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July 9, 2007

**Hand Delivered**

Ms. Nan Fey  
Chair, City of Madison Plan Commission  
215 Martin Luther King Jr. Blvd.  
Madison, WI 53710

RE: 1501 Monroe Street – Fieldhouse Station  
Agenda Item #13 – July 9, 2007

Dear Nan:

I represent the Madison Chinese Christian Church (“MCCC”) which is located at 1510 Madison Street, immediately adjacent to the proposed development. MCCC joins with the Vilas Neighborhood Association (“VNA”) in strong opposition to this project. In your packets are detailed letters from the MCCC dated July 3, 2007, and from the VNA dated June 22, 2007, which persuasively state the reasons for their opposition. Rather than repeating their arguments, I want to emphasize the salient reasons as to why my client is so strongly opposed to this project:

(1) **Fieldhouse Station is inconsistent with the density limits of both the Comprehensive Plan and the Monroe Street Commercial District Plan (“MSCDP”).**

The *Comprehensive Plan* provides for a maximum of **40 units per acre** for this area while Fieldhouse Station is **53.3 units per acre** or 33% more than the density limit. The version of the MSCDP which reached the Plan Commission permitted buildings no more than 2-3 stories in height. However, the MSCDP was amended at the Plan Commission-with minimal neighborhood input – to permit buildings of 3-4 stories in height. Nevertheless, the final version of the MSCDP states that even though the Plan Commission may consider a 4-story building, it must consider the floor to floor height when reviewing a project. Even though the MSCDP provides for floor – to – ceiling height of no more than 14 feet, **the 3<sup>rd</sup> and 4<sup>th</sup> floors of Fieldhouse Station are between 16 – 18% greater than the maximum.**

The developer has not stopped there in pushing the density envelope. He is seeking a density bonus which exceeds the benchmark density by more than 40% - 53.3 units per

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acre as opposed to 38 units per acre. Despite the fact that the neighborhood was concerned about the density of this project from day one, the latest iteration of this development contains 21% more office space than the last proposal did.

- (2) **From a contextual viewpoint, Fieldhouse Station is out of character with the residential properties to the South.**

One of the central tenets of the MSCDP is that any mixed-use developments on the south side of Regent Street, must be consistent with the low density residential uses to the south in terms of scale and mass. Specifically, the MSCDP contains the following language:

Buildings of 4 stories or more would be out of character with the traditional street and the residential neighborhoods, all the more since at most sites setbacks would be very limited. To gain support, buildings higher than 3 stories would need creative design and presentation, consideration of contextual impact, important compensating value-added features and effective prior consultation with the neighborhoods.

*See, MSCDP, March 27, 2007, page 69.*

This proposal does not meet this intent. If this proposal had been made on the north side of Regent Street where more intensive land uses are common, it probably would have been consistent in terms of scale and mass. Moreover, although the developer has seemingly "gone through the motions" in terms of working with the affected neighborhood, he has chosen to address some of the concerns of city staff but to ignore the concerns of the neighborhood.

- (3) **This site is far too tight to accommodate parking needs and congested circulation traffic patterns.**

This development is a classic example of trying to fit "a square peg in a round hole." This is an extremely difficult site to develop on and if approved, Fieldhouse Station will become a parking nightmare and traffic disaster.

The MCCC has begun a lawsuit against the developer and is asking the Court to void the lease for the surface parking lot relied on by the Developer and his users. We are certainly not asking the City to be involved in that private dispute. However, to simply ignore the controversy because it is outside of the boundaries of the property requested to be rezoned, would be extremely short-sited. To assume that commercial patrons,

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users of the office space and visitors of the residential owners are all going to use the underground parking is totally unrealistic. Therefore, if the parking lot lease is nullified and this development were to be approved, the chances that Fieldhouse Station would become a white elephant at this critical location should be of great concern to the City and to the immediate neighborhoods.

Moreover, for cars and trucks that are attempting to access the underground parking entrance from the narrow public alley – particularly for vehicles coming from Regent Street, the turning radius is so tight that it makes it extremely likely for vehicles to be encroaching on the parking lot in order to access the underground parking. The report of the Traffic Engineer – specifically condition number 9 – foreshadows this problem. Therefore, because of the real potential difficulty of being able to access the underground parking, the neighbors' concern that Fieldhouse Station will be adding severe parking pressure on the residential streets is quite justified.

