

From: [David Aguayo](#)
To: [All Alders](#); [Mayor](#)
Subject: File #71082
Date: Tuesday, June 7, 2022 7:06:46 AM

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

Dear Alders:

I apologize for being unable to participate in tomorrow's meeting. Our Chamber team is currently out in Washington, D.C., as part of our annual "[D.C. Meets Madison](#)" meetings with Wisconsin's elected delegation.

Although I can't attend the council meeting, I encourage you to support Item 19 on your agenda ([File #71082](#)) that would repeal the protest petition section of the MGO. This proposal brings added efficiency to the process as well as equity and inclusion for all of Madison's residents.

The protest petition is an outdated tool that can be used to circumvent process and enable a small number of residents to stall the work of city staff and committees. Public input is important and is still protected during the approval process. Further, the comprehensive plan provides transparency for residents about development goals for each part of the city.

I also want to offer support for maintaining the simple majority council vote to approve a rezoning. Different numbers, including a two-thirds vote, have been considered as part of this discussion. Should the threshold be raised to that level, it would allow a small minority of alders to potentially obstruct good projects even if it is consistent with the city's comprehensive plan and approved by the Plan Commission.

I hope you will support removing the protest petition and maintaining simple majority vote.

Thank you.

David Aguayo

Public Policy Manager

Greater Madison Chamber of Commerce

david@madisonbiz.com

[608-443-1963](tel:608-443-1963) (o)

[202-340-8446](tel:202-340-8446) (c)

From: [Terry Cohn](#)
To: [All Alders](#)
Subject: Oppose Protest Rezone Agenda Item #19
Date: Tuesday, June 7, 2022 1:24:42 PM

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

I urge you to oppose Agenda Item #19 – Protest Rezoning Common Council June 7, 2022

Dear Alders,

To be in opposition to a development in this city gives rise to negative name calling. It is being labeled as wealthy white racist privileged neighbors who don't like renters. That is far from the truth. Repealing the protest petition and not asking for a super majority dilutes the voices of the citizens of Madison to zero and elevates those of the developers.

I found 3 points in How Do I Run for Common Council for spring 2023 elections guide directly in opposition to repealing the protest petition.

1. The Common Council aims to reflect the desires and aspirations of its residents and embraces public involvement and input.
2. Advocate for your district and your constituents in the City process.
3. Help make City government accessible and welcoming to all Madison residents.

<https://www.cityofmadison.com/Council/councilMembers/runForCouncil.cfm>

How do we as concerned active citizens keep from becoming cynical with how the Madison City government is now conducting business? When are the voices of citizens even listened to? One alder has publicly stated that he has spent way too much time on a particular issue and has gotten way too many emails. Another alder publicly stated that he would abide by the wishes of what the majority of neighbors wanted, and then blindsided them.

It was stated by city staff that a protest petition is rarely really used. To me it signifies that a particular rezone may need more scrutiny. It may mean educating yourselves on a parcel outside your district. It may mean that items spelled out in the City Comp Plan are not being followed.

Lately that seems to be the case and once, again, why does that not lead to cynicism and mistrust.

Citizens who wasted time in multiple meetings only to look at the meaningless words **Imagine Madison's "People Powered Planning"**

This is just another example of shutting out a democratic process for citizens and allowing developers to rejoice.

Respectfully,
Terry Cohn
2135 Linden Ave

From: [Bill Connors](#)
To: [All Alders; Mayor](#)
Cc: [Stouder, Heather](#)
Subject: Please Adopt Ordinance to Repeal Protest Petition Process
Date: Friday, June 3, 2022 2:38:28 PM
Attachments: [Vote Required for Rezoning Dane Co Cities Villages 2022-05-19.pdf](#)

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

Mayor Rhodes-Conway and Alders:

I am writing to you regarding item 19 on the agenda for your meeting on June 7, 2022, Legistar #71082. You will consider adopting an alternate version of the proposed ordinance which would repeal the protest petition process (and nothing more). The Plan Commission unanimously recommended this alternate version of the ordinance. Smart Growth urges you to adopt the alternate version of the ordinance.

