOUGHTS

- Consider:
 - Who benefits? Who is burdened?
 - Who does not have a voice at the table?
 - How can policymakers mitigate unintended consequences?
- Madison already 60% rental ... and increasing. In the hands of developers.
- 100% of homes heated by fossil fuel. What initiatives is the City taking? Apartments aren't the answer.
- Density profile across the City. All districts and neighborhoods are different and some will not need or want to be "densified"
- Destroying an urban "farm" to save a farm elsewhere isn't right.
- Greenspace is viewed as "under utilized". City parks, for the most part, have no "wildness". Rather than destroying greenspace consider conversion to wild "parks".
- Boy Scout by nature that wants to live with nature rather than obliterate it. The thought of natural, green space land as being "under utilized" is fundamentally abhorrent.
- Urban areas are starved for wildness; weekend Interstate traffic going north then back home is an example.
- PC attendance – District 19 420 opposed – 30 in favor
- Alder on urbanization???
- Sounds of Silence – Hearing without listening.
- Apartments: Affordable? No ownership stake => lessened neighborhood longevity & participation





8. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project **creates an environment of sustained aesthetic desirability compatible** with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission **may require the applicant to submit plans to the Urban Design Commission** for comment and recommendation.
-

From: [Green, Rebecca](#)
To: [Perez, Nikki](#)
Cc: [Fields, Debbie](#); [Banuelos, Lorissa R](#); [Kapusta-Pofahl, Karen](#); [All Alders](#)
Subject: Visual Presentation for Lynn Green - Agenda Item 6
Date: Tuesday, July 16, 2024 11:37:48 AM
Attachments: [Presentation for Lynn Green - Agenda Item 6 - 16Jul2024.pdf](#)
[Presentation for Lynn Green - Agenda Item 6 - 16Jul2024.pptx](#)

Some people who received this message don't often get email from reg@alumni.caltech.edu. [Learn why this is important](#)

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

Hi Nikki,

I am also sending the attached slide for my mother Lynn Green for tonight's CC meeting. I have attached both the PPT and PDF.

Do these open okay?

Thank you,
Rebecca

- **Standard 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.



- **Standard 8:** When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of **sustained aesthetic desirability compatible with the existing or intended character of the area** and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.



From: [Matt Hamilton](#)
To: [All Alders](#)
Subject: Stone House Old Sauk Appeal (Supporting this Appeal) Reference File Nos 82972 (Conditional Use) & 84123 (Appeal) - Stone House Old Sauk Proposal [Objection]
Date: Tuesday, July 9, 2024 4:22:03 PM

Some people who received this message don't often get email from matthewbhamilton@gmail.com. [Learn why this is important](#)

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Dear Madison Alders,

I am 45 years old and was born and raised in Madison. I grew up and have lived on the west side my whole life with my parents and siblings, and now still on the west side in a different home with my wife and kids. We are completely against the Stone House Development proposal on Old Sauk and feel the plan was rushed though for political reasons and has not been thoroughly vetted and very significant problems by the Plan Commission regarding Stormwater Management and as well as articles of Conditional Uses. My family feel it is very important for the sake of Madison, its neighborhoods, its families and tax payers that this plan be evaluated and stopped immediately. Thank you for your focused attention to this matter.

Sincerely,
Matthew Hamilton and family
802 Blue Ridge Pkwy
Madison WI
53705

From: [Fields, Debbie](#)
To: [All Alders](#)
Subject: FW: Support agenda item 84123 for 7/16/2024 Council Meeting
Date: Monday, July 15, 2024 11:35:00 AM
Attachments: [Appeal Letter Common Council Old Sauk Property 7-14-2024.docx](#)

Alders,

Following and attached please find a message that was received in the Council Office inbox.

Thank you,
Debbie Fields
Program Assistant 2
Common Council Office
608-266-4297

From: Greg Keller <gj522k@gmail.com>
Sent: Sunday, July 14, 2024 4:32 PM
To: council <council@cityofmadison.com>
Subject: Support agenda item 84123 for 7/16/2024 Council Meeting

You don't often get email from gj522k@gmail.com. [Learn why this is important](#)

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Dear Council Members,

Attached please find our letter supporting the appeal of the Old Sauk Road Project.

Respectfully submitted,
Greg & Ann Keller

July 14, 2024

TO: Common Council President Cole, All Madison Alders, and Mayor Rhodes-Conway

RE: Appeal of the Plan Commission's Approval of Conditional Use to Permit Stone House

Proposed Development at 6610-6706 Old Sauk Rd.

Please Post as public Comments for 84123, Conditional Use Appeal, Agenda Item #6, for Common Council Meeting 7/16, 6610-6706 Old Sauk Rd

We have been Parkwood Hills homeowners for over 35 years. We write in support of our neighborhood residents in their appeal to the Common Council from the Plan Commission's **arbitrary and capricious decision** rubber stamping the ill-conceived Stone House large apartment complex project proposed at 6610-6706 Old Sauk Road.

Conditional Use Standards 1 and 5

The Standards are: **"The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare"** and **"Adequate utilities and drainage have been or are being provided."**

The Commission Ignores Substantial Expert Information Showing That Conditional Use Standards 1 and 5 Are Not Met.

The Commission claims to have considered the very substantial professional information addressing surface flooding and ground water problems, and soil conditions, identified and explained by the experts on behalf of the adjacent property owners whose homes are directly threatened. In fact, the Commission merely dismissed this input with a "general denial" – which is no substitute for a serious engagement with the data.

Justification of the decision by a mere hope, trust, or belief, that Stone House will somehow come up with a way to "defy gravity" reflects the reality that the Commission's decision was made long ago, in collusion with the developer, with no public input or knowledge, prior to the zoom meeting in October of 2023. This not just an inference: It is quite clearly identified in the excellent appeal letter filed by Gary and Barb Foster.

The Foster letter also notes on-going close dealing by our district's appointed Alder, whose bid for election was rejected in a massive landslide, and who was appointed not because he values the views and interests of the community in this matter, but precisely because he unalterably opposes those views and interests. His published letter "Why Are There So Many No Re-Zoning Signs on Old Sauk Road" mischaracterizes the valid concerns of the residents who oppose this development (the vast majority) as a blend of tenant phobia and materialist elitism he finds as the residual detritus upon completion of "mucking out a barn."

On a personal note, we found our alder's comments quite condescending to both the tenants and property owners in the immediate area. Evidently, he is not familiar enough with the area to realize there are numerous apartment buildings in very close proximity to the proposed project. We find it appalling to characterize people who rent "less desirable." Furthermore, the city should encourage home ownership. Criticizing individuals who worked hard, deferred immediate expenditures and saved enough to purchase (or should I say finance) a home, should be recognized and encouraged not belittled. We are opposed to the size of the project, not new neighbors coming into the neighborhood. "Mucking out a barn" give me a break."

Both the Foster letter and the excellent, highly detailed and analytical letter by Michael and Lynn Green show that the formality of a public forum for discussion of community input was a "paper compliance" farce. We were on the zoom meeting. They have described it accurately.

In short, there was literally nothing offered to refute the information gathered by the residents and their experts. As succinctly stated by another of our neighbors who is also one of the appellants, Diane Sorensen: "The Commission, in its haste to build, build, build, ignored all of this expert advice, planting a time bomb across the fence from these homeowners." Nothing (other than commitment to a predetermined result) was offered by the developers or city staff to justify a finding that the developer has, so far, made sufficient efforts and presented sufficient information to support the view that (later) imposition of effective 3 conditional use terms is even possible and/or financially feasible, and if so, that Stone House will be able to meet them.

