

City of Madison Plan Commission

Plan Commission Excerpt, 149 E. Wilson Street

January 13, 2014

1 **BRAD CANTRELL:** . . . discussion and then a vote. So with that introduction, we'll open the
2 public hearing. Oh, sorry, we'll have staff give a brief presentation . . . on the first item. And there
3 are two related items, Item #10, Legistar 32265 creating Section 28.022 of the Madison General
4 Ordinances to change the zoning of property located at 149 East Wilson Street from UMX
5 District to Downtown Core District, to allow demolition of an office building and construction of
6 a mixed-use building with 9,100 square feet of commercial space, and 127 apartments.

7 In addition, we have an item that's related to that. Legistar 32124, consideration of a
8 demolition permit and conditional use to allow an office building to be demolished and a mixed-
9 use building containing 9,100 square feet of commercial space and 127 apartment units to be
10 constructed at 149 East Wilson Street. Mr. Parks.

11

12 **TIM PARKS:** Thank you, Mr. Chair, members of the Plan Commission. I just want to briefly,
13 summarize as briefly as one can summarize, an 18-page staff report to distill down for you the
14 four things that are before you for a decision tonight.

15 First of all, the rezoning of 149 East Wilson Street from the Urban Mixed-Use District to
16 the Downtown Core District. The primary motivator for that request is that the Urban Mixed-
17 Use District has a 10-foot required rear yard setback. The proposed development for
18 approximately 9,000 square feet of first floor commercial space and 127 apartments in a 14-story

1 building is proposed to be built to the property line. Therefore, no rear yard setback is proposed,
2 hence, the need to rezone the property from UMX to Downtown Core.

3 Secondly, the demolition permit to allow the existing three-plus story commercial
4 building to be demolished. And then two conditional uses: One, for the construction of a building
5 greater than four stories in height in the Downtown Core District, and then, secondly, a
6 conditional use to allow the elevator, penthouse, and a stair tower to exceed 187.2 feet above
7 City datum into the Capitol View Preservation Zone. And, again, the elevator and stair tower
8 projection are generally permitted by State statute and City ordinance if approved by the Plan
9 Commission as a conditional use.

10 The Planning Division has carefully reviewed the application. The Plan Commission and
11 staff have received close to 40 pages of comments from members of the public, including many
12 members of the public who live next door in the Marina Condominiums, and we have concluded
13 and are recommending to the Plan Commission that the proposed rezoning to DC, the two
14 conditional uses, and the demolition permit that are before you can meet the standards and
15 criteria for approval.

16 We feel that the proposed development, including the rezoning from UMX to Downtown
17 Core, is consistent with the recommendations for the subject's site and surrounding properties in
18 both the Comprehensive Plan and the Downtown Plan. And we feel, overall, that the proposed
19 development will add positively to the downtown core, especially this portion of the downtown,
20 which has seen considerable redevelopment and reinvestment over the last 20 years.

21 There are going to be a considerable number of concerns expressed tonight by members
22 of the public about the proposal that's before you. There are also comments that you have
23 received, in particular from the Traffic Engineering Division, regarding certain aspects of the

1 project related to the proposed loading zone, the fire lane that this project will share with the
2 adjacent Marina Condominiums, and the effect that loading for this site could have on Wilson
3 Street. And I would ask you to consider those comments, and they're addressed in the staff
4 report and in the Traffic Engineering comments and conditions of approval, very carefully.

5 And that, generally speaking, we feel that despite some operational things that will need
6 to be sussed out and will be the subject of conversation tonight, that the project before you can
7 meet the standards and criteria for approval. In reviewing the project on January 8, the Urban
8 Design Commission recommended to the Plan Commission that the conditional use for the
9 proposed building be approved. They reviewed that, as you will review this project, against the
10 downtown design guidelines that are reviewed at great length in the staff report. They found that
11 those guidelines were generally met.

12 They are recommending to the Plan Commission that condition #3 in the staff report on
13 page 19 be eliminated. You will hear from the applicant and the applicant's architects regarding
14 how they're proposing to treat the HVAC system for the proposed development. The Urban
15 Design Commission looked at this very carefully and determined that they felt that the proposed
16 wall packs or Magic-Pak HVAC units were well integrated into the project, and that they did not
17 feel that condition #3 was necessary.

18 However, that is a recommendation that is before the Plan Commission, and the Plan
19 Commission, if they feel it is necessary, should consider that very carefully. And one of the
20 reasons that we feel that it's very, very important that the Plan Commission consider all the input
21 that's before them tonight and give careful consideration to the project is this will be a very high
22 profile development on the city skyline.

1 You'll note in your staff report that we included one of the images from the Downtown
2 Plan that was a shot from across Lake Monona showing the skyline and noting, in particular, this
3 site to emphasize the position that this project will have on the skyline as viewed from across
4 Lake Monona. And, at the end of the day, staff is recommending very strongly to the Plan
5 Commission that the project, as its considered tonight, be reviewed to make sure that it is the
6 strongest and most endearing – and enduring – project possible, because this is a project that will
7 be with us for a great many generations to come and should not be taken lightly. And with that, I
8 would be happy to answer any questions after the public hearing, and... Thank you.

9

10 **BRAD CANTRELL:** Okay. Oh, sorry.

11

12 **MICHAEL HEIFETZ:** Thank you, Mr. Chair. I was tardy this evening, so I missed the
13 disclosure portion of the evening. And I want to disclose that I am working with Case 4 on a
14 separate project in my personal life, not professional life, but personal life, but do not believe
15 that will impact my judgment on their application this evening. Thank you. It's not their
16 application, but they are a participant in it. Thank you.

17

18 **BRAD CANTRELL:** Thank you, Mr. Heifetz. Commissioner Rewey?

19

20 **MICHAEL REWEY:** I just had a question. On the top of page four it said we're going to get
21 some photos forwarded to us on how the building used to look.

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23 **TIM PARKS:** I'm sorry?

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MICHAEL REWEY: Top of page four in the report, or somewhere I read it, that we were supposed to get photos of how the original building looked, historic photos. I don't recall getting them. Not how it looks now, but how it used to look.

TIM PARKS: I don't recall getting those either. The preservation planner did not, in fact, forward those to me. I apologize.

MICHAEL REWEY: I thought I must've...Okay.

TIM PARKS: I think we all missed it. My apologies.

BRAD CANTRELL: With that, I will open the public hearing for this item. And, again, this item is the item 10, 11 on the agenda. The applicant will speak first...Lance McGrath, at 222 South Bedford Street, is here in support. Mr. McGrath we'll give you...a few more...four minutes.