In 2018, the Wisconsin Legislature repealed a state law providing a protest petition process for property owners who object to a request to rezone a nearby property. Many Wisconsin cities and villages had not adopted ordinances mimicking this state law, so when the state law was repealed, they had no protest petition process—and they have not enacted a protest petition process to replace the state law. Other Wisconsin cities and villages, such as Madison, had enacted ordinances mimicking the state law, and now they are free to repeal those ordinances. I have attached a spreadsheet showing the results of a poll of Dane County cities and villages that I recently conducted regarding this issue.

If you adopt the alternate version of the ordinance and repeal the protest petition process, you will NOT in any way diminish or curtail the opportunities for residents to provide input on the requested rezoning and the proposed development project that is the basis for the rezoning request. There will be no less public participation in decision making. And you, the Common Council, still will make the final decision on whether a rezoning request meets the standards for rezoning.

Even if you adopt this ordinance, it will not be easy for an applicant to obtain approval of a rezoning. First, the applicant still will need to demonstrate to city staff that the requested rezoning meets the standards. Second, the applicant still will need to persuade the Plan Commission that the requested rezoning meets the standards. Finally, the applicant still will need to persuade at least 11 members of the Common Council that the rezoning meets the standards. That process provides ample protection for nearby property owners and residents.

Progressive states and communities throughout the country have repealed protest petition processes because they have recognized that these processes empower privileged, “not in my back yard” residents on some occasions to stop changes in their neighborhoods which they oppose. Often, the changes they oppose are multi-family housing development projects.

I encourage you to read the articles and PowerPoint slides linked below about why housing advocates seek to repeal protest petition processes (and requirements for a supermajority vote to approve rezonings).

- An analysis of protest petitions and related repeals throughout the country:
<https://www.mercatus.org/publications/urban-economics/rezoning-protest-petitions-are-ripe-reform>
- An article on this issue written by the author of "[Generation Priced Out: Who Gets to Live in the New Urban America](#)": <https://shelterforce.org/2020/08/12/rejecting-trumpism-massachusetts-is-expected-to-pass-housing-choice/>
- A PowerPoint presentation on the Massachusetts Housing initiative referenced in the above article, which is now law. It reduced voting thresholds from supermajority to majority for most rezonings:
<https://www.chapa.org/sites/default/files/Chris%20Kluchman.pdf>
- See slide 13 (also pasted below) for a slide showing the US breakdown on states that require two thirds versus a majority.



Bill Connors
Executive Director
Smart Growth Greater Madison, Inc.
608-228-5995 (mobile)
www.smartgrowthgreatermadison.com

25 W Main St - 5th Floor, Suite 33
Madison, WI 53703

Dane County Cities and Villages--Affirmative Vote Required to Amend Zoning Map

Updated May 19, 2022

	Affirmative Vote Ordinarily		Protest Petition Available?		Notes
	Majority	Two-Thirds	Yes	No	
Cottage Grove	X			X	
DeForest					
Fitchburg	X			X	Supermajority required to remove agriculture restriction
Madison	X		X		
McFarland	X		X		
Middleton	X			X	
Monona	X			X	
Mount Horeb					
Oregon	X		X		Supermajority required if Plan Commission gives negative recommendation
Stoughton	X			X	
Sun Prairie	X			X	
Verona	X			X	
Waunakee	X		X		
Windsor	X		?	?	

From: [Whitney Cook](#)
To: [All Alders](#)
Subject: Agenda Item 71082
Date: Monday, June 6, 2022 10:08:59 AM

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Hello,

I would like to state my support for repealing the rezoning protest petition. We need to make it easier to relieve Madison's housing shortage. People deserve housing in all areas of the city.

Whitney Cook
6146 Sandstone Dr, Madison, WI 53719

From: [Nicholas Davies](#)
To: [All Alders](#)
Subject: Yes to 71082 - Abolish land-owner vote-buying
Date: Monday, June 6, 2022 10:42:46 PM

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

Dear alders,

Please abolish the "Protest Petition" ordinance, without replacement.

1. It gives land-owners an exclusive, undemocratic privilege

In the early days of American democracy, only land-owners could vote, as a way to disenfranchise Black people, immigrants, and women. While this is no longer the case, our city's Protest Petition continues the legacy of that injustice, giving land-owners exclusive access to government*.