Therefore, **Conditional Use Standards 1 and 5 are not met.** The Commission simply ignored information that would obstruct its predetermined findings that "establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare" and "adequate utilities and drainage have been or are being provided."

Conditional Use Standard 3

The required finding is that: "**The uses, values and enjoyment of other property in the neighborhood for the purposes already established will not be substantially impaired or diminished in any foreseeable manner.**"

This Proposed 138-Unit Apartment Complex Would Have Grossly Adverse Effects on Surrounding Properties and Residents

As noted above, the Commission was provided with expert information that the project would greatly increase the risk of substantial surface water flooding, and subsurface seepage that cannot be effectively contained due to soil conditions that cannot be effectively altered.

It would greatly worsen the already poorly managed traffic dangers on Old Sauk Road, and simply extend them through multiple residential streets in Sauk Ridge and Parkwood Hills. The staff memo proposing mitigation of this problem by installing flashing yellow lights for a

pedestrian crossing at one intersection is inadequate. The West Side plan calls for opening Yosemite Place to reconnect with Yosemite Trail. **NOTE: Yosemite Place, a cul-de-sac, was created several years ago to stop traffic from using this as a short cut through the neighborhood.** The Commission's reliance on the traffic department's indifference to this problem, and dismissal of the neighborhood's interests, lacks common sense.

The Commission simply minimizes or entirely ignores this. The values and enjoyment of other property in the neighborhood for the purposes already established will be substantially impaired and/or diminished.

Conditional Use Standard 8

Standard 8 states: **“When applying these standards to any new construction of a building... the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose in the zoning code.”**

This Project Clearly Fails That Standard.

It is 19 times larger than the apartment building located very nearby.

It would in effect establish a solid wall, about 40 feet high, with little setback, extending down Old Sauk Road significantly longer than a football field.

It is massive and institutional in comparison to the character of the neighboring structures. **It does not create, compliment or contribute to the existing “environment of sustained aesthetic desirability” and is very plainly NOT “compatible with the existing or intended character of the area and the statement of purpose in the zoning code.”**

This project is grossly out of scale and completely inconsistent with the two neighborhoods into which the city, and Stone House, are determined to impose it.

CONCLUSION

The Common Council should exercise its authority to bring a semblance of balance into this decisional process, so critical not only to the neighborhoods affected in this instance, but also to the broader Madison community as well, by reversing the Plan Commission's decision at issue here.

Sincerely,
Gregory and Ann Keller
602 San Juan Trail

From: jan.lehman7795@gmail.com
To: [All Alders](#); [Plan Commission Comments](#); [Guequierre, John](#); [Mayor](#)
Cc: [Kathy Western](#); [Jeff Western](#)
Subject: Stone House Old Sauk Proposal Support of Appeal (Agenda Item #6, Legistar number 84123)
Date: Sunday, July 14, 2024 8:54:18 PM

[Some people who received this message don't often get email from jan.lehman7795@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Please File in Legistar # 82972 for public comments for agenda #6 for 84123 for 7/16 CC meeting regarding appeal.

Mayor Rhodes-Conway, President Cole and Alders,

I strongly support this appeal.

As a resident on Saint Andrews Circle since 1985 I feel that our concerns and issues regarding the proposed complex on Old Sauk Road have gone unheard and even ridiculed by decision makers. We built our home while working two jobs and raising two children. We were not and are hardly “rich homeowners” as some have tried to portray. We are now retired and continue to scrutinize our available resources to remain in our home for many more years.

The proposed development will certainly have a negative impact on our neighborhood and the value of our home. Please listen to our requests to reconsider this project and the rezoning it will need.

Thank you , Jan and Ernie Lehman

Sent from my iPhone

From: [Ann MacGuidwin](#)
To: [Mayor](#); [All Alders](#); [Plan Commission Comments](#)
Subject: Please post as public comments for 82950, 82972m 83477, 82979, 84123 / 6610-6706 Old Sauk Rd
Date: Tuesday, July 16, 2024 12:20:47 AM

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

I support repeal of the of the Stone House conditional use request (6610-6706 Old Sauk Rd) because approval standard #3 was not met: “**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.**” On the basis of the information provided to date, it is foreseeable that the Stone House project will cause stormwater damage to adjacent properties, diminishing the resale value and marketability of their homes.

On June 10, 2024 the Plan Commission approved conditional use for the Stone House project subject to 63 conditions. Nearly one third of the 63 conditions fall in the purview of the City Engineering Division and 13 of those relate directly to stormwater management. In green lighting the project, staff acknowledged there was no approved stormwater management plan but assumed one could be devised through collaborative meetings between Wyse Engineering (Stone House), city engineers, the city planning council, and Alder Guequierre.

The conditional use approval was granted because Stone House claimed they would be compliant with Madison General Ordinance 37 (stormwater management). The Commission then used circular logic to conclude that the project met approval standard #3 because Ordinance 37 protects neighboring properties. This “cart before the horse” approach has evidently worked for other projects, but the Stone House development is exceptional in some respects and has stormwater issues of such consequence that all actions related to stormwater should be carefully and critically reviewed before a decision is made regarding approval standard #3.

Why is the Stone House Old Sauk Rd case unusual?

- The project sits squarely in a residential neighborhood. Nine residential parcels share a property line with the project and another is separated by a narrow out lot.
- The project is on land with a history of flooding and discharge of water to neighboring parcels. Nine single family residences to the west and north of the project receive stormwater discharge into their yards.
- All stormwater running from pavement, the building, and through two green roof courtyards will be collected and concentrated into two underground infiltration facilities. 100% reliance on an engineered underground system for stormwater management is unprecedented in this west side neighborhood so examples to

demonstrate proof-of-concept should be provided.

- Ordinance 37 (37.093c5) requires that the volumetric discharge to other properties be equal to or lower than pre-development levels for up to the 10-yr rain event. Approval standard #3 has no such restriction. Models were not run for rainfall greater than the 10-yr event, but the data trends suggest that post-development discharge will exceed pre-development levels for any event greater than 4.1 inches in one day (10-yr event).

What are the issues with the underground infiltration facilities?

- Multiple test borings in some regions of the property showed infiltration rates of 0.13 to 0.5 inches of water per hour, which is so low that water will puddle rather than being absorbed into the soil. Stone House proposes a novel untested solution to address this problem; excavate, mix, and return the soil to the site. They predict “The infiltration rate *can likely* be improved” by this solution. Despite their acknowledged uncertainty, they go on to use the most optimistic estimate (0.5 in/hr) for their models. In fact, the Stone House models only show compliance with Ordinance 37.093c5 if they use the 0.5 in/hr infiltration estimate. If they were to average the 0.13 and 0.5 estimates or cut their estimate 2-fold as recommended to add a “safety factor”, they would not comply with the Ordinance. The Stone House team has not presented evidence that the excavate/mix/return procedure has demonstrated success. Dr. John Norman, a UW soil scientist, presented a compelling case in his letter as to why the weight of the water-filled tanks and the soil and pavement above them would return the processed soil to its original state of low-infiltration. If the infiltration rate is too low and the water drains too slowly, the excess water will be released to an infiltration basin at the west edge of the property and potentially to adjacent properties.
- Water constrained in infiltration tanks is designed to drain downward. If it fails to do that, another problem can occur – a localized rise in groundwater level referred to as mounding. Groundwater mounding causes water to spread horizontally until it is impeded by a building, including neighboring homes. Modeling programs are available to evaluate the potential for mounding to occur. There are no Madison city ordinances regarding groundwater issues, but it is reasonable to ask Stone House to evaluate the potential for mounding as this site has characteristics that make it prone to this problem.

