

From: [Carrie Rothburd](#)
To: [Plan Commission Comments](#)
Subject: Post to Legistar re: Items 7, 8, 9, 10 [Legistar #70930] Plan Commission 6/13/22
Date: Monday, June 13, 2022 10:29:29 AM
Attachments: [Legistar 64920 Letters from July 2021 re McGrath.docx](#)
[Letter to Plan re McGrath development \(3\).pdf](#)

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Please post both this email and attachments. Thank you.

To Plan Commissioners:

Last July, 44 individuals in all submitted letters about McGrath's Property Group's proposed 18-story tower at 222-232 E Olin Avenue, 34 in opposition to the development. (See Legistar file # 65653). The arguments in the 3 attached letters (and many of other 31) from 7/26/22 still apply today.

I submit the attached letters in support of my opposition to **items 8, 9, and 10 for the June 13, 2022 Plan Commission meeting**. The proposed building at 12 stories is as out of compliance with the city's Standards of Approval for Development and for Conditional Use as it was at 18 stories and should not be approved by Plan. Please recall that this Plan Commission put McGrath Property Group's development "on file" on 7/26/21 specifically because it was out of compliance with several standards.

The attached 3 letters from 7/26/22 refer specifically to Standards #3, #5, #9, #12, #32 to lay out the reasons that the Plan Commission should opt today to:

- **Not rezone 222-232 E. Olin Avenue from SE (Suburban Employment) District to TE (Traditional Employment) District.**
- **Oppose a conditional use in the [Proposed] Traditional Employment (TE) District for dwelling units in a mixed-use building**
- **Oppose conditional use in the TE District for a building exceeding five stories and 68 feet in height; and**
- **Oppose the construction of a twelve-story mixed-use building containing approximately 13,500 square feet of commercial space and 192 apartments.**

McGrath's new proposal is to erect a 12-story building on the site that, per the city's Comp Plan and Land Use Map still allows only 5 stories. The site's zoning as Suburban Employment also does not permit buildings that are primarily residential.

McGrath thus seeks Conditional Use for his proposal, justifying his request by appealing to the AEC Master Plan and the AEC Destination District Plan--although neither of these "plans" has ever been approved by the city---and both support "human scale" development of 8 stories.

The recently completed South Madison Plan does include a height map that recommends allowing a greater number of stories than 5 on McGrath's site. The Plan also suggests rezoning it. However these two suggestions were added by Planning staff after public commentary on the South Madison Plan had ended. Residents of

South Madison requested to meet with Planning staff to provide input on the triangle of land containing 222-232 East Olin Avenue and forming part of the so-called Destination District, but Ms. Stouder refused to entertain the conversation.

In 34 letters of the 44 letters attached to Legistar file #65653, neighbors expressed their opinion that the proposed 18 -- now 12-story -- building:

- 1) is out of character with the surrounding neighborhood
- 2) will create a nighttime beacon that will have a negative impact on park users, wildlife and birds
- 3) does not meet the requirements of an Employment zoning district because it is primarily a residential use
- 4) does not create the sort of affordable housing options needed in South Madison and throughout Madison
- 5) does not benefit the community.

At the most recent neighborhood meeting with McGrath, neighbors insisted that the building looks like an institution. That many of those who expressed opinions there and at Plan Commission last year are not here today is not evidence of their support for the 12-story building, but testimony to the fact that they have no confidence that their opinions will be heeded by the developer or the city.

I speak on neighbors' behalf to ask that the Plan Commission heed their duty to the public and enforce the Standards of Approval for Development for Conditional Use.

Thank you,
Carrie Rothburd
Bay Creek resident and co-organizer of the effort to Save the Wonder Bar

Legistar 64920 222-232 E. Olin Avenue - Approval of a zoning map amendment to change the zoning at 222-232 East Olin Avenue from SE (Suburban Employment) District to TE (Traditional Employment) District, approval of demolition permits for two restaurant buildings, and approval of the following conditional uses: Dwelling units in mixed-use buildings (§28.082(1) MGO) Food and beverage uses (§28.082(1) MGO) An outdoor eating area associated with a food and beverage establishment (§28.082(1) MGO) A building exceeding five stories and 68 feet in height (§28.084(3)(c) MGO)

Greetings Plan Commission members-I will not be able to attend your meeting tonight but I wanted to share my thoughts on this proposal.

I do not support the proposal for 222-232 E Olin to rezone from SE to TE and to demolish two restaurants. I do not support demolition of the Wonder Bar, it is a historic resource worth preserving in place as part of a redevelopment proposal or finding a viable place to relocate the building. As currently presented, I do not think the proposal meets conditional use standards #5, #9, and #12, nor does demolition of a historic resource meet the statement of purpose of the Demolition and Removal standard or the TE zoning district statement of purpose. (I do not have concerns about the demolition of the Coliseum Bar).

I understand city electeds, policy makers, city staff and developers are trying to get as many housing units built as fast as they can to fulfill demand, but I don't think the large-scale primarily residential mixed use building as proposed is consistent with the Comprehensive Plan and Generalized Future Land Use Plan.