LANCE MCGRATH: Yeah. I might take a minute of my architect's time if necessary. Good evening. My name is Lance McGrath with McGrath Property Group. I'm going to talk about this project in more general terms and let our architects, Marc Schellpfeffer and Paul Cuta from Case 4 talk more about the specific details. And then, of course, all three of us will be available to answer any questions.

1 Little bit about the process. 149 East Wilson, it's located in the First Settlement
2 neighborhood just a few blocks away from the Capitol Square down the hill. We brought the
3 project forward last fall, a steering committee was formed, which was predominantly comprised
4 of residents of the adjacent Marina building. There's been a total of five meetings with that
5 group including one large public notice neighborhood meeting. Unfortunately, after all the time
6 and effort on both parts, that we still have some opposition to this project, primarily coming from
7 our neighbors at the Marina, whose view from the East or towards the East is going to be
8 obstructed by this project.

9 They've raised several issues. It really, in my opinion, boils down to two main issues.
10 The first, they've asked us to reduce the number of floors, and the second they've asked us to
11 erode corners to open up more of a view angle for their residents on that side of the building.
12 Both of those make this project unfeasible on our behalf. It does two things to us: It reduces our
13 area, which drives up our hard cost per square foot – the cost to build the building, and it also
14 reduces our rentable square footage. So those two combined make this project a no-go. We do
15 have empathy though regarding the loss of the view, but a development of this scale should not
16 have come as a surprise to anyone in the, in any of our neighboring properties.

17 As a developer, we rely on the various City plans and the zoning code when we start
18 planning and working on a project like this. And all those documents that are before us– the
19 Comprehensive Plan, the Downtown Plan, the new zoning code– support and encourage exactly
20 this type of development at this particular site as the staff report confirms.

21 We did have, did make several significant changes as a result of the process. We reduced
22 our parking access from two points down to one. We created a really nice, retail street front
23 space along East Wilson Street. We pulled back part of the rear lake facing wall closest to

1 Marina by nearly four feet. We also changed the programming of our commercial space that has
2 access to the lakeside outdoor terrace from a potential coffee shop/wine/bar/café type of use that
3 had noise concerns both from our neighbors and also from us as landlords in the building, so we
4 changed that to a co-working office space about 7,000 square feet that'll have potential for some
5 incubator office space also. So all those combined, I think, have greatly improved this project
6 that's before you tonight.

7 We did go to Urban Design, as Tim mentioned last week. Very positive feedback.
8 Unanimous final approval from that body.

9 There are several issues that are going to come up tonight. I'm willing to try to address
10 four of them right now. The first one has to do with values. I feel strongly that this project will
11 not have a substantial negative impact on the property values of our neighbors. There are several
12 factors associated with this project that will be a definite improvement over the current existing
13 condition.

14 First of all, I think Marina residents need to give themselves credit for buying a
15 condominium in the building they did. The value of the Marina is not defined by their view to
16 the East. The value of the Marina is defined by the iconic nature of their architecture. It's
17 defined by the proximity to the Capitol. It's defined by the proximity to Lake Monona. It's not
18 defined by their view to the East.

19 Secondly, we're not a competing condominium project. In fact, the opposite. This
20 building could prove to be a proving ground for future residents.

21 Thirdly, there is a homeless issue associated with the property behind us, the lake, or the
22 railroad right-of-way space. The existing building has a lot of nooks and crannies. I do not have
23 any solution to the homeless predicament that we have especially in that corridor, but I do know

1 that the new building will help eliminate those nooks and crannies and have more eyes looking
2 down upon it trying to prevent any problem issues.

3 Fourth, the existing building: It's an ugly eyesore. It's been vacant for nearly ten years.
4 It's an absolute dead zone. This new project's going to create a much more active, vibrant
5 streetscape, much more vitality, much better urban design.

6 Lastly, the new project will result in improved safety in the area. We'll have more
7 residents, more neighbors out walking on the sidewalks in the evenings.

8 The second item I want to address that'll be an issue is condition #3 of approval in the
9 staff report regarding the internalized HVAC system. Tim addressed that. I won't go into any
10 details, but I think we successfully addressed that, or showed how we integrated that into our
11 design, and our architects can talk about that in greater detail.

12 And then Traffic Engineering, there's a handful of comments in the staff report pertaining
13 to the functionality of our loading zone and street impacts during construction. We have meet
14 with Traffic Engineering, and we think we've resolved most of those issues related to the loading
15 zone and also will be willing to prepare a move-in/move-out procedure form for our residents.
16 And I also want to point out that our offices will be moving to there, so there will be on-site
17 management to oversee that process. Then also our contractor has been meeting with Traffic
18 Engineering, and they've come up with an acceptable plan for dealing with sidewalk and right-
19 of-way issues during construction. [timer sounds]

20

21 **BRAD CANTRELL:** Mr. McGrath, can you wrap up your comments?

22

1 **LANCE MCGRATH:** Yes, I will. So, in summary, it's been a painful process for everyone
2 involved. It's an emotional issue, and it's not how I like to bring a project before the Plan
3 Commission. However, in my opinion, I think we're here, and it's unavoidable, primarily due to
4 the circumstances associated with where the site is located. And by that, I mean, it's adjacent to
5 a 55-unit condominium building that's losing some very nice views.

6 My opinion, this an outstanding project for Madison, substantially compliant with the
7 Comprehensive Plan, the Downtown Plan, and the current zoning code. It's going to create more
8 high-quality housing options for downtown Madison. It'll bring more residents downtown to
9 help support downtown businesses. It's going to create a dynamic, active street front that greatly
10 improves the urban design of this part of our downtown. I urge your support and request that
11 you strike condition #3 of the staff report regarding the internalized HVAC system from your
12 motion to approve, as Urban Design Commission did last week. Thank you.

13

14 **BRAD CANTRELL:** Do we have any questions for Mr. McGrath? Yes, Mr. Rewey?

15

16 **MICHAEL REWEY:** Now you're going to have, part of your team is still going to come up
17 and talk?

18

19 **LANCE MCGRATH:** Yeah. The architects . . .

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21 **MICHAEL REWEY:** So I'll like maybe collectively ask them after they all talk.

22

1 **BRAD CANTRELL:** Okay. Our next speaker and part of the development team is Marc
2 Schellpfeffer?

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4 **MARC SCHELLPFEFFER:** Schellpfeffer.

5

6 **BRAD CANTRELL:** Schellpfeffer, okay. 3414 Monroe Street, in support. The applicant's
7 architect, again.

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9 **MARC SCHELLPFEFFER:** Thank you. I just want to walk you through kind of the plan
10 development of the building, give you a basic understanding of how the building lays out, how
11 we're addressing the street, some of the points that Lance talked to related to parking access and
12 then move up through the building to give a sense of where those units are, and what their
13 location is within the building. After me, Paul Cuta will talk more to the massing and the
14 articulation of the architecture, so.