2. Wealth buys votes

A protest petition can be submitted by as few as 20% of the neighboring land-owners. In an area that's currently single-family-only, this can allow just 14 people to block construction of a building with 34 housing units.

In fact, the less-dense / higher-acreage / more-affluent the surrounding parcels are, the more power the owners of those parcels have to object. Because of their wealth, they're given unelected seats on city council, thereby denying representation to an entire quarter of the city**.

3. It's heavily slanted towards entrenching the status quo

People who support the rezoning--which could be up to 80% of neighboring land-owners, not to mention future residents--have no such mechanism available.

Although they may be more numerous, they don't get to lower the vote threshold. They don't even get to bring it back down to where it started. This process only tilts in one regressive direction.

(But what's wrong with the status quo?)

There's a housing shortage

Rents and housing prices are rising fast. Those who struggled to afford housing already bear the worst of it. There is no status-quo way out of a housing deficit. The only way out is to create more housing.

Housing cannot just go elsewhere

When people get pushed out of our housing market, some of them end up in neighboring municipalities. Ten years ago, the suburban frontier was Sun Prairie, now it's Cottage Grove and Deforest and beyond.

That means revenue exported out of city limits. That means more congestion and more vehicle miles traveled, during a climate crisis. Highway expansion that we have no say over, like the added lanes on the Beltline.

These expanded highways exacerbate noise/light/air/water pollution, and create physical barriers to outlying neighborhoods, setting up another generation of racial and economic divides.

We need to restore justice

Madison has a well-documented history of racist redlining, using racial compacts, single-family-only zoning, and the Protest Petition process to keep things stagnant and exclusionary, and suppress densification and diversification. Decades of these practices have created persistent inequality along lines of segregation, and some of these redlining practices are still in effect today.

4. It's not the "special sauce". You are.

Protest petitions have never been about dialog or compromise. In fact they do not come with criteria that would satisfy the petitioners.

Without these petitions, neighbors will still have ample opportunity to speak out when developers meet with neighborhood associations, the plan commission, and city council. And it's not as though developers do all of this engagement to prevent a protest petition, because nothing they do is ever enough.

So we don't need protest petitions, and therefore we don't need a replacement for them. A 2/3 vote threshold on all rezoning would still be strongly biased towards inaction, at a time when we cannot afford it.

Rezoning will still show up on your agenda, and there will still be opportunity for you to prevent something detrimental from going forward. I trust you all with this responsibility, because I trust the democracy that elected you. And when you vote on *this* item, none of you will be under the thumb of a mere dozen landed gentry. You will represent the entire city of Madison, which is how it should be.

Thank you,

Nick Davies
3717 Richard St

*

From the Protest Petition rules:

"All owners of a parcel are required to sign protest petitions in order for any particular property to be counted."

Tenants do not count, but the landlord does. Even within a household, the voice of the house's title-holder overrules the voices of other family members.

**

Suppose the process allowed these petitioners to lower the required vote threshold for something they favor, to a 1/4 vote. In effect, there are then five alders who would've had a say in the decision but no longer do, because the process has made them all but irrelevant. Under a Protest Petition, it's the polar opposite--petitioners get to raise the required vote threshold for something they disfavor--but the principle is the same.

From: [Spencer Garrett](#)
To: [All Alders](#)
Subject: Support repealing re-zoning protest petition (agenda item #71082)
Date: Monday, June 6, 2022 10:10:07 PM

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

Hi alders,

My name is Spencer and I'm a South Madison resident. I support repealing the re-zoning protest petition process and retaining the simple majority needed for re-zoning approvals.

The idea of the protest petition is nice in theory as it gives residents some level of control over the area surrounding them. However, history has shown us that the protest petition has been repeatedly used by residents to stamp out housing developments that would bring new residents to an area. And with the housing crisis that Madison and the country is facing, we cannot afford to allow a vocal minority of people to continue stalling and obstructing each and every new housing development. The Common Council and city staff's time is valuable as well, and each minute spent deliberating on yet another protest petition is a minute that could be better spent on solving the real housing and infrastructure challenges facing our city.

