

From: Terry Cohn <terrycohn@gmail.com>
Sent: Monday, May 9, 2022 20:23
To: All Alders
Subject: 2165 Linden Ave Items #21 and #96 Common Council 5/10/22

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Dear Alders,

We are writing in opposition to Items #21 and #96 regarding the Neighborhood Plan Amendment and PD for 2165 Linden Ave.

Item #21

The neighbors fully understand how expensive the housing is in our neighborhood and the overwhelming majority of the 70 who responded to a survey do not want to see a rezone for higher density. This is not purely because of the mass. We are interested in providing first time homeowners with an option to invest. We would have gladly spent the time, if the church and alder had notified us that the church was vacating, to search for a socially responsible developer to build with an option for some affordable units. We know that 32 units will not solve the density crisis in the city. Our desires are to allow for increased diversity in the neighborhood over increased high rent density with the majority of units not conducive to any more than couples. This is another luxury apartment in our neighborhood.

Neighbors have spent an immense amount of time in meetings, educating ourselves on ordinances, the Comp Plan, Passive House and PDs. We have written detailed letters and spoken at public meetings citing the numerous faults in the proposal not meeting the purpose and standards of a PD. To allow for this proposal to be granted a PD is to believe that ordinances are meaningless.

We have also educated ourselves on spot-zoning regarding this PD.

The classic definition:

“the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” 1

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning. 2 When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the “public benefit.” Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.

<http://plannersweb.com/2013/11/understanding-spot-zoning-2/>

Neighborhood Plan Amendment #96

This hastily drawn up Neighborhood Plan Amendment allowed NO input from the community. The alders did not set up any forums for discussion or explanation with the neighborhood. This was not on the agenda or discussed by the neighborhood association. We have come to learn that its only purpose is for this single parcel for a particular development that benefits the developer in order to comply with the Comp Plan, as the Comp Plan currently cannot legally be touched.

We know that Comp Plans must have public input, so we assume a Neighborhood Plan Amendment would as well. Both the process as to how we learned about this amendment and the purpose for which it was written has city wide implications. Is this the new way to amend the Comp Plan? To allow for this amendment to be approved with no input means that the Comp Plan for FLU is meaningless.

We urge you to oppose Items #21 and #96 in order to take a look at the entire city and what makes sense to do with larger lots embedded in residential neighborhoods.

Respectfully,
Terry Cohn and Michael Johns
2135 Linden Ave

From: Linda <lehnertz.l@att.net>
Sent: Monday, May 9, 2022 14:18
To: All Alders
Subject: 5.10.22 meeting Legistar 70655

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The plans and ordinances do not distinguish between urban and suburban for determining whether a project is compatible with the existing character of an area. As discussed in detail below, the Plan Commission denied a 4-unit on a suburban lot because it was not compatible, but found this more urban Linden 32-unit project to be compatible - both projects have the same lot size, both are set amongst small residential buildings, both have a larger and more intense use at the back of the property. Either the Plan Commission made a wrong decision on the Linden project or it made a wrong decision on the Hammersley project.

In addition, "missing middle" housing is often mentioned. But where is that missing middle housing to go? Such housing apparently is not suited for suburban areas. It is suited for more urban areas, such as Linden. But when these urban sites are instead given permission to build larger multi-family buildings (such as this project which compares to 1121 S Park in size), those potential missing middle sites disappear. (The Linden site could hold about 15 missing middle housing units, rather than 32 luxury units.)

Linden versus Hammersley

In 2019 Plan Commission did not support a rezoning and conditional use for a 2-story 4-unit on Hammersley. Surrounding uses on Hammersley were single-family, and behind the proposed building were a 16-unit and then a 24-unit.

Plan Commission placed the proposal on file because the project did not create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area "due to the scale and placement of the proposed building within the established building pattern of the neighborhood." In discussions, a Plan Commissioner discussed how the project related to the buildings behind it, but did not related to the single-family buildings on Hammersley. Also discussed was the proposed street setback, which was 53' (zoning required 25' but the neighboring property had 70' and properties to the east had about a 36' setback).