Why should the Common council vote in favor of the appeal?

- There is a foreseeable likelihood that the extent of stormwater discharge will increase beyond pre-development levels because 1) the project will increase the impervious area and concentrate much more stormwater runoff into a much smaller area (infiltration facilities) than predevelopment and that 2) proposed procedures to improve infiltration over pre-existing conditions are not likely to succeed. Rescinding conditional use approval will turn focus back to the stormwater plan review and

modification. Unlike the June 10th meeting where Plan Commissioners asked no questions or engaged in discussion, a proper critical review of the plan should occur.

- I, and many of my neighbors, do not trust the outcome of closed door negotiations between Stone House, city staff, and Alder Guequierre if conditional use approval is not rescinded and reconsidered in a public meeting at a later date. Plan Commission staff have been very helpful and responsive in answering questions, but it is not their job to have in depth discussions with the public and it seems counter to their mission of supporting development to expect them to push Stone House to justify data or answer tough questions. Members of the Plan Commission, particularly Alders, should play that role, as it is their job to represent constituents and make well-informed and thoughtful decisions regarding development. In other words – To Plan! We have no evidence that Alder Guequierre hears us or wants to discuss stormwater issues germane to this project, as he promulgates over simplified hypothetical, and therefore irrelevant, “models” of multiple fourplex condominiums to promote the efficiency of concentrating impervious area in a single large building. We need someone to hold Stone House accountable for developing a plan with a high likelihood of success – ideally, a plan that improves water issues on the property, but one that at least maintains the status quo as determined by multiple independent experts. Hopefully, bringing this issue before the Common Council will motivate the Plan Commission to actually deliberate the stormwater issues, solutions, and their relationship to approval standard #3 rather than rubber stamping the Stone House request without discussion as was done on June 10th.

I am not impressed that the stormwater plan for the Stone House project is more developed at this point than many other projects that have been considered by the Plan Commission. Exercising prudence in delineating pre-existing stormwater issues is in Stone House’s financial interest. It is in the best interest of tax-paying neighbors who have lived in their homes for decades to continue the planning process until the conditional use request can be approved with confidence that approval standard #3 will be satisfied.

Ann MacGuidwin
106 Blue Ridge Pkwy

From: [Steve Mason](#)

To: [All Alders](#)

Subject: I am in firm opposition to the haphazard, slapdash way the of the city's approval of the stone house project on old sauk road. If this goes forward as is, the untested water runoff control will cause much harm to the adjacent property owners and the n...

Date: Tuesday, July 9, 2024 5:21:28 PM

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From: [Tom Meyer](#)
To: [All Alders](#)
Cc: friendsofoldsauk@gmail.com
Subject: In support of the Appeal of Stone House Old Sauk project
Date: Wednesday, July 10, 2024 2:20:01 PM

Some people who received this message don't often get email from tom@essentialrealestatewi.com. [Learn why this is important](#)

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I am a nearby property owner of 6405 Appalachian Way, Madison, WI 53705.

The Stone House development is inconsistent with zoning. Rushing to develop the property into a large apartment complex will forever end the opportunity to create more adaptable and zoning consistent housing on the site. A more thorough study of the potential uses of the property is in order. Developing high density housing on these urban sites is one option and an option that is most favorable to the developer but not most favorable to neighborhood stakeholders.

Permitting rezoning forces neighbors to accept problems associated with high density apartments. This project won't solve the problem of lack of affordable housing. Rezoning infringes on the rights of nearby property owners.

Stopping this project now and opening discussion for consistent use project ideas is an opportunity too good to pass up.

Tom Meyer. Essential Real Estate. Madison, WI 608.332.8331

From: [Sharon Moses](#)
To: [All Alders](#)
Subject: Apartment proposal for 6610-6706 Old Sauk Road (District 19) - Appeal
Date: Monday, July 15, 2024 11:26:16 AM

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6610-6706 Old Sauk Road (District 19): Consideration 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 consideration of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a three-story, 138-unit apartment building with an accessory outdoor pool.

I wish to register my complaint that this apartment building is proposed for this area. There are many reasons why this is a poor choice which have been spelled out by others. My concerns are:

This is too large a development for this area. It is not in keeping with the neighborhood. Just because there is enough space to build, does not make it a good decision. There are legitimate concerns with water run off management in an area that already has issues. There are parking concerns. You need to assume many units may have more than one vehicle - where are tenants supposed to park? Old Sauk Road is a very busy thoroughfare already and there is no street parking on Old Sauk Rd. Are cars to spread out into adjoining neighborhoods? Crestwood Elementary School is just a few blocks east of this proposed development. Traffic congestion and safety around the school are a huge concern as this is already very crowded when school is in session. This is a huge consideration for pedestrians (small children in particular) as well as bicycle traffic in the area. As a person who has lived one block off of Old Sauk Road since 1983 I can attest to increased volumes of traffic and occasional disregard for speed on Old Sauk Road and how this has affected the area in front of the school already. A huge increase in traffic volume as a result of these apartments being built is not wise.

Next door to this proposed development are a number of small townhouses and other housing units that suit the area and are smaller in scope. A building project to match that development would be welcomed.

I sincerely hope that the concerns of the neighbors in Parkwood Hills and Stonefield will be listened to and given appropriate weight AND that this project as presented will be turned down for development.

Sharon Moses
Resident of Parkwood Hills

From: [Chuck Nahn](#)
To: [All Alders](#); [Figueroa Cole, Yvette](#); [Guequierre, John](#); [Mayor](#); [Plan Commission Comments](#)
Cc: [Mary Umbeck](#); [jeff western](#); [Fries, Gregory](#); [Schmidt, Janet](#); [Tim Burns](#)
Subject: Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, 6610-6706 Old Sauk Rd
Date: Friday, July 5, 2024 1:34:13 PM

Some people who received this message don't often get email from chucknahn@gmail.com. [Learn why this is important](#)

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

My name is Chuck Nahn and I reside at 5623 Sandhill Drive in Middleton. I am a registered Civil Engineer, with over 40 years of experience, retained by the adjacent neighboring property owners to review and comment on the Stormwater Management and Erosion Control Plan for the Old Sauk Road Apartments.