The Comprehensive Plan identifies this area for Employment and it is currently zoned Suburban Employment/SE. Per the comp plan: "Commercial and employment areas are recommended locations for businesses, corporate and government offices, medical facilities, retail, services, and other commercial land uses. Compared to mixed-use districts, commercial and employment areas are not generally expected to include a residential component, although limited residential uses may be present in some areas.....Employment (E) areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.

E areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts." (p24-25) While rezoning from SE to Traditional Employment would allow more flexibility, the proposed 18 [NOW 12] story building pushes well beyond "limited residential uses" in my opinion and raises several questions. What is the future of this Suburban Employment corridor that starts at Lakeside St and continues to E Olin Ave? (see map clip at the end of this message) How does it relate to the future plans for the intensification of uses for the Alliant Energy Center?

The E Olin Ave SE zoning portion from John Nolen to Wingra Creek currently contains office and restaurant uses. Across the street is the Alliant Energy Center (AEC) which is zoned Special Institutional. Planning for the AEC is not completed, nor is the parcel in the City of Madison until 2022. The 2018 AEC Destination District study provides a concept for a new Lake View area which incorporates the E Olin Ave SE zoning district. According to the plan, the area could provide "active adult living and offices. In particular, it offers an unequalled opportunity for those seeking - lakefront and park oriented living, multimodal, and mixed income - near, but not in, the city's central business district." (pp 20-21) The plan provides an illustrated map showing several multi-story residential buildings (p 21). Offices, per the illustration, would be incorporated across the street in the AEC parcel.

If the city thinks this SE zoned corridor should allow high density housing with some ground level mixed uses, I would argue the E Olin Ave corridor should undergo a planning process to review the zoning and

the Comp Plan GFLU map. Currently, I don't believe it is consistent with the Comprehensive Plan or adopted neighborhood plans.

The Comp Plan Map Note 8 indicates the AEC master planning process that is underway and ends with the following: Such a Plan may include land use changes to surrounding properties, such as the Employment-designated properties to the north. (p 17) At this point, changing the land use to mixed use zoning appears to be preceding the [AEC Master Plan and Destination District] plan's adoption. The existing adopted plans include the Bay Creek plan (1991): which mentions W Olin, John Nolen, and the AEC/Dane County Coliseum but is silent on E Olin Ave (pp 13-14). The South Madison Neighborhood Plan (2005) mentions John Nolen as gateway/transportation corridor and identifies importance of safe pedestrian access to amenities at Olin-Turville Park but makes no recommendations for the E Olin portion of the planning area.

The location of this parcel on a major collector street and adjacent to a major arterial makes pedestrian access to transit, the park, the lake and the AEC problematic, raising the question of whether the proposed plan meets Conditional Use standard #5. The AEC Destination District plan acknowledges the difficulty of pedestrian access to the AEC and proposes a pedestrian bridge or underpass to cross John Nolen. "Short-term solutions include enhanced crosswalks at major intersections on John Nolen Drive at Rimrock Road, Olin Avenue, and Lakeside Street, and on Rimrock Road at East Rusk Avenue. This should include raised planters and other decorative barriers to improve pedestrian safety and comfort and, possibly, the reconfiguration of turn lanes to shorten the crossing distance. Longer term, a new, substantial pedestrian crossing over or under John Nolen Drive will be required. The crossing should be located just south of Olin Avenue and cross both John Nolen Drive and the railroad tracks to the east with a wide and inviting design to facilitate easy movement from one side to the other."

Understandably the developer doesn't have the ability to fix the road geometry, and the fixes, as proposed in AEC Destination District plan, are at least 10 years out. The parcel is adjacent to a major arterial street, and a railroad crossing is adjacent to the property and also crosses John Nolen Dr. Pedestrian connections to public transit exist (although Routes 11, 13 are primarily commuter routes) but require crossing John Nolen, a 6-lane highway at an unimproved intersection, to catch EB buses. The parcel is served by bike paths but it is generally in a car dependent location (walk score 32). There is no street parking on E Olin Ave near the parcel, which makes me question whether the parking allocated is sufficient. There is 1:1 parking per unit for residents and the developer is proposing parking stalls for office users but the restaurant use is TBD based on capacity per the staff report. Given the isolation of this parcel from the surrounding residential neighborhoods, sufficient parking could become a critical issue.

Until improvements are made to the John Nolen intersection, a case could be made that Conditional Use standard #1 is also not met especially for unaccompanied young people seeking to walk to Olin-Turville Park and Lake Monona.

Conditional Use standard #9 expects that the proposed development will create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area. The statement of purpose for the TE district states the district is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance.

The district is also intended to: (a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base. (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes. (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans. I

don't think the proposal meets the statement of purpose of the TE zoning district since residential use for the property is significant, not secondary.

Conditional Use standard #12 addresses height that exceeds what is allowed in the zoning district = 5 stories/68 ft. The staff report addresses shadow impacts and mentions nearby properties but fails to note whether shadows would affect the safety of the John Nolen intersection during winter which requires pedestrians and bikers crossing potentially icy railroad tracks.

