

Comments to City of Madison Common Council
June 18, 2024

Dear Alders,

I live at 606 San Juan Trail, one house away from Old Sauk Road. I support LMR development with Missing Middle type housing, whether owner-occupied or rental.

I ask that you decline to rezone the LMR parcels at 6610 - 6706 Old Sauk Road to TR-U2. Such rezoning is contrary to the Comprehensive Plan and the City of Madison Zoning Code.

I also oppose this rezoning because doing so would cause irreparable harm to my neighbors who live to the north and immediately adjacent to the development. A vote to rezone this property to TR-U2 would not only be arbitrary and capricious, it would be heartless.

THE REQUESTED REZONING IS INCONSISTENT WITH THE COMPREHENSIVE PLAN. REZONING TO TR-U2 IS NOT PERMITTED FOR LMR PARCELS AND THE ‘SELECT CONDITIONS’ FACTORS DO NOT SUPPORT INCREASING DENSITY.

On November 23, 2023, the Plan Commission had a lengthy discussion of the “select conditions” escalator clause in the course of which the following points were made. First, the select conditions justify increasing density because together they describe a complete neighborhood and the Comprehensive Plan calls for higher density (escalated LMR or MR) in complete neighborhoods (Alder Fields). Second, for a complete neighborhood to occur, all of the select conditions factors must be present (Ben Zellers). Third, none of the select conditions factors are more important than others (Kristi Laatsch). On the basis of this discussion, the “select conditions” that are a pre-requisite to increased density were recommended and passed to the Common Council for final approval.

Old Sauk Road is not a complete neighborhood. It should remain simple LMR with no density increase.

Amenities. There are no amenities - NONE - within walking distance of the parcels. Nonetheless, the Plan Commission found this condition satisfied because one could “imagine” future amenities and one could drive, bike or bus to amenities. This finding is arbitrary and capricious and contrary to the Comprehensive Plan. That Plan clearly describes a complete neighborhood as one with existing amenities that are within a “walking distance” to the residences. (CP p. 48) The complete absence of amenities means that this is not a complete neighborhood. Period. Therefore, there is not a proper basis for increasing density beyond LMR. Rezoning LMR property to TR-U2 is inconsistent with the Comprehensive Plan.

Urban Services and Natural Features. These interrelated conditions both dictate that density not be increased on these parcels. It is undisputed that these parcels have major stormwater drainage (flooding) issues. These problems worsen as the development gets bigger. The Plan Commission arbitrarily and capriciously ignored this natural feature and substituted its own standard which appears to be, “Stone House is working on this.”

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These parcels also lack complete Urban Services. The existing flood problems are primarily caused by the city's inadequate storm sewer infrastructure along Old Sauk Road. The inadequate and incomplete city sewer service makes the finding on this element arbitrary and capricious.

Relationship Between Proposed Buildings and Their Surroundings and Lot and Block

Characteristics. Neither of these interrelated conditions support increasing density to permit the massive Stone House complex. Even the Planning Department memo recognizes that the Stone House development's massive scale is unlike anything in the neighborhood.

Commissioner Solheim's rationale for finding that these factors support increased density is nonsense. She seems to say that density should be increased because of the "very unique" size of the parcel. She also relies on the fact there's a 2 story apartment building nearby, the fact that Stone House didn't propose a 4 story apartment complex and the fact that there are setbacks. Nothing in the Comprehensive Plan supports a finding of select conditions because "we don't get many parcels this big" or "it could be worse." At the same time, she ignores the elephant in the room, the fact that in addition to being one story taller than all surrounding housing within miles, this massive building is longer than a football field, it's mass 19 times that of of the nearest apartment building and the setbacks don't come close to those on all of the surrounding lots. Her findings, which were adopted by the Plan Commission, are arbitrary and capricious.

In contrast with Commissioner Solheim's nonsensical findings, the record contains numerous letters, photographs, physical descriptions all of which prove how disproportionately large and oppressive this development is compared to other housing in the neighborhood. It sits, like a circus tent surrounded by pup tents, creating disharmony with its dominant size and hard angles. Hundreds of neighbors have petitioned the Council to stop this development because of its disharmony with other neighborhood structures.

Transit and arterial streets. Old Sauk Road is a minor arterial street with a minor bus route. The Comprehensive Plan provides that intense development should be concentrated along major arterial streets, regional corridors and the BRT. (CP p. 30) Old Sauk Road is not on the BRT; it is not a regional corridor. It is not a Growth Priority Area. It doesn't even have sidewalks on both sides of the street. These parcel's LMR land use designation is an increase of density over surrounding housing that fits with Old Sauk Road's minor arterial/minor bus route status. Increasing density beyond LMR is inconsistent with the Plan.

Parks. There are parks nearby. However, this factor has equal or even greater relevance to LMR/Missing Middle type development which would bring family homes into the neighborhood.

The "select conditions" factors are supposed to identify those complete neighborhoods where more intense development should occur. The parcels along Old Sauk Road do not sit in a complete neighborhood; they have no amenities; they have flooding problems; they lack adequate city services; they are surrounded by structures that are dramatically smaller than the proposed apartment complex; they are not on the BRT; they are not on a regional or major corridor; they are not in a Growth Priority Area. The Commission's finding that the "select conditions" test supports increasing density is arbitrary and capricious. Escalating density on these parcels is wrong for the neighborhood and wrong for the city as a whole. The parcels

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should remain LMR. Rezoning LMR property to TR-U2 is inconsistent with the Comprehensive Plan.