15 As Lance mentioned, at the beginning of the project we originally had two access points
16 off of East Wilson to serve the parking below. What we've looked at doing is using the 18-foot
17 existing fire lane now to accommodate all of the 127 below-grade parking stalls. So traffic in
18 and out of the site comes down the fire lane, drops four and a half feet, and then enters into a
19 series of parking levels. Those parking levels drop you down from the East Wilson grade back
20 to, I'll call it, the railroad track grade.

21 Important point in that is, Tim mentioned the idea, of needing...the DC zoning, the
22 rezoning to DC. The building, the part of the building that actually pushes into that or up to the
23 property line is the below-grade parking. So when you're on John Nolen, from really the East

1 Wilson Street elevation down, is pushed out to the property line. And when we start to look at
2 the upper levels, the upper levels of residential as well as the commercial space actually pulls
3 back from that. Very similar to what's going on at Marina where the plinth of the parking is
4 exposed on John Nolen, and as that pulls itself back to create the main mass of the building,
5 that's pulled back from that property line.

6 As mentioned earlier, there's 9,100 square feet of commercial space at grade. The idea of
7 a small retail component that is directly on East Wilson starts to come into effect, and, as well as
8 the main lobby of the building. We see this as more of a public/private lobby. You walk by a lot
9 of residential buildings that don't have a lot of activity in their lobbies, so we're engaging the
10 entry of the commercial space that's beyond, the office space that's beyond, to be using that as
11 well. So the idea of moving in and out of the building at both the public/private residential lobby
12 as well as the commercial space off of East Wilson is trying to activate that street entry.

13 As you move into that space, we're still providing, with the articulation of the building,
14 the outdoor terrace that does start to take advantage of that lake view. I think it's an amenity that
15 the sites along there that few buildings have, so we wanted to give that opportunity, but at the
16 same time, as Lance talked, it's not envisioned as being a coffee/wine/bar shop. At this point, it's
17 more of the office...the incubator office type space.

18 As we move up through the building, the plans on the far left start to articulate the second
19 level, which is really the beginning of the residential units. So the residential units are wrapping
20 the Wilson Street, the John Nolen, and the Marina face at that point. There's common elements
21 of the building being a fitness center, some conferencing area, and then storage facilities within
22 the building for tenants to be able to rent.

1 As we move up through those conditions, the footprint begins to be relatively stacked at
2 that point, where main two- to three-bedroom units within each floor plate are focused on Wilson
3 Street and John Nolen. The idea there was to, the areas that'll have kind of a, more activity or
4 potential activity on their exterior conditions are focused more towards the street trying to keep a
5 lot of, the main balcony components off of the two sides being respectful to the neighbor.

6 As we said earlier, there is 28 feet between building face to building face. From our
7 property line, we're at 18 feet. From that property line to Marina is another 10 feet, which
8 creates the [timer sounds]. . .

9

10 **BRAD CANTRELL:** I'm going to give you another minute.

11

12 **MARC SCHELLPFEFFER:** Okay. As we move up through the building, those floor plates
13 really remain the same until we get to the 13th and 14th floor. On the 13th floor on the John Nolen
14 side, we begin to breakdown some of that architecture pulling the scale of it back to create larger
15 patios that are out there, as well as it just starts to talk to the architecture that Paul can continue
16 on with. On the East Wilson side of things that starts to happen at the 14th floor and starts to pay
17 respect, I think, to the architecture that's there and transitioning within our facility, so.

18

19 **BRAD CANTRELL:** Okay. Good. The next part, part of the development team is Paul Cuta,
20 in support, and wishing to speak. Mr. Cuta, I'll give you three minutes.

21

22 **PAUL CUTA:** Thank you. So I'm going to take you through the building a little bit as far as
23 the massing and the materials. We do have materials with us if you'd like to see them. And just

1 real quick, it's not upside down...it's a gravity defying building. The...I'll start up by just the
2 materials in the building are Cream City brick as the primary, the light color that you see. And
3 then there's, it's articulated with pieces, or it's a metal panel system, so it's a dry metal panel
4 system that's very high-quality, non kind of oil canning, and it's either in a, the silver is a clear
5 anodized and then we have the recessive material is a black anodized.

6 And then we're highlighting some, a little bit of detail and accent through the building
7 that has a little bit of the, adds to the identity and some of the ways you kind of read the building
8 from the different elevations, is a green panel. It's the same metal panel. But it has a custom
9 color on that.

10 So real quick...the start out with the, as you approach, this is coming down Butler Street,
11 and you kind of see how it fronts with the Marina building to the right, and Union Transfer to
12 the left. But you start to see how there are these vertical columns that come up. That's the stair
13 core, and then there's these living units that we've pushed out to the corner, and they're
14 articulated. You see a little bit of the green color that we've used to break down that vertical
15 scale and try and give a little bit more street scale relative to the adjacent building, so being
16 referential to it without being literal.

17 Most importantly, I think what you start to see on this elevation is down on the street
18 level, and we've pulled in a little bit, that's the commercial space that Marc and Lance were
19 talking about. So this is that primary commercial space. It's the idea that there's a little bit of an
20 entrance there to a space and some, a little bit of landscape and some signage. It's really to try to
21 activate that street frontage, and we do have a service door back here.

22 And then coming back around to the other corner, we see, we erode the corner back just a
23 little bit at the entrance. It creates some overhang, and that becomes the entrance that pulls you

1 back into . . . and you, again, see a little bit of splash of that color that draws you back into that
2 office entrance area that Marc was describing back on the first floor. So that green is back here,
3 and it pulls you into the main entrance into this office component. And then up here, the other
4 piece that you saw was the commercial piece that we envision as being, ideally, some sort of café
5 or coffee shop right on the street activating, Wilson Street at that location.

6 As you move around the building, you start to see, or you step out from some of the
7 views, you start to see how these forms kind of run . . . run around. And then as we move back to
8 the east, this is working back down Wilson Street, you start to see the form as it starts to create
9 the edge of the urban skyline as you approach from the east. And there's a little bit of that green
10 that starts to pull up as just a detail that we're using as an accent to give a little bit of life to the
11 building and identity [timer sounds] and it continues around, if I could have a minute I'll wrap it
12 up.

13

14 **BRAD CANTRELL:** Okay.

15

16 **PAUL CUTA:** Thank you. And, again, as you come back further around John Nolen, you see
17 it pull back in the recessive colors, working . . . way back around you see the base, we've broken
18 some windows into that to give a little bit of light.