If policymakers want to revisit and possibly amend the Comp Plan and GFLU map recommendations and rezone the SE area to mixed use instead of employment; and if through a planning process there was a review of pedestrian access/safety in the adjoining streets; and if there was a decision to move toward a 'destination district' as envisioned by the AEC planning effort with primary focus on high density housing on E Olin Ave, then I would say a public interest in exceeding the district heights limits could be confirmed. At this point, I don't believe the public interest benefit has been proven without more discussion and a policy change. I think the height is excessive for the zoning district which calls for limited residential uses and surrounding area as presently recommended in adopted plans. I am not one who regularly argues that a development will create a precedent, but in this case, I believe that this intensive mostly residential use will send a message to owners of adjacent SE parcels.

My final question is about condition #32. "The City's Quit Claim Deed per Document No. 3259688 does not resolve any claim the State of Wisconsin may have to the lands underlying the City's Quit Claim Deed. The Quit Claim area comprises a substantial portion of the planned site. This matter needs to be resolved before the City will approve any building improvement within the Quit Claim area. The resolution can be a disposal of surplus lands, a lease or other documentation clearing title from the Wisconsin DOT, allowing for the construction of the building over any portion of those lands within the Quit Claim Deed and as proposed by these plans." I hope an explanation is provided to Plan Commissioners. Does this relate to railroad rights of way? Which reminds me, will the railroad require fencing?

The proposal for high density housing on this parcel needs to wait until more planning for the SE zoning area is done. I don't think the developer would follow the lead of 133 E Lakeside St, another parcel in the SE zoning district that was approved last year, and reduce the height to fit the allowable zoning maximums. Placing the rezoning, demolition, and conditional use requests on file would provide more time to figure out the future of the Wonder Bar and for the PC and planning staff to study and make recommendations to the Council about this corridor before exceeding the height limits so dramatically.

Thank you-
Marsha Rummel
1029 Spaight St 6C

Plan Commission
July 26, 2021

Agenda #4 and #5, Legistar 66221 and 65653

Rezoning

The zoning change is being sought, presumably, because SE is more restrictive than TE (e.g., TE only has a rear yard setback of the lesser of 20% lot depth or 20' while SE has 30', and TE has a maximum lot coverage of 85% instead of the SE 75%. This rezoning is in a long stretch of SE. Except for a one-block stretch of residential on the west side of John Nolan just south of the causeway, John Nolan from the causeway to the Beltline is either parks or "Suburban Employment." Is there something unique about this parcel that merits a change? If not, will all this SE stretch be available for TE?

Conditional Use

The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans.

Recommendations in the City of Madison Comprehensive Plan

Although changing from one employment zoning category to another employment category does not create a Comprehensive Plan inconsistency, the conditional use does create an inconsistency.

- "Commercial and employment areas are recommended locations for businesses, corporate and government offices, medical facilities, retail, services, and other commercial land uses. Compared to mixed-use districts, commercial and employment areas are not generally expected to include a residential component, although limited residential uses may be present in some areas." (Comprehensive Plan, page 24)
- "Employment (E) areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses.

They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.

E areas are not generally recommended for residential uses, though such uses may be considered as part of a conditional use under relevant zoning districts.... While there are no fixed limits on size of an establishment or development intensity within E areas, all uses should be compatible with the density and scale of surrounding development. The intensity of development may vary significantly depending on the location and surrounding context." (Comprehensive Plan, pages 24-25)

The proposed building has 257,320 SF of residential leasable space and 15,985 SF of commercial leasable space. Or, 94.15% of the leasable space is residential and 5.85% of the 2 leasable space is commercial. This is 216 dwelling units/acre. Does this count as a "limited residential use" as described under the Comprehensive Plan? This use is not "compatible with

the density and scale of surrounding development.” The scale and density of surrounding development is for the most part 0’ and 0 residential density – the proposed project would sit in the middle of green space, other than three 2-story office buildings to the west which are about 20-25’ in height. The proposed project has a height of 201’.

Recommendations in any applicable, neighborhood, neighborhood development, or special area plan.

The South Madison Plan does not propose any changes to this parcel and the site is not a site recommended for new residential construction.

- Map 7 (page 42) does not have the site as a “major plan recommendation.”
- Map 8 (page 44) shows this site as “CC” (community commercial).
- “The South Madison neighborhoods want to preserve the residential areas, increase homeownership, and promote additional residential units throughout the neighborhood in appropriate locations. (See Map 14.)”
- “Objective 2.4 – Ensure that new infill multi-family, mixed-use, and commercial developments along and/or adjacent to the major transportation corridors incorporate traditional neighborhood design principles, especially regarding pedestrian-oriented features.” (page 30)
- Pages 72-73 list areas for new residential construction. The site of this proposed project is not one of the recommended sites.
- “...retain commercial and manufacturing areas with the exception of one manufacturing area adjacent to a predominantly residential area on Gilson Street.” (page 43)
- The VFW site, 133 E Lakeside, a mere quarter mile from the proposed project, has a recommendation: “The height of the building should take advantage of the lake views, however, should not exceed four stories unless other site amenities are agreed upon by the neighborhood.” (page 65)

The South Madison plan is currently being updated. It is worth noting that the focus areas do not include the site of this proposed project.