THE CREATION OF A TR-U2 SPOT IN THE MIDDLE OF THIS LOW DENSITY RESIDENTIAL AREA IS AN ABUSE OF DISCRETION.

“The TR-U Districts are established to stabilize and protect and encourage the essential characteristics of high-density residential areas...”. There’s no high-density residential area near these parcels to be stabilized.. The fact is that creating a TR-U2 zone on the Old Sauk site will have the opposite affect - it will de-stablize a low density residential area. There’s no factual support for a finding that rezoning to TR-U2 is consistent with the zoning code.

Rezoning these parcels to TR-U2 makes a farce out of the zoning code which calls for zoning to, among other things, encourage reinvestment in established urban neighborhoods while **protecting their unique characteristics**, stabilize, protect and **enhance property values**, and to **encourage a sense of place**.

Sense of Place” refers to people’s perceptions, attitudes and emotions about a place. It is influenced by the natural and built environments and people’s interactions with them. Madison is a community that values its many special places, neighborhoods, and districts. They provide a wide range of opportunities for people to live, work and play and offer something for everyone. While each of these unique places is important and should be supported, the key is what they contribute to the culture and character of the the whole community. Comprehensive Plan, CULTURE AND CHARACTER, pg. 74

Over 250 people signed a petition that opposes this development. Why? Because rezoning these parcels to TR-U2 completely destroys these residents' sense of place. It allows Stone House to plo down a massive jarring, disruptive structure, one that is completely at odds with its surroundings, in the middle of a large expanse of compatible low density housing. This structure belongs in the urban environments with other big, bustling, spread out developments, like those near Hilldale, Westgate and along the BRT and the belt line.

As I stated at the outset of this paper, I support development of the Pierstoff parcels. “Missing Middle” housing, as defined by the Comprehensive Plan (p.49), **whether owner occupied or rental**, suits this parcel and the neighborhood. Missing Middle forms of housing would increase density while preserving the natural setting; it would complement existing single family homes, duplexes, condos and smaller apartments.

Initially, the Stone House Development development team appeared eager to create housing that would increase density and give their tenants a connection to nature. They talked about how this “beautifully located” parcel could add housing in keeping with the neighborhood: *“We look at this as an opportunity to enable people to live outside of East Washington Avenue. ... some place greener... with space outside...”* Stone House Development owner Helen Bradbury, October 24, 2023.

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Unfortunately, Stone House Development did not create a place for people who want to escape the tight buildings and intermittent buzz of East Washington Avenue. Instead, it brought East Washington Avenue to the neighborhood.

No, it's not a high-rise apartment going 10 stories up. Rather, it's 4 10 story high rise buildings, tipped on their sides and glued together horizontally. The result is a 3 story, 425 foot long behemoth that bears no resemblance to surrounding residences. Rezoning to TR-U2, Urban high density, is sought to legitimize the huge footprint with the loss of setback, trees and yards. Far from "seamlessly integrating" into the neighborhood, it will be an eyesore that dominates the area. (See, letters from Mike and Lynn Green, Steve Mason, and Grace Kwon, for example.).

We have intense apartment development downtown, along the BRT, along the Beltline, in places like Westgate Mall, Yellowstone Drive and Sherman Avenue and activity centers, like Hilldale.. However, a truly beautiful city is not all intense development. It has residential stretches that display more green than concrete, more shade than light, more space than structures and a matching quiet. And that is exactly what the neighborhoods along Old Sauk Road contribute to this city.

Plunking a massive apartment on the Old Sauk site says that a "go big" ideology trumps culture and character, that the residential neighborhoods that have drawn people to Madison for decades are nothing special and that the zoning code means nothing. It says that the City of Madison Common Council is so enamored of high density development that it will ignore the objectives of the Comprehensive Plan and the Zoning Code. Doing so would be an abuse of discretion that devastates the people living in these neighborhoods and harms the city as a whole.

REZONING TO TR-U2 WILL CAUSE GRIEVOUS HARM TO RESIDENTS TO THE NORTH OF THE PROPERTY. IT WOULD NOT ONLY BE ARBITRARY AND CAPRICIOUS, IT WOULD BE HEARTLESS.

Whenever I walk in the neighborhood directly north of Old Sauk Road, along Spyglass and St. Andrews Circle, I am struck by the natural beauty and peacefulness of the setting. Clearly these homeowners valued nature, peace and privacy. Now these are the very people who will be hurt the most if the city allows the massive Stone House development to go through.

If this complex is built, these families will fear flooding with every good rainfall. There are multiple reasons why flooding can be expected. The area has longstanding storm drainage issues caused largely by the inadequate city's storm sewer infrastructure. The massive complex adds to the problem by covering pervious earth with impervious concrete. The untested stormwater management plan offered by Stone House can best be described as "ambitious." According to Dr. John Norman, it's not a question of whether this system will fail, it's a question of when. Finally, neither the city nor Stone House has any plan to protect these homes from the ground water and runoff streams the massive development will cause.

In short, if this rezoning is approved, the city will have joined with Stone House dumping these flooding problems on my neighbors to the north.

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Is the city so callused that it will ram this massive development through despite the harm to these good citizens?

The zoning code imposes a duty on the city to protect and stabilize residential neighborhoods for the good the people living there and the city as a whole. Rezoning these parcels to TR-U2 will turn zoning on its head. Instead of offering stability and protection, it will wreck havoc and cause irrevocable harm.

I ask the city to reject this rezoning request. If the city is not ready to do that, I ask that it defer this matter, sending to the appropriate committee or back to the Plan Commission for further study and improvement.

Respectfully submitted,

Diane Sorensen