Yet Plan Commission approved the Linden project, which also requires the project to "create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area."

- Linden is Low Residential on the GFLU map, as is Hammersley. Linden abuts Neighborhood Mixed-Use while Hammersley abuts Low-Medium Residential.
- Linden is .47 acres versus .5 acres on Hammersley.
- Linden would have 32 units versus 4 units on Hammersley.
- Linden would have a height of 35'/43' at the westerly end (the 3rd story is stepped back 9') versus a 22-24' height (including the pitched roof) on Hammersley.

- Linden would have a flat roof, surrounded on 3½ sides with a pitched roof, while for Hammersley the staff report discussed changing the roof shape to establish a roof pattern with the neighboring house.
- Linden would have a 2-foot setback (balconies cannot extent into setbacks, thus reducing the setback) while the surrounding zoning requires a 20-foot setback versus a 53-foot setback on Hammersley (while surrounding zoning requires a 30-foot setback).
- Linden is justified by being a stepdown from the project at the corner of Atwood and Dunning versus Hammersley being denied approval because it related to the buildings behind it.
- Linden has a building footprint of about 12,000 sq.ft. versus about 5,000 for Hammersley (Hammersley had a residence footprint of about 3,300 sq. ft. and a separate garage footprint of about 1,800 sq. ft.).
- Linden has 204' of unarticulated length along Linden versus Hammersley at 93" of length with some articulation.

Plan Commission denied the Hammersley project because it did not fit "within the established building pattern of the neighborhood." The Linden project is much worse at fitting into the established building pattern of the neighborhood and, thus, should also be denied.

Respectfully Submitted,
Linda Lehnertz

Madison Common Council
RE: May 10, 2022 Meeting
Agenda #21, Legistar 70655

I write in regards to a request before the Council, to change zoning from TR-V1 to Planned Development (PD) District at 2165 Linden Ave, site of the former Zion Lutheran Church. I ask that the Council deny this zoning change.

Despite neighborhood hopes that whatever was built in place of the former church would be affordable for average incomes, would offer opportunities for home ownership to those who typically don't have access to those opportunities, and would integrate well with the surrounding neighborhood using context-sensitive scale, density, and design, this proposed development does none of that. Contrary to what supporters of this development would have you believe, concerns about this proposal are not rooted in "NIMBY"ism," but instead in a hope that this space can make a unique residential neighborhood accessible to a wider diversity of new neighbors, and not just singles or couples who can afford luxury apartment living.

The design of the building does include some nice aspects like townhouse entrances and parking. And the developer claims a commitment to sustainable design. But the UDC and zoning staff describe unresolved issues with modulation, setbacks and usable open space. There are also questions about the fact that the slope of the block means that this 3-story building will be closer to 4 stories on the west end. Many neighbors question the density of the project on an interior neighborhood street and many would prefer seeing an attempt to reach the "missing middle" housing forms. But the UDC and the Plan Commission both have been unwilling or unable to address the contradictions of this site in a way that could have helped resolve these issues as they come up in the future around the city.

The developer's Letter of Intent discusses low-impact development techniques for stormwater management; i.e., a rain garden on the ground level as well as a green roof system. The green roof system is about 10% of the entire roof. There is no mention of what this green roof system will consist of. Will it be a true green roof, or some trays placed on the roof, or a few planters? The apparent green roof pockets are accessible ONLY through tenant apartments. What is the plan for maintaining an effective green roof system going forward?

The developer claims that some details simply cannot be finalized until the development has been approved and is under way. This may be true. However, the application excludes details about items that COULD be fleshed out before approval. Some items in addition to the zoning staff's questions include:

- A shade and shadow impact analysis of the proposed building.
- Description of the specifics for a green roof system and its expected environmental impact.
- Details about rain gardens in the landscape and their expected impact on stormwater management.