And so I ask that the Common Council please consider repealing the protest petition and retaining the simple majority needed for re-zonings to be approved.

Thank you for your time and consideration!

Best,
Spencer

From: [Jason Ilstrup](#)
To: [All Alders](#)
Subject: Downtown Madison, Inc. (DMI) Position Statement - Protest Petition
Date: Tuesday, June 7, 2022 9:16:03 AM
Attachments: [Downtown Madison, Inc. \(DMI\) Position Statement - Protest Petition - City Council.pdf](#)

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

Good Morning Alders:

I hope you're all having a great start to the week. Please find the attached Downtown Madison, Inc. (DMI) position statement on tonight's (6/7) Council agenda item 19 (File Number 71082), supporting the alternate ordinance sponsored by Alder Bennett and the Mayor.

Please let me know if you have any questions. Thanks for all your hard work and have a nice rest of the day.

Jason Ilstrup

President

Downtown Madison Inc.

122 West Washington Avenue, Suite 250

Madison, Wisconsin 53703

608.512.1330

www.downtownmadison.org





June 6, 2022

Dear Alders:

Downtown Madison, Inc. (DMI) strongly urges the City Council to adopt the alternative version of the proposed protest petition ordinance, Legistar File #71082 (agenda item 19). Recently, the Plan Commission unanimously recommended this alternative version, and we ask the Council to do the same.

Many progressive communities around the country are both repealing their protest petitions and removing supermajority (two-thirds) vote requirements for rezoning approvals because these provisions were originally created by and often empower those with the most time, resources, connections, and knowledge to the detriment of those not as privileged. As a community, Madison should work to improve the public participation process so that all voices are heard, not just those with privilege. By repealing the protest petition, our policymakers will streamline the process and better ensure that community-supported projects cannot be derailed by merely a few, strong, voices.

DMI asks the City Council to adopt the alternative version repealing the protest petition process. Thank you for your time and your service to our city. Have a great day.

Sincerely,

A handwritten signature in blue ink that reads "Jason Ilstrup". The signature is written in a cursive, flowing style.

Jason Ilstrup
President
Downtown Madison, Inc. (DMI)

From: ianjjamison@gmail.com
To: [All Alders](#)
Subject: Support More Housing! (#71082)
Date: Monday, June 6, 2022 8:43:40 AM

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

Hi,

I've lived in Madison for the last 12 years as both a homeowner and a tenant. Over time, prices have gotten higher and higher, and it's harder than ever to find affordable living.

Projects near me – like the Zion Church proposal – would add options for folks and bring costs down. Unfortunately, they're frequently derailed by a small group of neighbors that force higher rents on everyone just so they can avoid having a few more neighbors.

Repealing the zoning protest petition is a great start to fixing this problem, but we should not create a new issue by raising rezoning approvals to a supermajority threshold. Keep it at a simple majority, and this will be a huge step forward.

Thanks for your consideration,
Ian Jamison

From: [DOLORES KESTER](#)
To: [All Alders](#)
Cc: [Abbas, Syed](#); [Abbas, Syed](#)
Subject: Council Agenda Item 19 --oppose proposal to eliminate citizen protest to any council agenda item
Date: Tuesday, June 7, 2022 5:24:01 PM

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

Greetings:

I oppose this proposal in Item 19 to eliminate Madison citizens' ability to petition in protest to action on any council agenda item.

The current protest petition process should be kept as a tool for public engagement and the democratic process.

Nothing is better than speaking to and working with neighbors.

The Protest Petition is the best example of public engagement in action.

Thank you for your time and attention.

Dolores Kester

Aldermanic District 12

1818 Winchester Street

From: [Kayne Neigherbauer](#)
To: [All Alders](#)
Subject: agenda item #71082
Date: Monday, June 6, 2022 9:42:19 AM

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

Alders,

I am emailing to express my **support of the proposal to repeal the re-zoning protest petition**. IMO we need to streamline development to create a more equitable and affordable housing situation in Madison and all tools traditionally used by NIMBYs to stop or downsize housing development should be reconsidered thoroughly.

