

From: [Lisie Kitchel](#)
To: [All Alders](#)
Subject: Conditional Use for proposed 12 story building at 232 E. Olin Ave
Date: Monday, June 20, 2022 1:06:53 AM

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To: Common Council

From: Helen Kitchel, member of Friends of Olin Turville Parks (FOOT)

Re: Conditional Use for proposed 12 story building at 232 E. Olin Ave.

Date: June 17, 2022

The 12-story building proposed at the corner of Olin Ave and John Nolen Drive is adjacent to Olin and Turville Conservancy Parks. When this project was initially proposed a petition was signed by nearly 300 citizens, one of the concerns was for increased bird strikes due to the amount and height of the building glass, specifically adjacent to a bird migratory route and concentration area. If a Conditional Use Permit is issued that allows the building height to be increased from the allowable 5 stories to conditionally permitted 12 stories then amenities to ameliorate the potential increase in bird strikes from the 7-story increase should be a requirement of the CUP.

Birds commonly use the corridor between Olin and Turville Conservancy Parks and the Arboretum. The scale of this 12-story building does not match existing development and the new obstruction within this flight corridor could significantly increase the number of bird strikes. Based on a 5-year survey study by the Bird Collision Corps and other monitoring studies, it's likely that collisions with windows are killing tens of thousands of migratory birds every year in Madison alone (Madison Audubon website).

There are many ways that bird strikes can be reduced. The City Bird Safe Glass Ordinance requires 'Bird Safe Glass' for the first 60 feet, which would encompass the first 4 floors of this 12-story building. Leaving 8 resident stories with lots of windows. There are other bird-friendly treatments to windows which could be implemented beyond Bird Safe Glass for the remaining 8 stories. This does not have to be expensive, it has simple solutions, especially if implemented during the planning stage. The requirement for bird friendly treatments to the windows of this building from the allowable 5 stories to a permitted 12 stories should be one of the conditions as part of the issuance of the Conditional Use Permit.

From: [Carrie Rothburd](#)
To: [All Alders](#)
Subject: Please post to Legistar: Item 72 #70781
Date: Tuesday, June 21, 2022 3:49:37 PM
Attachments: [Letter re Legistar 70781_McGrath.docx](#)

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Thank you for adding this to Public Comments. Carrie Rothburd

To: Common Council
From: Carrie Rothburd
Re: Legistar 70781
Date: June 21, 2022

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.

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

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 but are limited to peak service and a one-way loop through South Madison and to the UW. Bus service west to downtown will require crossing John Nolen, a 6-lane highway at an unimproved intersection. The parcel is served by bike paths, but it is generally in a car dependent location (walk score 32).

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.

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 the close to 200 apartments and the lights from the building's garage parking all combine to create a nighttime beacon. The community made repeated comments to McGrath, the UDC, the Plan Commission and District 13 and 14 alders regarding the effect on park users, wildlife and birds. At 12 stories tall, the building's amount of lighting also effects views from much of Lake Monona – both public and private.

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.” The TE 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.

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.

With the Alliant Energy Center hoping to undergo revisions (an RFP was issued in May 2021), 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. We don’t think the proposal meets the statement of purpose of the TE zoning district since residential use for the property is primary, not secondary.

Standard #10. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.

There is no street parking on E Olin Ave near the parcel, which raises the 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. Approval of this project implicitly approves a parking stall reduction. The only other parking is street parking on E Olin. Given the isolation of this parcel from the surrounding residential neighborhoods, sufficient parking could become a critical issue.

Standard #12. When applying the above standards to an application for height in excess of that allowed in the district (zoning district = 5 stories/68 ft.), 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. In addition the staff report 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. As noted above the lights from the close to 200 apartments and from the building's garage parking all combine to create a nighttime beacon that will affect those who live nearby and also have an impact on park users, wildlife and birds. At 12 stories tall, the building's amount of lighting also effects views from much of Lake Monona – both public and private.

What is the public interest in allowing a 12-story building? Increasing the tax base might be the only public benefit, unless luxury housing is a public benefit.

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.” Does this relate to railroad rights of way? Which reminds me, will the railroad require fencing?

Preservation of the Wonder Bar. Approximately 3,000 members of the entire Madison community came out in force last year to oppose the demolition of the Wonder Bar. As a result, in September 2021, after his initial proposal for development was put on file, Lance McGrath agreed to preserve the Wonder Bar by incorporating it into his redevelopment of the 222-232 East Olin site. McGrath wrote to the city that he would support landmark status for the Wonder Bar, making his agreement a condition of city approval for development should his proposal be approved. McGrath's memo to the city re landmarking states that he will not stand in the way of an application for landmark status for the Wonder Bar after it's "been moved." Since moving the Wonder Bar is no longer part of McGrath's plan, and since McGrath's plans for the Wonder Bar are not explicit beyond his statement that he intends to remove a part of the back of the building and make minor repairs in order to rent it out, we believe it is important to question Mr. McGrath further about his intent.