My overall stormwater review of this development is that a high-density multi-family residential development with corresponding greatly increased paved surfaces is being proposed into a small undeveloped area with existing flooding problems caused primarily by inadequate storm sewer infrastructure along Old Sauk Road. To meet City ordinances and achieve the high-density development, the developer is implementing novel, untested underground practices to meet the runoff rate, water quality, infiltration and oil and grease requirements of the City ordinance. I have a number of concerns as detailed in my review comments based on two revisions of the stormwater plan dated April 8, April 22 and May 24 including but not limited to:

- **Underground Tank Infiltration Rate-**
 - The infiltration rates used in the report are too high and do not have a correction factor applied to account for soil compaction during construction. Please note the design infiltration rate is integral toward meeting City ordinance for runoff rate control, water quality and infiltration requirements.
 - Soil compaction during construction is inevitable based on the weight of rock and concrete vault structure on top of native soil interface for underground tanks.
 - Mixing the soils 5 feet below the native soil interface will not increase infiltration based on Dr. John Norman's (professor emeritus of soil science) comments.
 - Sodium Chloride used for winter deicing of street, driveway and parking lot may cause soil clogging and immediate infiltration failure based on Dr. Norman's comments.
- **Pre-existing Detention not applied to on-site discharge-** City ordinance requires pre-existing detention applied to on-site discharge. Stormwater plan applies pre-existing detention to off-site discharge from Old Sauk Road flooding and not on-site discharge from paved area increase associated with proposed development.
- **Potential Increased Flooding to Lower basements for North Property Owners-** Underground Tank infiltration can potentially cause groundwater mounding and increased groundwater flow to the north inundating northern property owner's household lower level and basement. Please note these basements are 7 feet below the native soil interface of Underground Tank #1 which is located 40 feet from the native soil interface.
- **Proposed Underground Tank Outflow pipes elevations-** If underground infiltration tanks should not infiltration as designed, the outflow pipe elevation will negate $\frac{3}{4}$ of the existing storage of the underground tanks.

I have numerous additional stormwater management plan comments that I submitted to City Engineering on June 4, 2024 with no response received. I request an in-person meeting with City Engineering and the developer's engineer to review these additional issues. Given the uncertainties

that exist at this time, we ask that you defer a decision on the zoning change until further detail becomes available regarding the proposed stormwater practices for this development. The risk of increasing flooding in an already flooded area if these practices do not perform as designed definitely should be considered in more detail before a decision to change the zoning and demolish existing structures is made. For example, if the underground tanks remain filled with water, flood protection volume is lost which is needed to protect downstream property owners

Thank you for your consideration of these issues.

Chuck
Charles E. Nahn III, P.E.
Nahn and Associates
5623 Sandhill Drive
Middleton WI 53562
(608) 712-9199

From: ruthnair123@aol.com
To: [All Alders](#); [Ruth Nair](#)
Subject: Stone House Old Sauk Appeal - Supporting this appeal, Reference Numbers - 82972 (conditional use) and 84123 (appeal)
Date: Thursday, July 11, 2024 1:01:40 PM

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All city Alders,

I wish to object to the current Stone House Old Sauk Proposal.

Thanks for your consideration,

Ruth Nair
9 Mt. Rainier Lane
Madison, Wi 53705
608-233-6844

From: [rosemaryneu19](#)
To: [All Alders](#)
Subject: Stone House Old Sauk
Date: Tuesday, July 9, 2024 7:24:29 PM

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Reference File 84233. I object to the proposed development on Old Sauk Road. I feel that this development will be detrimental to the surrounding community especially with regards to traffic on Old Sauk Road.

Rosemary Neu

Sent from my Verizon, Samsung Galaxy Tablet

From: jawnorman@gmail.com
To: Mayor; All Alders
Subject: Comments on Appeal of Plan Commission action for 6610-6706 Old Sauk Road, Legister ID 82972
Date: Wednesday, July 10, 2024 3:48:48 PM

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Dear Mayor Rhodes Conway and Members of the City Council:

Below please find my comments on the Appeal of the Plan Commission action on the conditional use request for 6610-6706 Old Sauk Road, Legister ID 82972 (District 19).
Thank you

Comments on Common Council action on conditional use request for 6610-6706 Old Sauk Road, Legister ID 82972 (District 19)

Dr. John M. Norman, jmnorman@wisc.edu

I am an Emeritus Professor of Soil Science from UW-Madison with extensive experience in soil physics and hydrology. I have experience measuring and modeling infiltration in layered soils and created the Thermal Urban Runoff Model, which is used by Dane County for urban developments near trout streams. My home is not affected by stormwater issues at the proposed development at 6610-6701 Old Sauk Road.

I have studied the online stormwater plans and my major concern is the design estimates for infiltration into the bottom of the large underground storage/infiltration basin. If this underground basin fails to infiltrate as designed, which I believe will happen sooner or later, most of the concentrated stormwater surge from a major storm could exit directly to the private property immediately west of the proposed development site by way of an overflow pipe from the large basin. This surge could cause serious problems for homes on Spyglass Circle, where flooding has occurred in the past without this development.

This plan appears to be comprehensive to the untrained eye, but to one who has studied infiltration into soil, this plan is grossly deficient when it comes to dealing with the likely problems with the assumed infiltration rates into the bottom of the large underground basin. Furthermore, the performance of this underground basin is critical to meeting city ordinances. This is a complicated project, and I believe that the infiltration plans outlined for these structures are experimental on this layered soil. The designers have offered no descriptions of possible tests to demonstrate that these underground infiltration basins perform as designed; furthermore, after speaking to two local stormwater engineers, it is not clear to us how such a system even could be tested prior to being built and filled with water. Even with successful initial tests, because this basin is inaccessible, there is no assurance against eventual failure for the following reasons:

1. This site is over layered soils, with unpredictable water flow characteristics. The plan for the largest underground storage basin is to remove the soil below the floor, mix the layers and replace the soil; then build a 400-ton concrete and stone structure; then to add more than 700 tons of crushed rock potentially compacting the underlying soil. If tests are done before this basin is completed, major compaction will occur that will decrease the infiltration rate by a factor of 3 to 100 (based on in-situ measurements in a silt loam soil at Arlington, WI), depending on how the structure is constructed and the

soil moisture content at the time of construction. Mixing a layered soil and then compacting it will produce a soil with highly variable infiltration properties.

2. Another well-known problem in soils is infiltration of water containing dissolved deicing salt (sodium chloride) into soil. This is the salt that is used during winter on streets, walks, driveways, and parking lots. The sodium from this salt attaches to the soil and builds up until it disperses the soil reducing infiltration drastically, forming what is called a SODIC soil, and it occurred at the Costco facility in Middleton in 2009. Following an extensive study of the Costco problem by UW-Madison Soil Science Department Professor Phillip Barak and students, ([see-https://soilsfacstaff.cals.wisc.edu/facstaff/barak/costco_final_report_barak_2012.pdf](https://soilsfacstaff.cals.wisc.edu/facstaff/barak/costco_final_report_barak_2012.pdf)) the only solution to this failure was to replace the soil in the basin. Of course, this would be virtually impossible for both proposed underground basins. This dissolved salt from parking lots, sidewalks, and driveways goes right thru the filters on the underground basins, and when it reaches the soil on the bottom of the basin will eventually stop the infiltration of water into the soil, for all practical purposes, no matter what the original infiltration rate was. The formation of sodic soils is complex and stormwater engineers tend to struggle with this issue or ignore it. At the very least, city engineers should visit with Professor Phillip Barak, a soil chemist at UW-Madison, Department of Soil Science for guidance (pwbarak@wisc.edu) in dealing with this issue. It undoubtedly exists elsewhere in the city and ignoring it will only eventually create more serious problems. The surface infiltration basin on the west boundary of the property also can receive salt-laden runoff from Old Sauk Road eventually causing the surface basin infiltration to continually decrease. To my knowledge, this potentially serious issue of deicing salt decreasing infiltration is not discussed in the plan.

3. A third issue that infiltration basins for runoff must always deal with is the possibility of sediment slowly sealing the soil surface and slowing infiltration. The underground storage basins address this with filters that are about 80% efficient; However, in large storms these filters may be bypassed so sediment could get into the basins and slowly reduce an already low infiltration rate without any reasonable possibility of remediation. This surface sealing from sedimentation may also affect the surface basin on the west side of the property.