19 The last thing I wanted to talk about real quick is there's some question about the
20 mechanical system. We've worked very hard to integrate it into the design. We respectfully
21 disagree with staff's position. We believe that it's important that whatever mechanical systems
22 are used on buildings, that they're incorporated into designs, and that should be the mandate, not
23 mandating what mechanical systems people should or should not use.

1 So we've gone to great lengths to integrate that into a...we have the architectural louver
2 here, they're vertical strips that run down the face of the building. It's, other than on a really,
3 really cold day, and there might be some frost on it, it would be hard to tell if there's any
4 penetration behind that or not. Behind that architectural louver is actually where we organize
5 ventilation for bathrooms, the washer and dryer vents, and the HVAC units. So that's all
6 organized behind that. For us, the idea is design is incorporated, and if you didn't know that it
7 was behind there, nobody would know where [timer sounds] the mechanical system is. Thank
8 you.

9
10 **BRAD CANTRELL:** Thank you. Other questions for the development team? Commissioner
11 Hamilton-Nisbet?

12
13 **TONYA HAMILTON-NISBET:** I just wanted to ask just real quickly since the development
14 team said they have materials, could we just see those?

15
16 **PAUL CUTA:** So this is the...this is the brick.

17
18 **MARC SCHELLPFEFFER:** The two types, the two types of metal, or the three types of
19 metal, are the clear anodized and the black anodized. And then the highlight portions that Paul
20 was talking about is the, is the green. It would be the same panel material in this color.

21
22 **PAUL CUTA:** This is the architectural louver I was talking about. It doesn't sit in a frame. It's
23 a continuous piece. It's frameless and it sits within the panel, so that it's integrated into the

1 design. The panel that we have is...is a high quality, it's actually bonded, so it doesn't oilcan or
2 anything. It's very nice material, durable that actually has a returned edge, and then this is set
3 into it, so it just, it appears much like a window but frameless. This is the material that's on the
4 base of the building as well, on, from the Nolen shore...Nolen Drive side.

5
6 **BRAD CANTRELL:** Commissioner Rewey?

7
8 **MICHAEL REWEY:** Thank you. In conjunction with the louvers, and I don't really have a
9 problem with how you integrated it into the design, but I have a question about the noise. What
10 kind of noise is that going to produce, as...you know, the HVAC or the heating system?

11
12 **MARC SCHELLPFEFFER:** We can...we can, I guess, get that. It's not a noise that's
13 uncommon to a typical fan component. It's not running at anything that's anywhere near kind of
14 that, I'd say, it's not an air conditioning, condenser-type noise, if you will.

15
16 **MICHAEL REWEY:** It's more quiet than an air conditioning unit?

17
18 **MARC SCHELLPFEFFER:** You know, we, the concerns we have, we have concerns from the
19 interior perspective as well related to that noise, so it's not a noise that's going to be detrimental
20 to the tenant that's actually living in the unit either. I guess, from a true decibel comparison, we
21 can, we can certainly follow with that information, but I couldn't tell you off the top of my head
22 what the decibel . . .

23

1 **PAUL CUTA:** It's not dissimilar, I mean...we don't know the exact decibels, but the buildings
2 on either side . . .

3

4 **BRAD CANTRELL:** Could you come up to the mic, please?

5

6 **PAUL CUTA:** The buildings on either side of it have exterior condensing units. It's not
7 something, as Marc said, is dissimilar. Again, I couldn't tell you what the decibels are . . . there
8 condensed, exterior condensing units at every level versus what this would be, but, again, we can
9 get you that detail for our, at least for our equipment.

10

11 **MICHAEL REWEY:** A couple more questions. The question about refuse removal and
12 loading zone issues. Could you show me how that's all going to work?

13

14 **MARC SCHELLPFEFFER:** So trash and recycling are all being collected within this room.
15 There's trash chute and recycling down in the main floor. When garbage comes to pick that up,
16 the individual will come to this double set of doors, pull out the trash, come to the loading or the
17 drive aisle, if you will, with where they'll have their truck, load from there, and then move on
18 from that point.

19

20 **MICHAEL REWEY:** And how about move-in/move-out?

21

22 **MARC SCHELLPFEFFER:** I think, Lance...do want to address move-in/move-out?

23

1 **LANCE MCGRATH:** Yeah. We have a loading zone identified down at the end of the
2 driveway entrance. So the plan is to have moving vehicles parked down here, and then they can
3 access our driveway access into the parking garage from this point, and wrap around to the
4 elevator. So it's a nice, direct contact from there. That's not big enough to accommodate a giant
5 United Van Lines type of truck, but our typical move-in is somebody's van, a U-Haul truck, a
6 friend's pickup truck. That sort of thing. So this will more than adequately our move-in/move-
7 outs.

8

9 **MICHAEL REWEY:** Another question. I've got a couple more here. Another question was...I
10 believe Traffic Engineering or someone mentioned about a vision corner.

11

12 **LANCE MCGRATH:** Yeah. A vision triangle. Marc, you want to . . .

13

14 **MARC SCHELLPFEFFER:** Yeah. I guess, and, correct me if I'm wrong, but what they're
15 concerned about is when we get out to the street, being able to have enough visibility from the
16 point where a car is leaving the site onto East Wilson.

17

18 **MICHAEL REWEY:** And have you accomplished what they asked for?

19

20 **MARC SCHELLPFEFFER:** So as it's...yeah, the building is eroded back here, so as you're
21 coming to the street, the triangle related to that edge is accomplished, and...

22

23 **MICHAEL REWEY:** Okay...

1 **MARC SCHELLPFEFFER:** ...with the car being at the far right when they're exiting the site,
2 we accomplish it at this point.

3

4 **LANCE MCGRATH:** And we need to show that on the drawings when we resubmit, show, to
5 actually physically show it on . . .

6

7 **MICHAEL REWEY:** And have, and the garage parking is basically only for cars or minivans
8 or vans...have those turning radiuses worked coming out of there to get into that?

9

10 **LANCE MCGRATH:** Yep.

11

12 **MICHAEL REWEY:** One more question is...where is the covered bike parking? I know
13 where it is, but explain it to me.

14

15 **LANCE MCGRATH:** Yeah. It's, Marc, you might want to interject here, right now it's spread
16 throughout the parking garage... anumber of different locations.

17

18 **MICHAEL REWEY:** I'd want to know where those locations are.

19

20 **MARC SCHELLPFEFFER:** Sure. When you, when we enter into the building, it really starts
21 to happen in two typical areas, I'll say, and then as some of the electrical rooms and mechanical
22 rooms go away, they'll be in those spaces as well. But it's, bike parking, as you enter within the

1 corners of the parking garage for tenants as well as where these two rooms are identified when
2 you get down to the next level of parking, those are occupied with bicycle . . .