I ask that the Council deny this application for zoning change. However, if the Council approves this change, I would respectfully ask that you make approval contingent upon:

- 1) a commitment by the developer to design a structure that is compatible with the existing area; and,
- 2) a commitment by the developer to provide details about the sustainable measures that will be implemented in this development; the developer has shown that they can "talk the talk;" the Council should require them to also "walk the walk."

Respectfully Submitted,
Sandy Blakeney

To: Common Council Members

Date: May 9, 2022

RE: Zion Redevelopment - 2165 Linden Ave
Legistar File 70655 - Agenda Item #21

We oppose the rezoning of the Zion site from TR-VI to PD and oppose the development proposal for the site in its present form.

Zoning

PD zoning is supposed to be rarely used, and must meet certain standards of approval. Having attended both UDC and Plan Commission meetings, we are not convinced those standards have been met.

The applicant has not demonstrated that no other base zoning district can be used for a similar development.

The application has been moved forward in the approval process on the basis of “allowing concessions” because the city needs more density and in the interest of supporting sustainability goals that may or not be achieved.

“Spot zoning grants privileges to a single lot or area that are not granted or extended to other land in the same use district. ...absent any showing that a refusal to rezone will in effect confiscate the property by depriving all beneficial use thereof, should only be indulged in when it is in the public interest and not solely for the benefit of the property owner who requests the rezoning. (Wis. Stats. 62.23 Annotation)”

The city is missing an opportunity to develop housing that is affordable to more people. The neighborhood would fully support this site being redeveloped for low-medium residential housing, which would increase density while preserving the quality of life of the surrounding neighborhood.

Development Plan

The proposed development is not in keeping with the stated goals of the Comprehensive Plan¹ to “ensure that redevelopment is well-integrated into adjacent low density residential areas.”

- The proposed development is not transitional to the neighboring properties with the exception of the Cornerstone apartments on Atwood Avenue. Cornerstone represents about half of the south side of the Zion property. The proposed development is not transitional to the single story, single family home to its southwest at 253 Division, nor to any of the residences west on Division, north on Linden, and east on Dunning.
- There is nothing that puts this design in context to the neighborhood.

¹ 2021 Progress Update City of Madison Comprehensive Plan

- While close by, Dunning St, Linden Ave and Division St are not Atwood Avenue – they are residential streets lined with traditional residential dwellings. In scale and density, the proposed development is not transitional to the neighborhood.
- Except for the Cornerstone, which is designated Neighborhood Mixed Use in the Comprehensive Plan, all of the surrounding properties are designated Low Residential. The applicant relies on a Neighborhood Plan Amendment to receive zoning approval. That amendment bypasses what might be an appropriate transition (Low-Medium Residential) and jumps to the next classification, Medium Residential. Again, not transitional and solely to accommodate the proposed development.



Although it may have no bearing on the Council’s determination on zoning or approval of the development, we are compelled to comment on the involvement of the neighborhood and in particular, the immediate neighbors. As part of the group of immediate neighbors involved in discussions, we take exception to the applicant’s representations that there was consensus or that the process was collaborative. It is simply disingenuous to continue to publicly claim that there was.

If the city’s interest includes the quality of the entire neighborhood, the Zion parcel should be utilized for compatible residential development under the existing TR-VI zoning.

We are asking the city to work to pursue a reasonable development in truly transitional scale to the neighboring homes that surround the bulk of this parcel. The Council can recognize the need for development of this parcel while at the same time preserving the character of the neighborhood into which it will be received.

We appeal to you today to reject the rezoning request and plan application needed to build the proposed development. Thank you for your consideration.