The Alliant Energy Center Master Plan* is addressed in the staff memo (“it is very likely that the future of the AEC will include a mix of higher-intensity uses. While the proposed building is taller than any other in this vicinity, staff believes that the proposal could be found compatible with the AEC Campus and the surrounding area for both the short-term and long-term”). The proposed project would not be compatible with the density and scale of the future surrounding development in the AEC Campus.

- The Alliant Energy Center Master Plan calls for two residential buildings at 8 stories (page 48) closer to Rimrock Road, with a total of 180.
- The Master Plan says the redevelopment site north of Willow Island “offers a unique redevelopment opportunity located at the north end of campus with potential views of Lake Monona and Downtown Madison. The proposed redevelopment of this site is as a mixed-use office building.”
- The Master Plan also speaks to a “human-scale public realm.” 3

*The AEC Master Plan is irrelevant since it is not a plan adopted by the City. However, it does illustrate that this 201’ high building would be more than double the height of what is called for in the Master Plan.

In 2018 there was a Destination District Vision and Strategy process for the Alliant Energy

Center. A report was issued in December of 2018, though it does not appear to have been accepted by the Council and it not listed on the City's webpage that list the various plans. The applicant's letter of intent claims that "the project fits the vision of the District Destination planning process." Like the AEC Master Plan, the District Destination is irrelevant as it is not adopted. However, it is worth noting that one District Destination objective is: "Develop variety of housing types north of Olin Avenue with lake oriented views that serve a mix of incomes." What level of income will this project be serving? The UDC report from April states that the applicant is talking with WHEDA, so 3 months later the applicant should have a sense of whether anything in this proposed building will be affordable.

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.

The lights from 100 or so apartments, the light from the penthouse (which does not seem to be required under the ordinances), and the lights from the 4 stories of garage parking with translucent screening, all combine to create a nighttime beacon. UDC received comments regarding the effect on park users, wildlife and birds. At 201', this amount of lighting also effects views from much of Lake Monona – both public and private.

Standard #5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

Approval of this project implicitly approves a 15 stall parking reduction. The only other parking is street parking on E Olin.

Residential: 290 units (367 bedrooms) requires 290 parking stalls

Restaurant: proposed capacity of 220 requires 33 stalls

Office: Two 5517 SF areas require 28 stalls

290+33+28=351. 336 stalls are provided, or 15 stalls short.

A recommended condition of approval is that the "applicant shall work with Traffic Engineering and Engineering to provide an easement along the Northern edge of their site to allow for a future path connection to Wingra Creek Bike Path to provide bicyclists and pedestrians better access to the Capital City Trail." With the northern edge only being 20' wide, this would likely make the easement about 5' wide (otherwise removal of the rain garden would be needed). It would seem that the City would be responsible for the cost of this future path to a private development. Would it perhaps be better to have a street side easement, where the public could have access? Plus, the City's arcgis tax parcel map shows a wider right-of-way at the two properties between the project and the Wingra bike path – thus, if the easement was provided at the street side, it seems improved access could be implemented in connection with the project rather than some unspecified future date.

Another recommended condition of approval is a \$40,000 deposit for the installation of pedestrian improvements at the John Nolen/Olin intersection. If these improvements are being made for the benefit of this project, will that deposit cover the entire cost? What about the railroad tracks? Will fencing be required?

Almost half of the bicycle parking is on the 4th level (147 stalls out of 315).

Standard #9. 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.

The TE purpose, MGO 28.084 states: “Residential uses are of secondary importance.” Yet this proposed project, as noted above, has 94.15% of the leasable space as residential and only 5.85% as commercial.

The TE District is established to encourage a broad range of employment activities. With the Alliant Energy Center undergoing revisions (a RFP was issued in May), this could be a prime site for associated employment activities. (The area is much better served by a commuter bus schedule than it is by the once-per-hour daytime service.) Or, for residential workforce housing for those working at the AEC.

Standard #12.

When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

What are the shadow impacts? Staff notes that the playing fields are over 350’ away. However, the bike path (the Olin Turville Court connector for the bike path) is only 300 feet away. During winter afternoons, the shadows may well cover the path for a good portion of the day, just when available sunlight is needed to help prevent ice.

What is the public interest in allowing a 201’ high building? Increasing the tax base might be the only public benefit, unless luxury housing is a public benefit.

The vision for this area is in the process of being redefined, but under the current South Madison plan, this building does not fit. Even in the future, based on the AEC Master Plan, an 18-story building is likely to remain an oddity in the landscape and not be compatible with the surroundings. Before permitting an 18-story building, which has been said to perhaps be the tallest building in Madison, the vision/neighborhood plans for this area should be finalized.