3

4 **MICHAEL REWEY:** Are you carrying it all the way down to the bottom level for bike
5 parking?

6

7 **MARC SCHELLPFEFFER:** Are we carrying bicycle parking all the way down?

8

9 **MICHAEL REWEY:** Are you having bike parking on the bottom level?

10

11 **MARC SCHELLPFEFFER:** There's bicycle parking throughout the ramp, yeah.

12

13 **MICHAEL REWEY:** So they have to go around and around and around and finally get down
14 there and then go up and up and up. Do you really think that's practical?

15

16 **MARC SCHELLPFEFFER:** Well, I mean, the elevator is down there, but it's...

17

18 **MICHAEL REWEY:** No. I'm talking about the bike itself to get . . .

19

20 **MARC SCHELLPFEFFER:** ...it would be no different than the car . . .

21

22

1 **MARC SCHELLPFEFFER:** . . . there's no, that would be no different than the cars that are
2 parked . . .

3

4 **MICHAEL REWEY:** But the cars don't have to pedal all the way back up.

5

6 **MARC SCHELLPFEFFER:** There is an elevator that they hop in. So I guess the other spots
7 that we've talked of , and that we can certainly look at, are on the second floor of the building
8 itself where we were holding storage units that we know we can't count as bike parking. Those
9 storage units could actually be removed and be used as further internal bike parking.

10

11 **MICHAEL REWEY:** Those storage units might be best served on the bottom floor. So I guess
12 my comment take a look at is it reasonable to expect that lower level bike parking will even be
13 used, or will it be only in name only?

14

15 **LANCE MCGRATH:** If I could, one short comment on that. A lot of people like to have their
16 bike near their parking, so we're going to have the parking stalls throughout. It helps keep them
17 closer. So if it's closer to their vehicle, they can keep an eye on it . . .

18

19 **MICHAEL REWEY:** But it appears you doubled it on the bottom level compared at the other
20 levels.

21

22 **LANCE MCGRATH:** Yeah. More than likely. You're probably right.

23

1 **BRAD CANTRELL:** Commissioner Berger?

2

3 **MELISSA BERGER:** Commissioner Rewey covered most of my stuff. And I would just say
4 if, according to our drawings, it's 62 of the 96 bike stalls are on the lowest level. And it just
5 doesn't seem...I've lived in a condo, in a downtown condo, and I rode my bike into a ramp that
6 went down, and, you know, it's not fun, and it's not safe, really. I would really, highly
7 recommend to moving that. You don't have any, at least on your drawings, any on the first level
8 as you're getting. And you have to get all the way down to that, you know, second tray before
9 you run into any bike parking, so I would just kind of reiterate that. And what kind of
10 garbage...I was going to ask about the garbage too. So it sounds like it's coming out the front
11 door. So you're bringing big dumpsters out the front door?

12

13 **MARC SCHELLPFEFFER:** It's out of a service door.

14

15 **MELISSA BERGER:** Right. But it's in front of the building.

16

17 **MARC SCHELLPFEFFER:** It's at the front of the building. Yep. We've talked, you know, I
18 think part of that comes down to how the internal working of the upper units are starting to flush
19 themselves out as well as not wanting to take as much of that truck traffic... truck traffic, if you
20 will, further down the lane at that point, so.

21

22 **MELISSA BERGER:** Okay.

23

1 **LANCE MCGRATH:** And the rollout containers are two-yard dumpsters on wheels, similar to
2 what you see in a lot of other buildings. The trucks are front loaded and they pick them up . . .

3

4 **MELISSA BERGER:** So it's a pretty quick thing, and they wouldn't be sitting out there at the
5 driver's . . .

6

7 **LANCE MCGRATH:** That's a matter, I mean, it's when they're there.

8

9 **MELISSA BERGER:** Okay.

10

11 **LANCE MCGRATH:** We also, we can, it's privately collected, so we schedule when that's
12 going to happen.

13

14 **BRAD CANTRELL:** I have a question. The Chair has a question. Will the trash collection
15 truck be in the driveway or along the street?

16

17 **MARC SCHELLPFEFFER:** Right now, it's within the driveway.

18

19 **BRAD CANTRELL:** So they'll park in the driveway, pull out the trash, and then...okay. My
20 other question is the loading area at the end of the drive aisle. Will that block the entry point into
21 the parking garage?

22

1 **MARC SCHELLPFEFFER:** I think, like Lance had said, for the size of vehicles that are
2 typically there, no. It won't accommodate a large kind of United Van Lines semi-trailer. It, a
3 trailer of that size can get down there and back out if it wants to, but it is not...the loading bay
4 itself would not accommodate that.

5
6 **BRAD CANTRELL:** But the panel trucks like Two Men and a Truck, they could be
7 accommodated without encroaching on the parking garage?

8
9 **MARC SCHELLPFEFFER:** Without encroaching on the drive, yep.

10

11 **BRAD CANTRELL:** Okay. Commissioner . . .

12

13 **MELISSA BERGER:** Oh, can I... I just had one more.

14

15 **BRAD CANTRELL:** Oh, sorry, Commissioner Berger?

16

17 **MELISSA BERGER:** Just to follow what my last question was the back patio. Who do you
18 anticipate using that? Because it looks like besides maybe the commercial space, any tenants or
19 anybody who wanted to use it would have to walk all the way down that driveway with trucks
20 and cars and bikes going by and then climb up the stairs.

21

22 **MARC SCHELLPFEFFER:** It would just be the commercial tenant that would use that . . .

23

1 **MELISSA BERGER:** It's really not a space for the . . .

2

3 **MARC SCHELLPFEFFER:** It's not a public, no.

4

5 **MELISSA BERGER:** Okay. Thank you.

6

7 **BRAD CANTRELL:** Commissioner Zellers?

8

9 **LEDELL ZELLERS:** So...having observed that the Madison Mark does get moving trucks
10 that are larger than the Two Men and a Truck, they park in the street to do their deliveries. Is that
11 what you're intending then, that the larger vehicles would be parked in the street?

12

13 **LANCE MCGRATH:** Yes. If there was a larger vehicle that wouldn't fit down there, we'd
14 have them park in the street, and they would need to bag meters and take the appropriate steps to
15 do that. One of the conversations we had with Traffic Engineering is we will have a move in,
16 prepare a move-in/move-out form that addresses all these items and logistics associated with
17 that. And also by having our onsite management offices, we can help facilitate that.