In terms of traffic, the Traffic Impact Analysis ("TIA") focuses on the macro impact of this development on the very heavy traffic congestion that currently exists at the Monroe-Regent intersection. Obviously, the impact of additional vehicles attributable to this development in comparison with the enormous existing traffic counts would be fairly minimal. However, what the TIA does not adequately address is the additional turning movements that would have to occur in order to access this development and the resulting added congestion that this already challenged intersection would have to deal with.

**(4) The Developer has demonstrated a pattern which raises serious questions regarding his ability to implement and to properly manage this development.**

When the City analyzes a proposed development, it is quite proper to consider the Developer's past track record in terms of executing and managing development.

With all due respect to Mr. Sieger, the facts as it relates to this proposal as well as to past developments in the immediate neighborhood raises serious concerns recording his management abilities. It may be argued that these concerns are more appropriate to be raised at the SIP stage but I would disagree with that argument for two reasons. First, if you were to approve this GDP, the ability to bring these matters to your attention and have them legally impact your decision as to approval of the SIP could be limited. Second, the overriding standard that you must consider at this stage is whether this development is generally in the public interest. Since who is going to implement the development is obviously an important factor in determining what is in the public's interest, whether this developer is likely to complete construction on a timely basis and

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his ability to manage the development well is perfectly appropriate for you to consider at this stage.

The facts speak for themselves. The Developer has largely ignored the concerns of the neighborhood. He stated at a number of City-sponsored meetings in the past few months that prior to the consideration of the GDP he would voluntarily submit to the City the necessary information to determine whether he is financially capable of developing this complex project. To date, he has not carried out as he promised. His management plan for this project is that there will be no management control in that each user will set their own rules as stated in condominium documents.

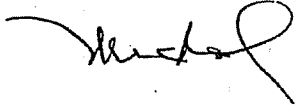
Moreover, his past track record gives the neighbors no comfort in his ability to timely construct and to manage Fieldhouse Station. It took over three years for Mr. Sieger to construct a rather straight-forward project on Oakland Avenue and his efforts to properly manage a bar at 1509 Monroe Street have not been successful.

#### Conclusion

The Fieldhouse Station proposal violates the Comprehensive Plan and the Monroe Street Commercial District Plan in terms of density and floor-to-floor height restrictions. The mass and scale of the project is not contextually appropriate since it abuts low density residential properties. Although my clients do not object to the concept of a mixed use building at this site, the Developer has not adequately addressed the site problems as it relates to parking and traffic movements. Finally, not only is the specific proposal objectionable but the Developer does not appear to have the developer and management skills to get this project done at such a key location.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:aet

cc: Mayor David Cieslewicz ([mayor@cityofmadison.com](mailto:mayor@cityofmadison.com))  
City of Madison Plan Commission Members (hand delivery)  
Aldersperson Julia Kerr ([district13@cityofmadison.com](mailto:district13@cityofmadison.com))

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Story. A story is that portion of a building, other than a basement, loft, or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than fifty percent (50%) A loft or mezzanine, as defined in the state building codes, is not a story. Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs with a slope of 8:12 (33.7 degrees) or greater, is not a story, but may be occupied as long as the requirements for human occupancy are met. (Am. by Ord. 10,774, 11-16-93; Ord. 12,599, 3-3-00; Ord. 13,043, 4-9-02; Ord. 13,482, 12-23-03)

20.07

(42) "Initial construction" means the date of issuance of the Wisconsin uniform building permit.

(43) "Insignia." See "Wisconsin insignia."

(44) "Installation" means the assembly of a manufactured building on site and the process of affixing a manufactured building to land, a foundation, footing or an existing building.

(46) "Kitchen" means an area used, or designed to be used, for the preparation of food.

(47) "Landing" means the level portion of a stairs located between flights of stairs or located at the top and foot of a stairs.

(48) "Listed and listing" means equipment or building components which are tested by an independent testing agency and accepted by the department.

(49) "Live load" means the weight superimposed on the floors, roof and structural and nonstructural components of the dwelling through use and by snow, ice or rain.

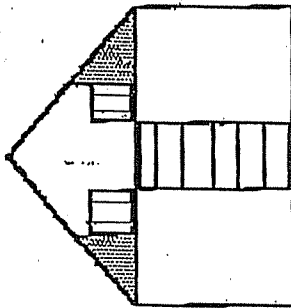
(50) "Loft" means an upper room or floor which has at least 50% of the common wall open to the floor below. The opening may be infringed upon by an open guardrail constructed in compliance with s. Comm 21.04 (2), but not by a window or half-wall guardrail. All habitable rooms of lofts are open to the floor below.