These potentially serious issues related to the underground storage/infiltration basins are critical for this development, because without adequate infiltration this project will not meet the stormwater requirements of the City of Madison; furthermore, the developer and their designers have not adequately addressed these issues.

I respectfully request that the Common Council defer action on the conditional use until the above issues are adequately resolved.

John M. Norman
jmnorman@wisc.edu

From: [Michael Onheiber](#)
To: [All Alders](#); mayor@cityofmadsion.com
Subject: Appeal of Plan Commission Condition Use Permit, 6610-6706 Old Sauk Road, 7/16 Common Council Meeting, Legistar No. 84123, Agent Item #6
Date: Friday, July 12, 2024 5:39:40 PM
Attachments: [Appeal Letter July 12 fnl.pdf](#)

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Please find attached a letter supporting the appeal of the Plan Commission Conditional Use Permit for the above referenced matter.

July 12, 2024

TO: Common Council President Cole, All Madison Alders, and Mayor Rhodes-Conway

RE: Appeal of the Plan Commission's Approval of Conditional Use to Permit Stone House Proposed Development at 6610-6706 Old Sauk Rd.

Please Post as public Comments for 84123, Conditional Use Appeal, Agenda Item #6, for Common Council Meeting 7/16, 6610-6706 Old Sauk Rd

We have been Parkwood Hills homeowners for 31 years. We write in support of our neighborhood residents in their appeal to the Common Council from the Plan Commission's **arbitrary and capricious decision** rubber stamping the ill-conceived Stone House large apartment complex project proposed at 6610-6706 Old Sauk Road.

Is the decision really "arbitrary and capricious?" Yes, it is exactly that. What do those terms mean, to ordinary English usage and legal analysis?

Arbitrary

"To be decided by one's liking: dependent upon will or pleasure... derived from mere opinion or preference.... Unrestricted in the exercise of will, of uncontrolled power or authority, absolute, despotic, tyrannical." [The Oxford English Dictionary](#)

"Based on one's preference, notion or whim, hence capricious, absolute, despotic." [Webster's New World Dictionary of the English Language](#)

"Arbitrary means...done capriciously or at pleasure.... Not according to reason or judgment; depending on the will alone; absolutely in power; capriciously, tyrannical; despotic; without fair, solid, and substantial cause, that is, without cause based upon the law; not governed by any fixed rules or standard; synonymous with **bad faith or failure to exercise honest judgement**. [Black's Law Dictionary](#)

Arbitrary and Capricious

"Willful and unreasonable action **without consideration or in disregard of facts** or without determining principle." [Black's Law Dictionary](#)

Conditional Use Standards 1 and 5

The Standards are: **“The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare”** and **“Adequate utilities and drainage have been or are being provided.”**

The Commission Ignores Substantial Expert Information Showing That Conditional Use Standards 1 and 5 Are Not Met.

The Commission claims to have considered the very substantial professional information addressing surface flooding and ground water problems, and soil conditions, identified and explained by the experts on behalf of the adjacent property owners whose homes are directly threatened. In fact, the Commission merely dismissed this input with a “general denial” – which is no substitute for a serious engagement with the data.

Justification of the decision by a mere hope, trust, or belief, that Stone House will somehow come up with a way to “defy gravity” reflects the reality that the Commission’s decision was made long ago, in collusion with the developer, with no public input or knowledge, prior to the zoom meeting in October of 2023. This not just an inference: It is quite clearly identified in the excellent appeal letter filed by Gary and Barb Foster.

The Foster letter also notes on-going close dealing by our district’s appointed Alder, whose bid for election was rejected in a massive landslide, and who was appointed not because he values the views and interests of the community in this matter, but precisely because he unalterably opposes those views and interests. His published letter “Why Are There So Many No Re-Zoning Signs on Old Sauk Road” mischaracterizes the valid concerns of the residents who oppose this development (the vast majority) as a blend of tenant phobia and materialist elitism he finds as the residual detritus upon completion of “mucking out a barn.”

Both the Foster letter and the excellent, highly detailed and analytical letter by Michael and Lynn Green show that the formality of a public forum for discussion of community input was a “paper compliance” farce. We were on the zoom. They have described it accurately.

In short, there was literally nothing offered to refute the information gathered by the residents and their experts. As succinctly stated by another of our neighbors who is also one of the appellants, Diane Sorensen: “The Commission, in its haste to build, build, build, ignored all of this expert advice, planting a time bomb across the fence from these homeowners.”

Nothing (other than commitment to a predetermined result) was offered by the developers or city staff to justify a finding that the developer has, so far, made sufficient efforts and presented sufficient information to support the view that (later) imposition of effective

conditional use terms is even possible and/or financially feasible, and if so, that Stone House will be able to meet them.

Therefore, **Conditional Use Standards 1 and 5 are not met.** The Commission simply ignored information that would obstruct its predetermined findings that “establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare” and “adequate utilities and drainage have been or are being provided.”

Conditional Use Standard 3

The required finding is that: **“The uses, values and enjoyment of other property in the neighborhood for the purposes already established will not be substantially impaired or diminished in any foreseeable manner.”**

This Proposed 138-Unit Apartment Complex Would Have Grossly Adverse Effects on Surrounding Properties and Residents

- As noted above, the Commission was provided with expert information that the project would greatly increase the risk of substantial surface water flooding, and subsurface seepage that cannot be effectively contained due to soil conditions that cannot be effectively altered.
- It would greatly worsen the already poorly managed traffic dangers on Old Sauk Road, and simply extend them through multiple residential streets in Sauk Ridge and Parkwood Hills. The staff memo proposing mitigation of this problem by installing flashing yellow lights for a pedestrian crossing on one intersection is inadequate on its face. The Commission’s reliance on the traffic department’s indifference to this problem, and dismissal of the community’s interests, is a searing example of arbitrary and capricious governance.
- It would greatly increase neighborhood noise (including traffic noise reverberating off the huge structure) and light pollution, aggravated by the plan for a recreation area with a swimming pool, hot tub, sauna, fire pit, and bocce court.

The Commission simply minimizes or entirely ignores these facts. Therefore, it acts arbitrarily and capriciously in finding that “the uses, values and enjoyment of other property in the neighborhood for the purposes already established will not be substantially impaired or diminished in any foreseeable manner.”

Conditional Use Standard 8

Standard 8 states: **“When applying these standards to any new construction of a building... the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose in the zoning code.”**

This Project Clearly Fails That Standard.

- It is 19 times larger than the apartment building located very nearby.
- It would in effect establish a solid wall, about 40 feet high, with little setback, extending down Old Sauk Road significantly longer than a football field.
- It is massive and institutional in comparison to the character of the neighboring structures. **It does not create, compliment or contribute to the existing “environment of sustained aesthetic desirability” and is very plainly NOT “compatible with the existing or intended character of the area and the statement of purpose in the zoning code.”**

All the staff report could come up with to rationalize the predetermined decision to ignore this standard is that Stone House initially sought a four-story complex, and now settles for three, so it “has made efforts to limit the difference in scale.” Could any ruse be more obvious and cynical?

The blatantly obvious fact is that it is grossly out of scale and completely inconsistent with the two neighborhoods into which the city, and Stone House, are determined to impose it. The proposed project does not comply with Conditional Use Standard 8. By ignoring that, the Commission, is, of course, **arbitrary and capricious**.