18

19 **LEDELL ZELLERS:** Yeah. I think that's going to be important, because...the other situation
20 is not bagging meters, it's taking a lane. And so that has, I know, been a problem in that
21 particular area. And if we now have a second, you know, place, it's going to be also be more
22 problems. Then, in terms of the garbage trucks and the other smaller delivery vehicles, how does
23 that impact access in terms of if there were an emergency, fire vehicles, or, you know, whatever?

1
2 **LANCE MCGRATH:** Well, if there was an emergency, the garbage truck would have to get,
3 get out of there right away. The existing fire lane for the Marina is 141 feet long. So that stops
4 somewhere around here, where there's an existing retaining wall on the site right now, that's
5 where the fire lane stops. So the majority of our loading zone is beyond that. If you take the full
6 35-foot length that a typical loading zone is, we'd probably hang into that for 5 or 6 feet,
7 something in that range. And I also should point out we're not required to have a loading zone
8 for a project like this, but we feel it's important to accommodate it...to have something to not
9 impact the right of way as much as possible.

10
11 **LEDELL ZELLERS:** And so cars would still be able to get into the garage then when there's
12 that?

13
14 **LANCE MCGRATH:** Yep.

15
16 **LEDELL ZELLERS:** Okay. Thank you.

17
18 **BRAD CANTRELL:** Commissioner Resnick?

19
20 **SCOTT RESNICK:** I have a question about the 7,000 square feet of co-working space. Do
21 you have an idea on the rents of that co-working space, how much are you looking to lease out,
22 are there, is there parking attached to it? I just compare that to, as someone who has run a co-
23 working space before, that's more co-working space than I can think of right now that's currently

1 in the downtown that's far from 100%. So I'm just sort of curious on that plan, and what kind of
2 access or utilities are being provided for the co-working?

3

4 **LANCE MCGRATH:** Okay. We, it's not a fully developed concept yet as far as, you know,
5 the marketing plan and things of that nature. But the current plan is to move McGrath Property
6 Group offices there. Our development partner in venture capital is moving their offices there.
7 That's a good starting point. And then trying to bring in similar, like-minded type of businesses.
8 We've got residents in our building that might own small businesses looking for a space.

9 It, the idea is that it would be relatively affordable, too. It's not driving the economics of
10 the project. We think it's a nice amenity to have, creates more vitality for the project itself.
11 Some of our neighboring buildings, people in the neighborhood may be looking for a spare
12 office. I'm not sure, but . . .

13

14 **SCOTT RESNICK:** Do you know if you're doing it by desk or anything of the . . .

15

16 **LANCE MCGRATH:** No. Not at this point. I think part of it...I think if it's going to, it's
17 going to be a hybrid would be my guess. I don't think it'll be like a . . .

18

19 **SCOTT RESNICK:** A dedicated space for bringing in more of the multinational co-
20 working . . .

21

22 **LANCE MCGRATH:** . . . yeah, not like a Regis type approach or anything like that. It's more
23 of a hybrid, where maybe certain businesses pay for a dedicated area. Others, it's more open,

1 free space, big open spaces with big tables where there's more collaboration and, you know,
2 synergies associated with that, common conference rooms, common break area, Ping-Pong table,
3 you know, things of that nature. Parking-wise, there's not a lot of spare parking, but there's good
4 tradeoffs with office space and residential, where the residential uses are usually gone
5 predominantly during the day when the office users are coming in. So we will be able to park
6 some of our commercial users to help make it more marketable in that respect.

7
8 **SCOTT RESNICK:** Okay. Yeah. I would really look at the bike parking inside that as well
9 just, after running a space, you know, if . . .

10

11 **LANCE MCGRATH:** We've talked about too to have, you know, totally would have bike
12 parking within that space for this type of tenant, I would think, for the commercial space.
13 Actually, within the office.

14

15 **BRAD CANTRELL:** Commissioner Sheppard?

16

17 **MAURICE SHEPPARD:** Just a quick question. Mr. McGrath mentioned earlier that one of
18 the issues that came up at the neighborhood meetings was the issue of the height of the building.
19 And you mentioned that reducing the height would make the project economically . . . sort of not
20 possible. Is there any, I'm just asking this question just to get a better understanding of this, is
21 there any movement there if you reduced it from 14 to 13? Does that make it economically
22 unfeasible? Or if maybe reducing the, once again, the height of the building, is it the economic
23 and also a design issue?

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LANCE MCGRATH: Yeah. I think it's a combination of both, but it's predominantly economic. It's a relatively small site. It's not a real big building. We have a relatively small footprint that repeats as we go up, so our issues are that as we reduce the rentable square footage, what's left are, the cost per square foot of the remaining structure to build, and it's a very expensive building, concrete construction and the composite metal panels, it's got an expensive skin to it. That cost per square foot starts to rise up, and it's significant. It jumps up fairly substantially.

And then at the same time, we're losing rentable square footage, so the income part comes down and the expenses go up, and those combined are a bad answer for a project like this. I brought this up at Urban Design. If, you know, if, this has been a challenging project, and if there was a way to feasibly do that, I would love to be able to make some friends in our neighboring building. But I think the reality is this site needs to be the size and the massing that we're proposing here in order to make it work. And if it's not us, the next developer down the road is going to come by with the same type of project. It's just the only way to get the math to work for it.

MAURICE SHEPPARD: Thank you.

BRAD CANTRELL: And Mr. Heifetz?

1 **MICHAEL HEIFETZ:** Thank you, Mr. Chair. Mr. McGrath, or for the architectural team, I
2 have a question similar to Mr. Sheppard's. Does your answer essentially also apply to the
3 question of view corridor as you discussed in your opening comments?
4

5 **LANCE MCGRATH:** Yeah. Same answer. Where if we start eroding corners and losing that
6 square footage that repeats going up, the same issues happen. There's also issues associated with
7 this being a concrete building where we have structure that goes up. There's ripple effects
8 through. It just makes trying to make efficient floor plates, how they lay out to residential units,
9 a real challenge. And that impacts your efficiency, which impacts your cost. It's all, it's a real
10 fine, you know, balance and kind of a juggling act to a certain extent.
11

12 **MICHAEL HEIFETZ:** And I don't know of the concrete issue, but if you are to round off the
13 edges, does that shrink the number of apartments, or does it shrink some of the apartments,
14 which is probably an obvious question just based on geometry?
15

16 **LANCE MCGRATH:** It depends how big of a radius you're talking about, but . . .
17

18 **MICHAEL HEIFETZ:** It's a hypothetical. I'm not proposing a radius.
19

20 **LANCE MCGRATH:** Yeah. It would impact both to a certain degree. It's... there's certain
21 efficiencies with the plate we have and the repetition that happens as it goes up from a
22 construction point of view, and adding radiuses is a little more complicated, but same issue

1 where you're losing square footage and that ripples through, so costs go up and rentable square
2 footage goes down.