Respectfully Submitted,
Linda Lehnertz

To: Plan Commission

From: Janelle Munns, Colleen O'Dea Potter, Carrie Rothburd, Daniel Thurs, Lisie Kitchel, Stefan Westman, Dave Davis

Re: Proposal for Redevelopment at 222-232 East Olin Avenue

Date: July 23, 2021

SUITABILITY TO SITE – COMMUNITY CONCERNS

At the request of the chair of BCNA's Planning & Economic Development Committee, an informational session took place at Bay Creek Neighborhood Association's June meeting where Mr. McGrath informed neighbors of his submitted plans for an 18-story luxury apartment building located between Bay Creek (District 13) and Capital View (District 14) neighborhoods. Because this building is not in either neighborhood association's domain, the developer was not required to follow the city's best practice for engaging with community. Residents of Bay Creek, the development's closest neighbors did not receive 30-day notice of McGrath's intent to submit this proposal. They did not, in fact, learn about the proposal until it was fully planned and submitted and then only from an article in the local newspaper. McGrath Group did not incorporate any of their feedback into the plans reviewed by the UDC on July 14, 2021. Here is an overview of neighbors' concerns:

- 1) **The building does not relate in appearance to the other buildings along Olin Avenue.** Its height and massing are too large, and it stands out in an unpleasing manner from its nearest neighbors.
- 2) **The building does not respond to the affordable and family housing needs** of residents of South Madison.
- 3) **The building could harm the area's resident wildlife and interfere with their habitat needs.** The light from the building's many apartments, exacerbated by the glass exterior, overall absence of bird-friendly glass, and the beacon at the building's apex, will pollute the night sky and increase avian deaths, especially during migration due to its proximity to Olin-Turville Park and the UW-Arboretum.
- 4) **The building could cause the loss of the Wonder Bar,** a one-of-a-kind Madison asset that cannot be replaced, according to the Landmarks Commission.

APPLICATION TO REZONE 222 & 232 W OLIN TO TE (Traditional Employment)

The intended future use of these sites, according to the Generalized Future Land Use (GFLU) map, is Employment adjacent to Low-use Residential. Both are zoned Suburban Employment (SE).

According to the most recent Comp Plan (p. 25), **“commercial and employment areas are recommended locations for businesses, corporate and government offices, medical facilities, retail, services, and other commercial land uses”—and not retail and consumer service uses for the wider community. “[E]mployment areas are not generally expected to include a residential component, although limited residential uses may be present in some areas.** Employment (E) areas generally do not include retail and consumer service uses for the wider community but may include limited retail **and service establishments that primarily serve employees and users of the area... [Residential uses] may be considered as part of a conditional use under relevant zoning districts. While there are no fixed limits on size of an establishment or development intensity within E areas, all uses should be compatible with the density and scale of surrounding development.**

According to the current municipal Zoning Code, SE's intent is not explicitly residential but only allows for limited residential uses. SE allows for buildings of up to 5 stories—4 stories if a residential use is included—with additional stories added only with Conditional Use.

It is clear that City of Madison planners did not intend a building of the scope or use proposed by the McGrath Property Group to occupy the eastern end of Olin Avenue. The question whether it is appropriate at this time to re-envision the assigned land use and rezone the property. Rezoning, according to the City's Standards of Approval, must be based on “public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.”

In fact there is a **Comp Plan contains map note (8) that speaks specifically to rezoning the properties currently zoned SE north of the AEC:**

The Alliant Energy Center is shown as SI, but may include restaurant, entertainment, and hotel uses *if a Master Plan for the area that includes those uses is adopted by the City*. Such a Plan may include land use changes to surrounding properties, such as the Employment-designated properties to the north. (p 17)

However, no Master Plan for the AEC currently exists, and if it did, it could not be approved by the City until after the Town of Madison attachment occurs in October 2022. Presumably at that time the City would undertake a thorough consideration of all of the properties north of the AEC, both those part of District 14 and those that are part of District 13.

EXISTING PLANS FOR 222-232 E OLIN AND AREA NORTH OF THE AEC (BAY CREEK NEIGHBORHOOD & SOUTH MADISON NEIGHBORHOOD PLANS)

The Bay Creek Neighborhood Plan (1991) (pp. 13-14) mentions the neighborhood's proximity to the Dane County Coliseum/Alliant Energy Center and John Nolen commercial corridor and their adjacent uses. Recommendations include: "increase neighborhood awareness of future development potential and proposals along John Nolen Drive corridor." (p. 50). However, as mentioned above, the propose before the City to develop 222-232 East Olin was undertaken without the neighborhood's or its alder's awareness, does not reflect either's participation, or the needs of the community. Several members of the UDC spoke to it seeming out of place for the area.

The South Madison Neighborhood Plan (2005) mentions John Nolen as a gateway to downtown Madison/transportation corridor with a view of the lakes and the capitol and identifies the importance of safe pedestrian access to amenities at Olin-Turville Park. However it makes no recommendations for the East Olin portion of the planning area. Both plans call for buildings of no more than 4 stories or up to 5 stories with amenities.

The Law Park/Olin Park Waterfront plan is charged with addressing this area , but those plans have only recently been initiated and will not be completed until 2023 at the earliest.