CONCLUSION

The Common Council should exercise its authority to bring a semblance of balance into this decisional process, so critical not only to the neighborhoods affected in this instance, but also to the broader Madison community as well, by reversing the Plan Commission’s decision at issue here.

Sincerely,

Michael and Patrice Onheiber
6706 Carlsbad Drive

From: [Sarah Peters](#)
To: [All Alders](#)
Subject: In Support of the Stone House Old Sauk Appeal
Date: Sunday, July 14, 2024 12:03:06 AM

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Dear Alders,

I am in support of the appeal (File #[82972](#) (Conditional Use) & [84123](#) (Appeal)).

Since my last email to you all, I attended the 6/18/2024 Common Council meeting. I was happy to hear a few alders who asked questions of fellow residents who voiced their concerns in person at the meeting. For the first time in this process, I felt like we started to have a conversation where we are seeking to understand each other's perspectives and helping to get to a better outcome for all (existing residents of the neighborhood, potential new residents of the neighborhood, and the city at large).

I am in support of the appeal because there are very serious concerns and questions with the stormwater management plan proposed by Stone House Development that, left as-is, will have a detrimental effect on public health, safety and welfare of the surrounding properties. As a city engineer acknowledged during the Plan Commission and then the Common Council meetings, our neighborhood doesn't have good stormwater drainage. We are a flood risk location as declared by the City on their Flood Risk Map. The current stormwater design (revised 5/24/24) is relying on infiltration into soils with subpar percolation rates (among other issues). Fellow neighbor, Michael A. Green, and Christopher T. Nelson nicely laid out how a few of the conditional use criteria (in particular #1, 2, 3, 4 and 5) are not fully satisfied to-date.

I am not opposed to welcoming new and more neighbors. I do want to ensure that the stormwater concerns that Mr. Nahn and Professor Norman outlined, and which are already in the record, are adequately addressed along with all of the applicable conditional use criteria.

Thanks for reading / listening,

Sarah Peters
702 Blue Ridge Parkway
Madison, WI 53705
Cell: 608.712.1043

From: [Barb Roeber](#)
To: [All Alders](#)
Subject: Stone House Old Sauk Road (file #82972 and #84123)
Date: Friday, July 12, 2024 2:51:09 PM

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Dear Madison Alders,

We are registering, with each one of you, our strong opposition to the Stone House Old Sauk Road Proposal, as well as our strong support for the appeal of this ill-conceived project. We have written to you and the City Plan Commission recently with our serious concerns about this project. Those concerns have not been adequately addressed and this project should not go forward.

Sincerely,

Barb Roeber and Larry Black
5706 Cedar Place
Madison, WI 53705

From: [Kathleen stark](#)
To: [All Alders](#)
Subject: Stone House Old Sauk Appeal (Supporting this Appeal) Reference File Nos 82972 (Conditional Use) & 84123 (Appeal) - Stone House Old Sauk Proposal [Objection]
Date: Wednesday, July 10, 2024 11:03:57 AM

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All Alders at City of Madison,

Thomas and Kathleen Stark of 809 Sauk Ridge Trail Madison WI passionately object to the Stone House Old Sauk development proposal and strongly support the Stone House Old Sauk Appeal.

Reference File Nos [82972](#) (Conditional Use) & [84123](#) (Appeal) - Stone House Old Sauk Proposal [Objection]

Respectfully,

Thomas and Kathleen Stark
809 Sauk Ridge Trail
Madison, Wi 53717

From: [Diane Sorensen](#)
To: [All Alders](#); [Mayor](#)
Subject: Public Comment - Letter of Support for the Appeal - Agenda Item #6, Legistar No 84123 for Common Council Meeting 7/16/24
Date: Monday, July 15, 2024 8:00:03 AM
Attachments: [Appeal Letter - PDF.pdf](#)

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Greetings President Cole, Alders and Mayor Rhodes-Conway,

We have attached our letter in support of the Appeal of the Conditional Use for Stone House development of 6610 - 6706 Old Sauk Road. This appeal is Item 6, Legistar No. 84123 on the Council's Agenda for July 16, 2024. Please include this letter in the Public Comments for that agenda item and Legistar Nos. 84123 and 82972.

We thank you for your careful consideration of all of the facts on the record and the standards that must be met for a conditional use permit to be properly granted. We are confident that any neutral party who did so would find that the Plan Commission's decision is arbitrary and capricious and, therefore, that it must be reversed.

Sincerely,
Dan Stier and Diane Sorensen

Dear President Cole, All Alders and Mayor Rhodes-Conway,

We are the proponents of reasonable development for 6610 - 6706 Old Sauk Road, development that increases density and also enriches our neighborhood by adding mixed housing that respects the natural features of the property and the aesthetic of the surrounding landscape and housing. We have lost at every turn of the road and we expect to lose this appeal as well because the city disregards any standard in the city ordinances or the Comprehensive Plan that gets in the way of its one true lodestar: more high density housing. When the city and the Plan Commission disregard relevant facts and their own standards to achieve the single-minded high density goal, they act arbitrarily and capriciously.

Predetermination.

Approval of the high density Conditional Use Stone House project was predetermined. Stone House Development met with the city planning staff twice in early October, 2023. At these meetings, Stone House learned that it could increase density beyond that in the LMR up to 4 stories and 70 du/ac via some undefined "hitch" in the Comprehensive Plan. Guided by the city planner's advice, Stone House developed the present 3 story, 138 unit apartment complex that calls for urban high density rezoning (TR-U2). This symbiotic relationship predetermined future city action: subsequent Plan Commission and Common Council decisions would approve of Stone House development that increased density beyond LMR. Information coming to light after that October city/developer alignment would not be allowed to change the result. Factual information showing that the Comprehensive Plan and the Conditional Use standards were not met would not change the result. Resident input, however well-grounded, would not be allowed to change the result. The die was cast. A Stone House development with increased density would be approved.

Tim Parks told us as much when we later talked with him: Old Sauk Road is an arterial road, therefore, a Stone House development with increased density was consistent with the Comprehensive Plan. Because it was consistent with the Plan, the city would approve it.

Our past and present District 19 alders advised us that the overwhelming majority of the Plan Commission and the Common Council wanted higher density housing and that, therefore, the Stone House proposal would succeed. We were told that we might be able to influence conditional uses, but that the project would be approved.

However, the Comprehensive Plan provides that there should be resident input on a proposed development. There are many opportunities for input. Volumes of opposition data, factual material showing that the relevant standards were not met, expert information establishing the threat of flooding and personal statements establishing residents' loss of use, enjoyment and value were all filed. The problem is that it was all meaningless. It played no role in the Plan Commission's decision, generally going without mention, though Plan Commissioner Solheim did deign to acknowledge its existence before announcing: "I disagree with it." Thus having summarily disposed of all opposition material, Commissioner Solheim went on to find all of the conditional use standards met and moved for approval of the Conditional Use. Without further discussion the Plan Commission members approved unanimously. It was over in minutes.

Next we will demonstrate how this predetermined approval has lead to decisions that are in fact arbitrary and capricious. We note that there are no formally written findings of fact and

conclusions of law. There are written minutes and a video recording of the Plan Commission meeting. We will be relying on this material in our arguments.