3

4 **MICHAEL HEIFETZ:** And who, in broad strokes, is your presumed clientele for the building?

5

6 **LANCE MCGRATH:** I would say this is predominantly young professionals. I think we'll see
7 some empty nesters in this building. I think we're going to start to see some of the move up
8 crowd from the typical downtown renter that's out there right now. Your Epic employee that's
9 been there four or five years, I could see high demand to move into a building like this from that
10 crowd.

11

12 **MICHAEL HEIFETZ:** Well, this is more comment than question, but every developer comes
13 before us with an apartment complex, says it's Epic employees, so I'm starting to share the
14 skepticism of some of my other colleagues.

15

16 **LANCE MCGRATH:** In our existing downtown buildings, they 25% to 30% of the
17 demographic in any of the buildings kind of across the board, and I just use Epic as a good
18 example everyone knows. But, sure, there's been a bit of a demographic shift, or I don't know if
19 that's the right way to phrase it, but...kids that graduate from college now don't have the same
20 priority list of things to do, and buying a home isn't high on their priority list of at all. So it's
21 really any young professional that's upwardly mobile, doesn't want to make a firm commitment
22 to buying a condominium at this point in their life, that type of crowd, and then to move up
23 portion also.

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MICHAEL HEIFETZ: So move-in/move-out or lease dates would not follow the student calendar. Is that correct?

LANCE MCGRATH: Correct. We're typically June, July, and August move-ins. That's probably 90% or 95% of all our lease turnover. If anything happens outside of that, it's usually a sublet situation. And in that case, we get them back on the summer turnover, so, and it's usually the first of the month, although we'll have some sporadics too.

MICHAEL HEIFETZ: Okay. And full disclosure, this next question is out of complete self-interest, but I think others will share the self-interest. I'm a frequent pedestrian on that street. How is my safety addressed as I cross when cars or entering, or bikes, because I could still get hit and killed by a bike despite Mr. Rewey's affinity for them.

LANCE MCGRATH: Well, I think it's similar to what's there right now. There's residential buildings, and we have one access point for our vehicles coming out, our lobby space is there, the retail space. There's more activity, I think, that naturally slows things down. We also, our driveway is 18 feet wide, which is on the narrow side, and that's intentional to some degree, in that it's a natural, you know, speed bump, so to speak, where it'll slow traffic down coming and going. And then we do have the adequate view triangles on both sides of the drive aisle, so I think all those things combined. But similar to any downtown location, pedestrians need to be careful at all times.

1 **MICHAEL HEIFETZ:** Thank you. Thank you, Mr. Chair.

2

3 **BRAD CANTRELL:** The Chair would like to continue the public hearing, but we have two
4 members that we have questions. I'll address those, and then I would ask the Commission to
5 hold their questions until after the public hearing. Commissioner Rewey?

6

7 **MICHAEL REWEY:** I apologize for coming back. I had one more question on my printed list
8 here that I missed. What I heard from staff earlier was this building is going to be there for
9 generations, is going to create a visual impact. And I'm looking at it from Lake Monona and
10 from Law Park, how this building is going to look. From the parking level up, it looks good.
11 But I need an explanation of why is there a different look to the building, and not even a
12 symmetrical look, at the parking façade level?

13

14 **MARC SCHELLPFEFFER:** The idea behind the base of the building was to make it that.
15 We wanted what was going on at the upper levels all the way down through commercial to sit on
16 a substantial base, so not only the material change but the articulation of the base actually
17 coming out from the regular plane of the building starts to identify that as a base.

18 Some of the articulation within it, the windows and the slot of the windows are
19 articulations that have come out of concerns for . . . what's there now? When you drive down
20 John Nolen, you see the back end of below-grade parking. So how do we start to create some
21 sort of life on that wall, that not only during the day gives a little bit and chatter and breakdown
22 of that element, but also at night with some of the translucent punches that are in there that allow
23 some light to pour out of that space as well. For the . . .

1
2 **MICHAEL REWEY:** The reason I'm asking is the Marina side is pretty much a flat look,
3 which actually looks pretty good. On the other side, on the, the Union Transfer building, the
4 pattern continues all the way to the bottom. This one, you go from a, you know...a symmetrical
5 pattern in some form, then you all the sudden go a random pattern.

6
7 **MARC SCHELLPFEFFER:** I think some of that is to help to articulate the fact that it is a
8 strong base. We didn't, we brought the proportions of the windows down. We brought the
9 proportions of the openings within that in the module that we're using on the building down, but
10 to bring down just that same language to the bottom starts to create, it's not allowing us to create
11 a hierarchy to the . . .

12
13 **MICHAEL REWEY:** I understand the substantial. That's how the Marina did theirs. They
14 made it look substantial. Is there any reason why you didn't, wouldn't have done it without
15 windows or with windows that made some symmetrical sense?

16
17 **MARC SCHELLPFEFFER:** I think the . . .

18
19 **PAUL CUTA:** Real quickly, I think there is, there is a symmetrical, there is a reason to it, and
20 there is a symmetry as far as the way it ties to the rest of the design. We do have these vertical
21 lines that appear on the building and show up through the layers and sometimes are out. That
22 same sort of kind of vertical chatter that creates an illuminated dynamic, those same sort of
23 things are happening along this masonry wall that draw you back in. It's hard to see here, but

1 you can take a look at renderings as well. But there are vertical lights that kind of play along that
2 masonry.

3 It's something that we're doing to try to, I guess, create a little bit of visual interest along
4 there instead of letting it just be mundane. And it is part of that whole vertical strip that we've
5 tried to create as a detail and subtly, and maybe not so subtly in some places, change that. And
6 so that it becomes this dynamic plan what would otherwise be a rather, kind of banal elevation
7 along the rail core.

8

9 **MICHAEL REWEY:** I guess I'm missing what you're talking about, vertical strip. I don't see
10 it.

11

12 **LANCE MCGRATH:** I will bring the true elevation over to you . . .

13

14 **MICHAEL REWEY:** Which pair of glasses should I wear now?

15

16 **PAUL CUTA:** So these are these lines that run through.

17

18 **MICHAEL REWEY:** Right. I understand that part.

19

20 **PAUL CUTA:** Here they're tucked behind, so they're behind, and then they come out in front.

21 Here it's just a line all the way down. Here it's a line . . .

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23 **MICHAEL REWEY:** But here?