The proposal to build a high-rise at 222-232 E. Olin is not envisioned by any of the existing plans addressing the area north of the AEC. This parcel calls out for a plan and in fact, Bay Creek neighbors lobbied the City for a plan in 2020, during discussions about redevelopment of the VFW site on Sayle Street. Their intention was then—and Plan's intention now should be—to avoid piecemeal redevelopment of the existing Employment District, to look at its possible uses, ensure it fits with the adjacent residential community of Bay Creek, nearby parkland, and the AEC.

Mr. McGrath's building, if approved now, would set the stage for any plan to follow for the area. While the approval of the 4-story, mid-sized (fewer-than-100-unit) building at 133 E Lakeside last year sets some precedent for switching to a residential use for the land currently zoned SE, that development proposal when finalized was the result of multiple conversations between neighbors and the developer during which they carefully considered the impacts of the development on the community. It should go without saying that the plan for the important area north of the AEC should be carefully considered as a whole with input from City staff, commissioners, and citizens. It should include both the county land, not currently part of the City of Madison, and immediately adjacent neighborhoods in District 13 and 14.

CONCEPT FOR THE AEC DESTINATION DISTRICT

Mr. McGrath justifies his building concept by referring to the AEC's Destination District Plan, the area surrounding the AEC. In 2018, Dane County hired a consultant to prepare a *Comprehensive Master Plan for the Alliant Energy Center Campus*, but **there is no accepted AEC Destination District Plan. A concept paper, entitled the "Alliant Energy Center Destination District Vision & Strategy," was prepared by Vandewalle & Associates in 2018.** According to Vandewalle's website:

Understanding that some areas surrounding the Alliant Energy Center are currently in the Town of Madison but slated for annexation to the cities of Madison and Fitchburg in 2022 and that the City of Madison would be undertaking a detailed effort for those areas in 2019, **a group of public and private leaders came together to fund the preparation of the *Destination District Vision and Strategy*.** The interim study advanced the vision of creating cohesive and connected Destination District anchored by the Alliant Energy Center" and including the non-residential areas surrounding the Alliant Energy Center.

This concept paper has yet to undergo the scrutiny of Madison citizens, Planning staff, or to go through the City's process for approval and acceptance. The "plan" makes the presumption that the development ideas it proposes fit and benefit to the surrounding neighborhoods and greater Madison community. In fact the AEC Master Plan is itself still in flux, more a sketch than a final design. The selection of the developer for the site continues behind schedule as this Commission debates this proposal. (Please see section below about the possible demolition or relocation of a historic building.)

Plan will, of course, turn to the Standards of Approval for Development, the GFLU map, the Comp Plan, and neighborhood plans (the South Madison Neighborhood Plan of 2005 and the Bay Creek Neighborhood Plan of 1991.

STANDARDS OF APPROVAL, APPLICATION FOR CHANGE OF ZONING TO TE WITH CONDITIONAL USE

Mr. McGrath asks to change the zoning of 222-232 E. Olin to **Traditional Employment (TE)**, which allows a maximum of five stories and encourages “a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities. Residential uses are of secondary importance.” A TE district is also intended to: “(a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base. (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes. (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.”

To add 15 stories on top of the five allowed with TE (to build 260% above permitted height), McGrath Property Group must apply for CU. The request for “[T]he City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans,” according to the Standards of Approval. **Neither SE nor TE has a primary focus on residential use for this area, certainly not at high-density.** Context is clearly considered to be of predominant significance in deciding whether conditional use should be granted in a zoning districts. With respect to CU, the City’s Approval Standards inform that “there are conditions that must be met. We believe that the following conditions are not met:

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.	The 2018 Comp Plan assigned an Employment use to this area which is close to a Low-density residential area. Both are altered irrevocably by an unforeseen High-density use.
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 addition of High-density residential use in an area intended for Employment uses is incompatible and interferes with the normal (i.e., intended) development of the area.
5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.	The area is poorly connected by public transit, served by three bus routes. Route 13 connects to the South Transfer Point on Park half-hourly on weekdays, weekends, and holidays and ends at the UW. Route 11 runs from weekdays AM only and makes 2 stops on John Nolen at 7:12 and 8:12 AM. It travels from the Dutch Mill park & ride to downtown and the west side. Route 12 makes four stops weekdays on John Nolen at about 3, 4, 5, and 6 PM and goes from the Dutch Mill park & ride to the Capitol and out University to the West Side. People in McGrath’s building will be car dependent unless they bike. Access to downtown, however, is made challenging by poor pedestrian and bike crossings on John Nolen. There is nowhere to walk and no nearby shopping. There are no committed plans for needed improvements.
7. The conditional use conforms to all applicable regulations of the district in which it is located.	Residential uses in Employment Districts are intended for workers affiliated with the employment uses.
9. 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.	Immediately surrounding the site is low-density residential housing, parkland, a nature refuge, and the AEC. The 18-story glass tower is out of place with the area’s aesthetic and character. It does not conform to the statement of purpose for TE, which does not include primarily residential use.
12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including	Both the SMNP and Bay Creek NP recommend heights of 4 and 5 stories in this area. The new South Madison Plan adopts the 2005 recommendations for Bay Creek. The addition of the 18-story building alters the viewshed from all

height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.	vantage points of the surrounding area, detracting from the natural aesthetic that characterized it and contributing no amenities to the area in return.
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STANDARDS OF APPROVAL FOR DEMOLITION OF A HISTORIC BUILDING