Arbitrary and Capricious: “Willful and unreasonable action **without consideration or in disregard of facts** or without determining principle.” Black’s Law Dictionary

Standards 1 and 5. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare. 5. Adequate utilities drainagehave been or are being provided.

Standard 1 and Standard 5 were not met.

The Plan Commission finding that there are adequate utilities is arbitrary and capricious. It is undisputed that the city’s storm sewer system is inadequate.

The harm to public, health, safety and general welfare is also irrefutable. All experts agree that this massive apartment complex creates serious storm water drainage and run off problems for residents to the north side of the parcels. The inadequate city sewer services, the untested and incomplete plans for drainage remediation proposed by the developer and the complete absence of any understanding, management and oversight of runoff leave the north side residents exposed to flooding. The Plan Commission sidesteps these facts by positing that this standard might possibly be met sometime in the future with additional storm water drainage design from Stone House. However, the standard speaks to existing conditions, not wishful thinking. North side residents’ homes and their health will be irreparably damaged by this development.

The Plan Commission’s decisions that these standards are met can only be understood as a natural outcome of the city’s will to densify and its counsel to Stone House that increased density would be approved. In order to reach this predetermined outcome, the Plan Commission must ignore the undisputed evidence of inadequate sewer services, unresolved flooding problems and endangerment. It does so and, consequently, its decisions on these standards are arbitrary and capricious.

Standard 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.

This standard was not met. What makes for the use, value and enjoyment of this neighborhood? The neighborhood has low density housing (average 7.6 du/ac) which translates to smaller structures, larger green spaces and fewer people and vehicles. Words like “slower” “shady” and “relaxing” come to mind. The biggest nearby housing is a 100 foot long, 2 story apartment building. The Stone House apartment complex changes the neighborhood irrevocably. It’s a huge structure, running 425 feet down

the road. It's giant footprint replaces green and trees with cement and other hard surfaces, and at 36 du/ac, it adds at least 300 people and a couple hundred vehicles. All on less than 4 acres.

Has the neighborhood registered any loss of use, value and enjoyment? Yes, twice more than 250 of the neighbors have petitioned the city to put a hold on this mega-development in favor of something more reasonable.

A combination of common voice and common sense makes it clear that the use, value and enjoyment of the neighborhood will be seriously diminished in a foreseeable manner for those who live there. The city's arbitrary and capricious decision denies this reality because it must if it's going to honor the sense of direction given Stone House in October 2023, that is, that an increased density apartment was authorized by the Comprehensive Plan.

Standard 8: When applying these standards to any new construction of a building The Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose in the zoning code.....

This standard is not met. There is no discussion of the standard at the Plan Commission hearing. Since the conditional use can only be approved if all of the standards are met, the decision to approve it without any finding on the standard is, per se, arbitrary and capricious.

The Comprehensive Plan sets the standard that infill development should be "seamlessly integrated" with existing housing. As the planning staff report acknowledges, the scale and mass of the proposed building will be unlike any other residential building in the surrounding area. In other words, it sticks out like a sore thumb. It's huge. It doesn't look anything like any of the nearby residences. It looks institutional. It doesn't take an art critic or an urban design committee to see the obvious - it's an aesthetic disaster that's wholly incompatible with existing character of the area.

The staff reports, echoed by Commissioner Solheim, says, "Efforts have been made to limit the differences in scale." To which we say, so what? The thing about a huge building is you cannot make it into a smaller building: the immutable difference in size cannot be camouflaged. Similarly, you cannot replace trees, shrubbery and lawn with brick and mortar without losing the appeal of natural beauty. You cannot replace a welcoming front porch with a football field-long apartment complex without damaging the aesthetic neighborhood environment.

Standard 8 cannot be met by a plan that plops a monstrous, train station-long building in the middle of a normal residential area. The Plan Commission's decision is contrary to all sense of beauty and harmony. It is not a judgment by an impartial party. It's the product of a city that wills density. Ergo, it is arbitrary and capricious.

The Plan Commission's approval of the Conditional Use for the Stone House Project for 6610-6706 Old Sauk Road was predetermined. It is the product of the city prematurely advising a developer that increased density would be approved by the city. It is the product of a Plan Commission motivated to facilitate the city's most important housing goal, high density housing, rather than a the product of an impartial fact-finding body motivated to apply the conditional use standards and facilitate the Comprehensive Plan. It is arbitrary and capricious.

Sincerely,

Dan Stier and Diane Sorensen

From: [Sharon Sweeney](#)
To: [All Alders](#)
Subject: Appeal of Stonehouse project
Date: Sunday, July 14, 2024 7:34:38 PM

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I am in total opposition to this building project.
It is too big for the area and would cause stormwater and traffic concerns.
it does not have enough parking for the number of residents. I wish that the council would listen to its constituents.

Sharon Sweeney

From: [Kathy Western](#)
To: [Mayor](#); [All Alders](#)
Subject: 7/16 CC meeting, 6610-6706 Old Sauk Rd.
Date: Sunday, July 14, 2024 7:18:06 PM

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Please File in Legistar # 82972 for public comments for agenda #6 for 84123 for 7/16 CC meeting regarding appeal.

Mayor Rhodes-Conway, President Cole and Alders,

I strongly support this appeal.

Stone House's massive design for Old Sauk Road on the Pierstorff property has had a tremendous amount of opposition from a diverse chorus of voices for a variety of valid reasons from the very beginning. Facts, concerns and first person accounts of the negative consequences presented have been largely ignored, denied or quickly dismissed. Opponents have unjustly been subjected to prejudicial group characterization, ridicule and false motive used to intimidate and quiet those brave enough to speak truth of the negative consequences of too big of a design for the size of property, that sadly even our own replacement Alder, a 50 year developer himself is guilty of committing. Abraham Lincoln's famous words "...of the people, for the people by the people..." describing our democracy with a voice for all people did not include, IN SPITE of the people for good reason. This City's approval process experience has ignored the many people most affected and has favored the developers and investors in spite of all the facts and common sense reasons why this is the wrong sized build for this sized property.

"Who benefits? Who is burdened? Who does not have a voice at the table? How can policymakers mitigate unintended consequences?" These words are on the City's Common Counsel letterhead meant to be guiding principles. Madison's clear thinking forefathers would surely be embarrassed and saddened to find that it is the common resident who not only doesn't have a voice at the table but is also burdened by the actions of the Counsel. These days your letterhead's guiding principles is a comedic parody perfect for Saturday Night Live. This saddens me.

We've lived on St. Andrews Circle, a small cul de sac of 11 homes with low/medium density backing up to the Pierstorff Old Sauk farm property for 30 years. Nearby we have condos and apartments that are appropriately sized to seamlessly fit into the neighborhood. Stone House's (SH) inappropriately super-sized rezoning change puts an urban high density massive build devoid of the hundreds of trees that clean the air and provide privacy and buffer us from noise and lights, so close behind our fence, so close to our home that the 24/7 noise and lights would force us into living in a noisy 100% urban high density area, not an environment we chose nor one we would ever choose to live in and one never meant to be on this property when our small cul de sac neighborhoods were created. This hardly seems fair. 24/7 noise, night-time lights, blocking of the sun and sky, a total lack of privacy and an absence of natural greenery would negatively change the entire essence of our peaceful yard. Being surrounded by constant noise, lights and lack of privacy is not what anyone who values being surrounded by nature would want.