Thank you

Kayne Neigherbauer
509 Stang St

From: [William Ochowicz](#)
To: [All Alders](#)
Subject: Legistar 71082 - Support for Alder Bennett's Proposal
Date: Sunday, June 5, 2022 8:18:06 PM

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

Hello Alders,

I wanted to email to express my support for Alder Bennett's alternate proposal for removing rezoning petitions while keeping a simple majority for rezoning. Contrary to what some will argue, removing rezoning petitions does not take away anyones voice. Residents are given a voice when neighborhood plans are drawn, when the comprehensive plan is drawn, when they elect their alders, and at the meetings that take place for any potential rezoning. Protest petitions only give a small number of people a chance to block changes at the end of a very long rezoning process.

In addition, increasing the threshold for a rezoning from the current majority threshold to a two-thirds threshold means that effectively every rezoning will have a protest petition attached. How is that productive, when we need more housing? Again, by the time the Common Council votes on the rezoning, staff will have reviewed the rezoning to ensure that it is cohesive with the comprehensive plan, there will have been public meetings to take into account public feedback, and the Plan Commission will have voted on the rezoning. Raising the threshold simply gives a minority of alders the chance to block a rezoning, which often means also blocking housing.

Please support Alder Bennett's proposal.

Thank you,
Will Ochowicz

From: jo.olson03@gmail.com
To: [All Alders](#)
Subject: [All Alders] Protest Petition Removal
Date: Monday, May 23, 2022 9:48:06 AM

Recipient: All Alders

Name: Josh Olson

Address: 100 W Limestone Pass, Cottage Grove, Wi 53527

Email: jo.olson03@gmail.com

Would you like us to contact you? Yes, by email

Message:

Hi Alders,

I want to say I'm in support of the ordinance idea proposing to remove the Protest Petition requirement that moves the required votes from a simple majority to a super majority.

I think in the spirit of this change, this is best accomplished by Alder Bennett proposal that does not include the increase for council approval to 2/3s. It makes sense to keep the threshold at a simple majority. Increasing the votes after decreasing them adds more administrative burden. This is best accomplished by simplifying the process.

Thank you,
Josh Olson

From: [Maria Powell \(MEJO\)](#)
To: [All Alders](#)
Subject: Please vote no on Agenda item 19
Date: Tuesday, June 7, 2022 6:15:32 PM

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

Dear Alders:

Please vote NO to Agenda Item 19 tonight. In a purported democracy, people deserve as many venues as possible to voice their opposition to changes in their neighborhoods that will impact where they live, play, work and raise their children. **Powerful and well-resourced developers (and organizations representing developers) have a lot of sway over city zoning decisions--often behind closed doors-- while residents of neighborhoods where zoning changes are planned are often in the dark until many of the key decisions have already been made.**

Some suggest that the protest petition serves as a tool for privileged "NIMBYs,"--allowing racist/classist people a way to fight low income housing developments that they don't want near them.

This accusation is a disingenuous red herring. **It is very telling that even developers, in opposing the protest petition, are now using this "privileged NIMBY" argument to marginalize and dismiss people trying to have a voice in what happens in their neighborhoods.** In the case of the Northside, where I live--I, my organization (MEJO) and many residents have opposed developments (e.g., at former Oscar Mayer, Hartmeyer wetlands, Raemisch farm) primarily on the grounds *that the low income people living there will be exposed to toxic chemicals and F-35 noise, etc and/or because of environmental impacts (loss of wetlands etc) that will affect water quality, wildlife, everyone in the city.* Further, many of the diverse residents who opposed these developments don't live very near them, and none are highly privileged people (most are low/mid-income). They are not privileged NIMBYs opposing developments only out of selfish, racist and/or classist reasons.

No matter what people's motivations for opposing developments in their communities, **removing the protest petition process is unequivocally anti-democratic.** It's no wonder developers support it.

Please vote no on Item 19

Thank you.

Maria Powell, PhD
Madison Environmental Justice Organization
1311 Lake View Ave.
Madison, WI 53704

From: [Mary Pustejovsky](#)
To: [All Alders](#)
Subject: Agenda item 19--June 7
Date: Sunday, June 5, 2022 8:16:19 PM

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

Hello Alders

I am writing in support of item 19 to change the rezoning protest process.