McGrath’s proposal also requires a demolition permit to remove the existing structures at 222 and 232 East Olin. The property at 222 E. Olin, the Wonder Bar, is a small brick building that Landmarks Commission has found to be of historical significance on 4/19/21 “based on historic significance due to its Prohibition-Era history and as an intact or rare example of a certain architectural style or method of construction as a Prohibition-Era roadhouse.” According to Landmarks staff, it is favorable to save a historic building even if it means relocating it. However, this building is partly significant due to its location; Prohibition roadhouses were purposely located at the edges of cities.

The Madison Trust for Historic PreservationS resubmitted its application for the Wonder Bar’s Landmark status on July 22, 2021, in recognition of the importance of preserving the Wonder Bar, if not onsite, as is most fitting, then nearby. Finding a new location for the Wonder Bar may be limited by the inability of the bridges that surround it to support its weight and the compressed time frame of McGrath’s proposal (Spring 2021 submission with intended start date of fall 2021). Neither nearby parks or the AEC, both of which have the space to accommodate the Wonder Bar, can run through their necessary approval, budgeting, and perhaps fundraising protocols by fall 2021.

Zoning Code Sec. 28.185 discusses the Demolition and Removal of buildings and focuses on “[aiding] the implementation of adopted City plans, [protecting] neighborhood character, [preserving] historic buildings, [encouraging] the reuse and/or relocation of existing buildings...and before [taking] the irrevocable step of demolishing or moving...existing building or buildings.” This irrevocable step is especially critical where a building worthy of Landmark status is concerned. There is only one Prohibition-era roadhouse in Madison, and it is irreplaceable.

Approval Standards for demolition or removal permits require that the Plan Commission finds that both the requested demolition/removal and the proposed use... “are compatible with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. “ In doing so, “it may give decisive weight to any relevant facts,” which in this case includes the report of the City’s historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. The Standards instruct Plan to consider each of the following:

a. The effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties.	Without a plan for the area, the demolition of the Wonder Bar is premature. It is to the detriment and not improvement of the surrounding area and the City stands to lose an important, one-of-a-kind, historically significant building and potential attraction of the conceptual Destination District.
b. The reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building;	There has been insufficient time to explore relocating the Wonder Bar. Quotes have varied widely and prognoses for moving the heavy building across the nearby bridges have been contradictory. Mr. McGrath has relied largely on a group of nearby neighbors and the Madison Trust to generate the options that he has by and large immediately rejected. As mentioned above, the compressed timing of the proposal has rendered it impossible to consider the most likely and logical options of moving the Wonder Bar to either adjacent City or County land, where it would be enjoyed by generations of the public to come.
c. The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing	Initial exploration indicated that the Wonder Bar could not cross any of the bridges that surround it. However that now appear not to be true.

Of note, Madison citizens have launched a petition to seek support for saving the Wonder Bar on July 15, 2021. The petition had 2,300 signatures as of July 22, 2021, and was still growing steadily. Attached are a list of the names and some

comments made by those who signed the petition. Madison's citizens do not want the Wonder Bar destroyed to make room for this development.

CONCLUSION

McGrath Property Group desires to rezone the property at 222-232 E. Olin and once rezoned to be granted conditional use. The need for housing in Madison is real and McGrath Property Group seeks to take advantage of the scenic location of 222-232 E. Olin to build luxury housing at a premium return on investment. This is what developers do. However we encourage the Plan Commission to see through the jargon of beginning to build the as-yet conceptual Destination District. The time for this opportunity is not yet ripe. The new AEC does not exist, and its plans are still in flux. The Destination District Strategy & Vision has not been brought before the City for evaluation or approval. No City plans exist for the area north of the AEC. As such we cannot discuss or evaluate the fit of this building to AEC goals, area/neighborhood needs/appropriateness, conformance to Standards of Approval.

What we do know is this:

1. Community character: The building does not suit the character of its natural and residential surrounding.
2. Neighborhood Plan: The building is out of keeping with the recommendations of the neighborhood plans for the area. There is not yet an Area Plan, but one should be developed for the SE district in which it is located.
3. Land use designation: The building does conform to the priorities of the Employment District in which it is located, not being primarily employment in character. Less than 10% of the buildings uses will be devoted to employment purposes.
4. Zoning: The building does not conform to the purposes of either SE or TE. Its primarily residential use does not "provide significant numbers of living-wage jobs," or "facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans."
5. Conditional Use: CU requires compliance with existing land use plans, but the Comp Plan's GFLU map does not envision the building proposed for this location. CU is meant to extend and not subvert the purpose of a zoning designation. The height of this building does not conform to the Standards required for granting CU in a TE zone.
6. Comp Plan, map note 8: Rezoning of this area is supposed to wait until the approval of the Master Plan for the AEC is adopted by the City. That cannot occur until 2022.