Of major concern is SH's watershed plan. By necessity we already have two sump pumps about 5-6 feet underground that run frequently during storms. This underground water runs freely through the sand like water through a sieve, flowing down from the elevated Old Sauk farm property, sitting above us. SH adding on to our current flood concerns with an ill conceived watershed plan is unthinkable and puts us at an even greater risk of flooding. The risk is great and one of the many reasons the opposition is so strong.

These are all preventable problems made worse by the high density rezoning. SH's plan is just too big and dense of a build for the property size, leaving little if any room for common-sense solutions to fit in. As my grandmother born in the 1800's would say, "you can't make a silk purse out of a sow's ear." This property is a sow's ear...way too small for the massive build.

Again, I support this appeal and respectfully request the Common Council refer this project back to the Planning Commission and Public Works for further review and thoughtful rework.

Kathy Western
25 Saint Andrews Circle
Madison, WI 53717

Sent from my iPad

From: [Jeff Western](#)
To: [Mayor](#); [All Alders](#)
Cc: [Chris Newton](#); "[wcole](#)" <WCole@axley.com>; "[Hannah G. Massey](#)" <HMassey@axley.com>
Subject: Stone House Old Sauk Proposal - Support for Appeal [Agenda Item #6, Legistar Number 84123]
Date: Sunday, July 14, 2024 1:57:20 PM

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Mayor Rhodes-Conway and President Cole and Alders,

My name is Jeff Western and I support this appeal. My wife Kathy and I have lived in our home for 30 years. Our property directly adjoins the proposed development site, closer than any other home.

We are not opposed to multi-family housing development on this site but Stone House's design is just too large for this site and will result in an increased potential for flooding, noise and light pollution and shadowing impacts to our home and property significantly impacting our quality of life and use of our property.

Most concerning is the inappropriate unworkable watershed plan having the potential for major flooding damage to many properties on Saint Andrews Circle, Spy Glass Court, Torrey Pines Court, as well as others.

As I write this (Sunday, July 14 at 10:30) my two underground sump pumps are running from the rains we had before dawn this morning. Our yard is properly drained so surface water drains directly to Saint Andrews Circle. In addition, we are also experiencing water flowing underground (hydrostatic pressure) coming from the proposed development site. Significant water collected on the Pierstorff property during a storm flows underground to our underground drain system resulting in our sump pumps running continuously for hours following a rain storm. The proposed watershed underground tanks approximately twenty

feet from our property would infiltrate water (push water into the soil) approximately five feet above the level of our backyard. There is no question this watershed plan will result in additional water flowing underground to our property. In addition, surface water will also increase due to the elimination of permeable grassy surfaces to absorb the water and to the water from melting snow piles that our property will be bearing.

At the June 18 Common Council Meeting, Stone House and Wyser Engineers were asked if they could guarantee there would be no flooding of our homes and property. Not a single one of them would answer that question. The City Attorney went as far as to instruct the Common Council to ignore and dismiss watershed in their vote on the project.

In an Engineering Review dated May 24 by Chuck Nahn, PE and Professor John Norman stated, "Given the uncertainties that exist at this time, we ask that you defer a decision on the zoning change until further detail becomes available regarding the proposed stormwater practices for this development."

We respectfully request that the Common Council support this Presented Appeal referring this project back to the Plan Commission and Public Works for further review and modifications.

Thank you for your thoughtful consideration.

Jeffrey L. Western, PE, SE
608-692-8414

From: [Weynand Linda](#)
To: [All Alders](#)
Subject: Old Sauk Road project
Date: Tuesday, July 9, 2024 5:33:16 PM

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While I don't live near the proposed Old Sauk Road project, I strongly support the appeal ([84123](#)) of the conditional use permit ([82972](#)) awarded to Stone House Development. The building is far too large for the lot and will have enormous negative impacts on the environment as well as the quality of life of the neighbors. Multi-family housing is desirable, but this is simply too large.

I believe the alders (including my local alder for Parkwood Hills who said he would support us even though he didn't agree with us!) are not listening to or representing the residents. These large projects that are being rammed through city-wide in spite of strong local opposition are degrading the very qualities that made Madison special.

Linda Weynand
6409 Antietam Lane

From: [paula.winnig](#)
To: [All Alders](#)
Subject: Stonehouse Old Sauk Development
Date: Tuesday, July 9, 2024 10:33:30 AM

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Dear alders:

I renew my concern about your approval of this project without taking into account the potential water damage that may occur to neighboring houses.

We are already experiencing an increase in water related issues due to climate change. The rains that have fallen in the month of June have already turned parts of my property into wetlands.

The proposal for a property this large with an untested water system is dangerous to all of the adjacent properties. Why you are approving this without the comprehensive Westside Development plan concluded is a mystery to me. Why you are approving a plan that will endanger homes nearby is a mystery to me.

Why are you not heeding our concerns about the potential damage to our properties?

Why are they not being required to have a water retention pond or some other tested and verifiable water plan?

Will you pay the \$20,000 for me to have a sump pump installed on my property (Badger Basement estimate from 2017)? (By the way, the City of Columbus Ohio did in fact pay for residents to install sump pumps in difficult areas).

We are not opposed to a multi-family dwelling being put on this property. We are opposed to over building on this site and any building that endangers our homes.

Thank you,

Rabbi Paula Jayne Winnig
18 Saint Andrews Circle
Madison, WI 53717

--

Rabbi Paula Jayne Winnig, MBA

From: [Jane Nelson Worel](#)
To: [All Alders](#)
Subject: Stone House Old Sauk Road Appeal (In Support of Appeal)
Date: Monday, July 15, 2024 11:08:27 AM

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Dear Alders,

Regarding Stone House Old Sauk Appeal (Supporting this Appeal)
Reference File Nos [82972](#) (Conditional Use) & [84123](#) (Appeal) - Stone House Old Sauk Proposal [Objection]

As residents of District 19 and homeowners, who live close to the proposed development, we are asking that you vote in favor of the appeal and against the conditional use permit for the development in question. Michael Green's comments (submitted on 7/2/2024) are well reasoned and point to the numerous ways in which the proposed development is incongruent with criteria established by the city.

We also support the comments made by Mr. Green regarding the many ways in which this process was undemocratic, lacked transparency and without consideration of the concerns of residents who live close to the development. City planners have clearly worked in concert with the developers before and during this process and have not had any real and honest conversation with the neighborhood. My trust in city government is gone.

Heavy rains over the past several days has reinforced concern about worsening flooding on our property, and throughout the neighborhood. We are also very concerned about noise and parking around the new development and have little faith that the developer/property manager/city will respond to concerns if and when the development is built. The increase in traffic and parked cars along Old Sauk will likely lead to accidents involving pedestrians, bicycles and vehicles.

We have lived here for over 38 years. We walk, bike and drive through the neighborhood daily. Why are our observations and concerns dismissed in favor of city planners, alders and developers who do not live here? We are not alone. **Two hundred seventy nine residents**, who live close this development, signed a petition against this proposal. The District 19 alder lives about as far away from this development as you could, and still be in our district.

We are asking that you please slow this process down, consider the real concerns of neighbors who will be irreversibly impacted by this development for years to come. Carefully review and reconsider approval of this development based on the problematic approval process, especially concerning stormwater management, and generally on articles of Condition Uses, both of which are considered faulty. We are not saying, "no" to more housing, or new neighbors, but we are saying "no" to this project as it is currently proposed.

Sincerely,

Jane Nelson Worel and Don Worel
717 Pebble Beach Drive
Madison, WI. 53717