Respectfully,

Bruce and Barbara
Becker 253
Dunning Street

From: Tom Liebl <tomliebl@hotmail.com>
Sent: Sunday, May 8, 2022 18:23
To: All Alders
Subject: 5-10-22 City Council mtg: 2165 Linden, Items 21 & 96

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Dear Alders,

As a near neighbor of the 2165 Linden Ave site (Zion Church), I have a personal interest in the outcome, but I also believe that the issues here have much broader implications. I appreciate your attention.

I am writing in opposition to items 21 and 96:

-Item 21 70655

Before making a decision on this application, I urge you to examine the text of the Planned Development Ordinance. This proposal falls far short of the letter and intent of the PD Ordinance. It is, quite frankly, simply an effort to bypass the Comp Plan goals and the conventional re-zoning process. This project will result in a negative impact to the Hawthorne Park neighborhood - without any compensatory return to the city at large.

This is clearly a case of spot zoning that only benefits two special interests: the seller and buyer. Approval of this PD will only serve to further corrode the faith of the public in the long-range planning process, as well as any confidence that our Ordinances actually matter.

- Item 96 69937

This Neighborhood Plan amendment comes before the council without any significant support from the community it directly affects. It is an obvious attempt to manipulate the Comp Plan in the service of a single development project, yet its stated rationale has citywide implications.

This Amendment has been rushed to approval, without a public participatory process or community meeting. At the 4/25/22 Plan Commission meeting this item was lumped in with a PD application for the same site, thereby limiting public comment on what are clearly two distinct issues.

Approval without a clear examination of the implications and without meaningful participation of the neighborhood calls into question the very validity of the Comp Plan Itself.

I hope that Imagine Madison's "People Powered Planning" is more than just a PR slogan.

Thank you,
Thomas Liebl
2139 Linden Ave
Madison 53704

From: Nicholas Davies <nbdavies@gmail.com>
Sent: Sunday, May 8, 2022 15:20
To: All Alders
Subject: Yes on 70655 (Linden Ave replacement of vacant church with housing)

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Dear alders,

I ask you to vote in support of rezoning the Linden Ave property.

Our city is struggling with a housing shortage that is driving up prices for renters and owners alike. It increases assessed value, so even those who don't buy or sell are impacted every year.

I wish we could create more occupant-owned housing, more affordable housing. If the city had millions to put down, and a big plot of land, I would say go for it. But as it stands, we are counting on private development to supply housing, a human necessity. And since we can't close the housing deficit all at once, we must view every opportunity for more housing through this lens. Any added housing helps close the gap.

The Linden Ave property is currently under-utilized, in a neighborhood that has already begun transitioning to greater density and walkability, features that in turn generate more interest in living there.

This site would also be along one of the redesigned transit system's major corridors, meaning that it would be an excellent location to apply a Transit Oriented Development overlay.

The developers of the site have been meeting with neighborhood residents and taking their feedback into account. They've revised their plans accordingly, and produced a design that will better blend in. They've put time and effort into researching ways to make the building more sustainable.

At this point, the only remaining objection is its very profitability and net benefit to the community: adding residential density. In other words, what a few neighbors primarily object to, the reason this requires a 3/4 vote from you all, is that it will bring in more neighbors. People. Human beings.

It only takes 20% of nearby homeowners to bring forth this kind of appeal. And when the project area neighbors a single-family zone, that makes the minimum threshold for an appeal quite low.

This means that a few people, fully vested in the legacy of racist redlining practices, can leverage that privilege itself--artificially suppressed density--to have outsized influence upon city decisions, in order to keep the neighborhood exclusive (and thereby segregated).

By all means, evaluate for yourself whether the project meets city standards. My impression is that it very much does, but I'm no armchair architect or city planner. I leave that stuff to professionals.

But when it comes time to vote on this, I ask you to weigh the 25 residents bringing an appeal against the 44+ residents who will be living there in future. Ask yourself why they don't have a seat at the table. Why their needs don't affect the vote threshold.

Thank you,

Nick Davies
3717 Richard St