We ask that Plan honor its commitment to its Standards of Approval, its Comp Plan, and relevant neighborhood plans and not approve this noncompliant proposal. We believe that Plan should ask the developer to rethink its design on a more modest scale for a better fit with the surrounding area, both natural and developed, and allow time for preservation of the area's historical building, the Wonder Bar, whether onsite or nearby. During the process of reconceptualizing and planning for redevelopment of 222-232 E Olin, the City/developer should seek out and include input from the neighborhoods adjacent these site and from nature conservationists, as well as from the neighboring AEC, as laid forth in the city's best practice guide, *Participating in the Development Process*, which can be found at:

<https://www.cityofmadison.com/dpced/planning/documents/best-practices-guide.pdf>.

From: [Emily Kohlhase](#)
To: [Plan Commission Comments](#)
Subject: 6/13/22 Meeting Agenda Items 8, 9, 10: Opposed to 12-Story Building on Olin
Date: Monday, June 13, 2022 9:38:44 AM

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

Hello,

I am writing in opposition to the proposed 12-story building on E. Olin Ave (Agenda Items 8, 9, and 10). A similar proposed building was already voted down last July, and this new proposal should be opposed for the same reasons.

This building would be an eyesore to all those driving down John Nolen and those enjoying Olin Park. It would ruin the natural beauty of the area.

Moreover, a 12-story building is out of compliance with the city's Standards of Approval for Development and for Conditional Use. The suggestions in the South Madison Plan to allow these standards to be violated were added by Planning staff after public commentary on the South Madison Plan had ended and are therefore an inaccurate representation of city residents' wishes.

While this proposed building would not destroy the historic Wonder Bar as the previously proposed building would have, the preservation of Wonder Bar was not the only reason the community was opposed to last year's proposal. This proposed 12-story building is out of character with the surrounding neighborhood, would create a nighttime beacon that will have a negative impact on park users, wildlife and birds, and would not create the sort of affordable housing options needed in South Madison and throughout Madison. We do not need another mini-skyscraper filled with outrageously priced luxury apartments, especially not in an area of natural beauty.

Therefore, I

- **Oppose rezoning 222-232 E. Olin Avenue from SE (Suburban Employment) District to TE (Traditional Employment) District**
- **Oppose a conditional use in the [Proposed] Traditional Employment (TE) District for dwelling units in a mixed-use building**
- **Oppose conditional use in the TE District for a building exceeding five stories and 68 feet in height; and**
- **Oppose the construction of a twelve-story mixed-use building containing approximately 13,500 square feet of commercial space and 192 apartments.**

This proposed building would only benefit the developer. It would be purely detrimental to Madison's residents, wildlife, and aesthetics.

Please vote against this proposed construction.

Sincerely,
Emily Kohlhase
2115 Kendall Ave

From: [Charlene Sweeney](#)
To: [Plan Commission Comments](#)
Subject: 222-232 E. Olin Ave
Date: Monday, June 13, 2022 11:11:09 AM

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

Regarding items 8,9, and 10 for today's Plan Commission meeting

To Plan Commission members:

I want, with this e-mail, to strenuously oppose the rezoning of this property for the building of a 192 unit 12-story apartment building. This plan is a very poor fit in this neighborhood. It is not consistent (size-wise and in appearance) with the current and historic area of Madison. It is not consistent or supportive of the lovely natural surrounding area. It is very likely to cause damage to the nature in the area-which include birds, light pollution, waterfowl in the nearby creek, and additional runoff to the lake. An additional 200 vehicles parked and regularly used in this area does not support healthy people or wildlife.

This apartment complex does nothing to provide affordable housing to families in South Madison.

Please do not approve the rezoning of this parcel for 12 stories of apartments. It is an extremely poor fit for this area of Madison, and is not a necessary change-except perhaps for the benefit of the developer. Please listen to those who live in the area, and who have very reasonable objections.

Respectfully submitted by

Charlene Sweeney
114 E. Lakeside St.
Madison, WI. 53715

Sent from my iPhone

From: [Gillian, Barb](#)
To: [Plan Commission Comments](#)
Subject: Item 9 - 223 E. Olin Ave
Date: Monday, June 13, 2022 10:19:40 AM

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

I am opposed to the rezoning, conditional use permit and building proposed by McGrath for 223 E. Olin Ave. This building is too tall to be so close to the park land on the south side. It will be an eyesore on the skyline from Olin-Turville, Quann and Goodman parks as well as the residents of Capitol View Heights neighborhood. The rezoning requested is inappropriate as this is primarily a residential development, not one for employment. The change made by city staff to the South Madison Plan were put in after all public comment and without the support of the south side community. In fact the height standards put in at the last minute are opposed by most. I am concerned about this tall building so close to Olin-Turville for the birds who fly and migrate through. Any building should have maximum protections for the birds as part of the permit. This building will fill the lot, leaving no greenspace. I do not consider balconies to meet the requirement for "open space" for residents. Nor does City parkland meet the open space requirement.

Sincerely,

Barbara Gilligan

2009 Sundstrom St, Madison WI 53713