Loft

*It is important that a loft be open to the floor below so that there is good sound communication, clear sight lines and adequate air (and odor) movement between levels as well as the possibility of jumping down between levels. These factors are important so that occupants are quickly alerted to any problems elsewhere in the dwelling. This early alert offsets the relaxed exiting requirement in s. Comm 21.03(4). This section requires only one stairway or ladder and no egress windows, no matter what level above grade that the loft is. Note that the definition requires all habitable rooms to be open to the floor below. See diagrams.*

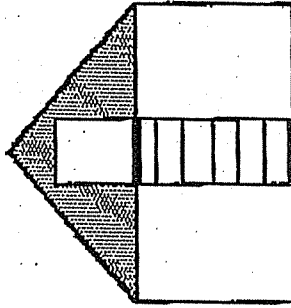
DESIGNS

"A"

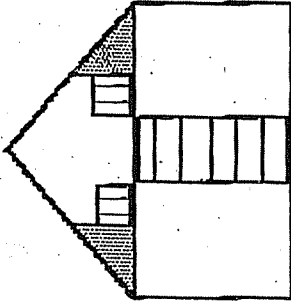


SECTION

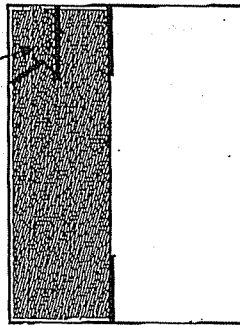
"B"



"C"

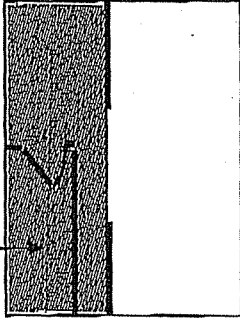


Bath



PLAN

Bedroom



OK

Area of opening is at least 50% of common wall. (Open guardrail OK.) Bath is not habitable room so can be closed off.

NO

Common wall is not at least 50% open.

NO

Rear bedroom (habitable room) is not open to floor below.



LOFT AREA



CONTINUOUS PARTITION



Date: July 9, 2007  
To: City of Madison Plan Commission  
From: George Hall, 2724 Regent St., Madison, WI 53705  
Re: Agenda Item #06728, 1501 Monroe Street

I'm submitting these questions in support of the concerns about this project raised by the Vilas and Dudgeon-Monroe Neighborhood Associations.

To date, the Regent Neighborhood Association has not taken a position in support or in opposition however, the resolution of several of the issues precipitated by this proposal are important to the RNA, particularly as we move forward with our city-funded Old University Ave., design standards and guidelines project.

Perhaps during the discussion this evening it would be feasible to ask Planning Staff to offer responses to the following two questions:

- 1) **Please define the term "story" – when do two floors including lofts that, when combined, are over 16-feet in height, and constitute one floor?**

Even though the lofts may be isolated to individual units, and cooking/bath facilities prohibited, the floor-floor height exceeds the recommended dimensions, resulting in a building façade that appears to be 5+ stories in height when viewed from Regent Street at the alley corner. Does the merit of the concept outweigh exceeding the 14-foot height limitation advocated by the Monroe Street Commercial District Plan?

- 2) **Under what circumstances should application of "density bonuses" be permitted to result in a structure that exceeds the design guidelines contained in an adopted neighborhood plan, such as the Monroe Street Commercial District Plan?**

This would seem to be a backdoor invitation that, although adopted with the best intentions, could result in subverting adopted plans.

In this example, there is an obvious tension between several city ordinances, and given this unique site, is the bonus justified in order to foster obtaining a building of better than average architectural merit, but one that nevertheless exceeds recommended height and bulk standards. The staff report appears to acknowledge that the massing of the building exceeds the relative character of most of the existing structures on Monroe Street, but is more in keeping with more intensive uses to the north and along Regent Street. But admittedly these large structures are present in isolation, and nearly uniformly with extensive setbacks, whereas this proposed project at the tallest elevations is built right to the sidewalk/alley.

- 3) **Operation of the restaurant/bar associated with outdoor eating areas/beer gardens associated with stadium events**

If this project should be approved, we support making activities such as these subject to conditional use permits and city ordinances as recommended by staff, with continual oversight by the city commissions over crowd control, noise levels, alcohol licensing, and hours of operation. However the question should be asked whether yet another venue for alcohol consumption so close to the UW athletic campus is warranted or advisable given the considerable effort expended by UW, Madison Police, and the surrounding neighborhoods to reduce alcohol consumption and associated problems.