I lived in Austin for 7 years and they have a state law similar to the protest ordinance here. It meant that wealthy homeowners torpedoed good projects, close to transit. They killed projects that meant sites stayed as vacant parking lots instead of housing for people. It was very depressing and Austin's housing costs have risen dramatically. I love Madison and I don't want it to go the way of Austin, becoming a playground only for the rich who can afford to live here. All these extra appeals processes cause housing costs to increase, even if the housing eventually gets built. Considering that rents are rising already, we need every tool in the toolbox to make housing more affordable to people at all income levels. Removing extra steps that drag out the process is one way to do that.

Thank you

Mary Pustejovsky
Midvale Heights

From: [Pete Schwieger](#)
To: [All Alders](#)
Subject: Support for alternate proposal removing rezoning petitions & simple majority
Date: Monday, June 6, 2022 8:08:54 AM

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

Dear Madison Alders, I'm writing today in support of Alder Bennett's alternate proposal to Legistar Item 71082, removing rezoning petitions and maintaining a simple majority for approval of rezonings.

Thanks,
Pete Schwieger
813 S Brooks St, 53715
District 13

From: [Beth Sluys](#)
To: bacantrell@charter.net; [Phair, Matt](#); [Heck, Patrick](#); [Paulson, Erik](#); jshagenow@yahoo.com; klandespenner@uwalumni.com; ledell.zellers@gmail.com; mcsheppard@madisoncollege.edu; nicole.solheim@gmail.com; tony.fernandez5@gmail.com; [All Alders](#)
Subject: Agenda Item 6, Plan Commission meeting 052322
Date: Monday, May 23, 2022 4:08:26 PM

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

Beth Sluys, District 18
Agenda Item 6
Legistar Item # 71082
In opposition to this item.

Per the city's website:

Verified Protest Petition

Individuals who wish to protest a proposed zoning map amendment may file a protest petition document before the Common Council meeting at which the proposed zoning map amendment will be considered. If enough residents in the area file a protest, the measure will need to be approved by three-fourths of the Common Council rather than the standard majority. Individuals wishing to file a protest petition should contact the Zoning Administrator at (608) 266-4551 for more information.

It is the intent of the protest petition to give the community a tool to provide the request for more in depth conversations about zoning and development issues that will directly impact where they live. To deny the residents the opportunity to make such a strong request is counter to the democratic process. Residents in our city are facing the de-evolution of planning and the continued lessening of ways to be engaged in the planning and zoning process, whether in this instance of removing the protest petition, or in other ways currently under consideration such as "retiring" well thought out neighborhood plans as we are being pushed to consider planning districts.

The petition allows for options to be considered and to better help the decision makers to understand all the local issues at hand.

Protest petitions bring an extra light on zoning and development related issues that warrant the extra mile of being discussed. It allows neighbors to speak to neighbors and to learn from them what their concerns are and to give a voice to those who sign the petition. Not all protest petitions are completed by high priced attorneys or well paid consultants.

Often solutions are brought forward that make better sense and offer a broader scope to the project at hand.

Is it a bad thing to ask that we take the time to consider all options when impacting the local community?

Please keep the protest petition in place.

Thank you,

Beth Sluys

From: [Mike Z](#)
To: [All Alders](#)
Subject: Support Item 19, June 7 Common Council
Date: Sunday, June 5, 2022 10:15:38 PM

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

I am writing in support of item 19 (#71082) at the June 7 Common Council, the elimination of protest petitions for zoning amendments (without a change to the number of votes needed for zoning amendments). Our city has numerous methods of community engagement that allow neighbors to comment on and affect changes to zoning amendments. These opportunities for input and involvement are also inclusive and equitable. Protest petitions on the other hand allow neighbors in low-density areas to more easily slow down zoning changes than neighbors in high-density areas. So not only do protest petitions needlessly slow down much needed housing and other development, but they do so in a way that is inequitable. Please eliminate these protest petitions.

Sincerely,
Michael Zenz
2609 Dahle St
District 12