Other Concerns. This building will give the go-ahead to future development of its sort on the Olin Triangle and in the Destination District. However the proposal for high density housing on this parcel and along this stretch of the John Nolen corridor is out of place. The proposed 12-story building pushes well beyond the “limited residential uses” allowed by TE and raises questions about the height map, added at the last minute to the South Madison Neighborhood Plan without community input or approval. Regional Mixed Use, newly suggested by Planning staff (again without opportunity for community feedback) for the Olin Triangle calls for an assortment of housing and yet this close to 200-unit building provides only luxury housing with

no connection to and no benefit for the surrounding community and at risk to the area's avian life. Given its isolation the 222-232 site is better reserved, as it is in the Comp Plan, for Employment uses with housing for those who work in the Employment District.

At this point, we don't believe the public interest benefit required for granting CU has been proven without more discussion and a policy change. Because this development will create a precedent and send a message to owners of adjacent SE parcels, it should not be approved and instead Planning staff should be charged to study and make recommendations to the Council about the entire John Nolen corridor with the input of the South Madison community before proceeding. This study should have been but was deliberately excluded from the South Madison Plan.

From: [Jim Winkle](#)
To: [All Alders](#)
Subject: Common Council agenda item 72 (Legistar 70781), Olin Ave development
Date: Tuesday, June 21, 2022 8:59:48 AM

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

Dear alders,

I support the Olin Avenue McGrath development. I live in the Bay Creek neighborhood, which is adjacent to the site. I wrote an article for our neighborhood newsletter about density which summarize my feelings about this development; it's online at <https://baycreekmadison.org/density.pdf> and the text is below.

Density By Jim Winkle

This past year's neighborhood debate over the height of McGrath's development at the Coliseum Bar on Olin Avenue has brought out good arguments on both sides about density. I understand and share many concerns neighbors have raised: we worry that the (often unappealing) modern architecture of a tall building would be too different from – and cast a shadow over – the neighborhood's relatively small single-family houses; we worry about bird strikes, traffic, congestion, and changed views from Olin-Turville woods.

I'll detail here what I have heard and learned about the benefits of density, which can help protect the environment, build a tax base, support affordability, and make neighborhoods walkable.

Environment: Dense development is better for the global environment compared with single-family houses or five story apartments because it saves energy, land, and even birds.

Taller buildings contribute less to climate change: shared apartment walls reduce energy consumption; downtown workers have shorter commutes, and can bike or walk if able.

Taller buildings save land: Using 4 story buildings instead of a single 18 story building requires at least 4 times the land for the same number of apartments. If we don't build up, we have to build out, which ultimately means paving Dane County's spectacular farmland and increasing runoff into our lakes (remember the 2019 floods?)

Taller buildings save birds: Madison's Audubon Society says tall buildings actually have *fewer* bird crashes because most collisions occur on lower floors. Following the American Bird Conservancy recommendations, Madison's bird-safe glass ordinance covers lower floors (first 60 feet). In fact, because [cats kill four times as many birds as windows do](#), tall buildings save even more birds: cat owners in tall buildings keep their cats inside more than those in single-family houses.

Tax base: Dense development increases our tax base better than single-family homes. Bay Creeker Jim Kreft [created a map](#) showing how much properties generate in tax revenue. The Peloton annually generates ten times that of a single-family home per acre (\$371k vs. about \$36k per acre); it alone generates a total of \$591k per year. Dense development generates

higher taxes that fund city services, including our schools, parks, transit, and libraries.

Affordability: Dense Bay Creek development can slow [gentrification](#) in Madison, which happens when more affluent people move into an area and inadvertently displace lower-income residents. We all care about affordability – we raise the issue with every development. Todd Litman, city planner and author, [writes](#) "infill development increases affordability... benefiting lower-income residents." Providing housing in Bay Creek can reduce the neighborhood-changing market pressures on affordable housing to the south of us.

Walkability: Increased density builds a market for local services, including Madison Metro, grocery stores, and new retail options, which in turn make Bay Creek even more walkable.

Madison is adding [2780 people per year](#). McGrath's new Coliseum Bar proposal means we have the opportunity to again consider how density's pros and cons align with our values: will a 12 story, 200 apartment complex leave Madison and the world better off than the equivalent development of single- family houses and/or smaller apartment buildings? I made a Google spreadsheet to help me reach a decision that might help you too: tinyurl.com/density2022 .

Jim Winkle
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