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PAUL CUTA: Here it becomes a line, that's the same line that kind of has a chatter that moves up and down, so it's just morphing that vertical piece. When we come around to this side, these, along this surface . . . I'll switch over to the rendering, we're starting to do some of that along here as well is these vertical lights start to . . .

MICHAEL REWEY: No. I'm more, okay.

PAUL CUTA: Well, you asked me, and I'm answering your question.

MICHAEL REWEY: Well, I was, I was interested in the back side on how . . .

PAUL CUTA: Okay. Well, I'm trying to explain how it's integrated into the overall design, and that it's not just a random thing, that it's tied to other elements that we're trying to continue through. So while you see it there, it's actually, there's other pieces that are referential in the architecture, in our opinion.

MICHAEL REWEY: But when you're looking at from Law Park, you don't look at what's in front of the building and understand why it's doing that. If you're standing in Law Park, and you saw that, it probably looks like some of the other buildings further down that have no rhyme or reason.

1 **PAUL CUTA:** You know, we did look at, I can tell you we did have a whole series of studies
2 that looked at very orthogonal kind of symmetrical punches in there, and it was, I have to say
3 that it was a very banal, stagnant design that was probably not unlike some of the, kind of the
4 very ordinary wall that you see on the parking structures and on the other surfaces that are along
5 that backside. We actually think that this is a little more interesting along that elevation, and it
6 helps create a little bit of punch in what's otherwise, I think, an often unthought of elevation in
7 our opinion.

8

9 **MICHAEL REWEY:** I guess my question is there other ways you could've accomplished that
10 other than having the random vertical lines . . . random?

11

12 **PAUL CUTA:** Sure. And that's why I said we could have a very, or a very orthogonal order,
13 ordinary space. We looked at that and we thought that it was less than desirable. To answer
14 your question, yes, it could be done a different way.

15

16 **BRAD CANTRELL:** Okay. Thank you for the answer. Lastly, Commissioner Hamilton-
17 Nisbet?

18

19 **TONYA HAMILTON-NISBET:** I just had a tagalong question to what Commissioner Heifetz
20 was asking about at this point to Mr. McGrath, and the question that I have is now you talked
21 about the numbers and the issue of, Mr. Heifetz had asked about rounding out corners or other
22 things that would change some of the numbers for you in terms of your income and your
23 expenses, so the question that I, you know, this building right now is 100% rental units. Correct?

1 Other than the, you know, in the residential component? So my question is did you look at any
2 other business models for this building, any combinations of rental and ownership, for example,
3 or something that would make those numbers add up for you to add some space and some light
4 in between those buildings?

5

6 **LANCE MCGRATH:** Yeah. We did look at condominium options for it, and it wasn't a very
7 long study. Primarily, the main issues are market is rebounding for downtown condos right now,
8 the demand, or the supply is starting to dwindle, but the main issues are financing. Getting a
9 bank to finance a condominium project would be virtually impossible at this point in time. It's
10 also, how we approach things, we're not looking to develop condominiums. We're looking to
11 develop long-term investments that we hold and maintain and let grow. It's not the
12 condominium model where you sell them right away and try to make money right out of the gate.
13 This is a long, slow, steady approach to that.

14

15 **TONYA HAMILTON-NISBET:** Okay. All right. Thank you.

16

17 **LANCE MCGRATH:** And one, if I could also add an addition to Mike's last question or a
18 clarification, we're intending to do some landscaping behind our building and also proposing to
19 do it behind the Marina. The land is currently owned by the Union Pacific Railroad and we've
20 had discussions. They're open to us doing a permit that would allow us to do landscaping behind
21 there. So, and we've also offered to do that behind the Marina building.

22

1 **BRAD CANTRELL:** Thank you. Our next speaker is Lee Christensen at 137 East Wilson
2 Street in opposition, and he will be followed by Kenton Peters. You have three minutes.

3

4 **LEE CHRISTENSEN:** Okay. Actually, we'll be pretty brief. I'm the current President of the
5 Marina Condo Association. I was also the chair of the steering committee. I anticipate many of
6 my neighbors to bring up some other issues.

7 So one of the issues I just wanted to touch on briefly was that the way this building is
8 designed, it makes the quality of a lot of the interior units to be a little bit subject. Sort of the
9 way I counted it was that 57 of the units in the building will be, have, will have no other view
10 than the adjacent building, which is the Marina 28 feet to it, to the west, or it would be within 10
11 feet from Union Transfer, so about 45% of all the units really have no view and very little light.
12 So if you have any questions about the steering committee process, I'd be happy to answer those
13 for you, otherwise, I'll let other people speak. Thank you.

14

15 **BRAD CANTRELL:** Does the Commission members have any questions for the speaker?
16 Thank you, Mr. Christensen. The next speaker is Kenton Peters at 155 East Wilson Street,
17 followed by Francisco Scarando, Scarand . . .

18

19 **KENTON PETERS:** Could I get some help to distribute these to the . . .

20

21 **BRAD CANTRELL:** Sure, sure. Kevin?

22

23 **KENTON PETERS:** There's two different drawings here.

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BRAD CANTRELL: Mr. Peters, you have three minutes now.

KENTON PETERS: Three minutes?

BRAD CANTRELL: Yes.

KENTON PETERS: Is it started?

BRAD CANTRELL: I haven't started it yet. I'll have them distribute these before.

KENTON PETERS: . . . and there's a separate drawing I'd like each of, each member to have. .
. so I'm Kenton Peters. I designed the two buildings on each side of the proposed project. I'm a
bit schizophrenic about this. I've registered in support, and I am in support of development on
that site. However, I have a number of reservations, excuse me, about the design of their
building. But I'm not here to talk about that tonight.

About a year ago, the City issued a Downtown Plan, of which this body, as I understand,
reviewed and recommended its adoption. And the City adopted it. And in that Downtown Plan,
they have nine key objectives that they hope to achieve with their lofty aspirations for our
downtown. And they were lofty, and they were well worthwhile.

The number one priority of their key issues was to embrace the lakes, to celebrate the
lakes, to integrate the lakes as an innate part of our downtown. It's a very admirable goal. It's
been the number one priority on the seven previous plans for downtown starting with John Nolen

1 back in 1911. Unfortunately, all seven of those plans lie on a dusty shelf somewhere, none of
2 them realized. And today we're still faced with a, the last plan who has its lofty operations,
3 rather, aspirations.

4 The project that you are asked to review and approve tonight ignores that plan, ignores
5 three of the basic key objectives, number one, which is about the lakes, number three, which is
6 about the quality of life, number four, or five, rather, is about the traditional character of
7 downtown. I'm here only to talk about number one, the top priority. The City has said that they
8 will do sweeping changes in the, in the lake. They will increase recreational activities in the
9 lake. They will integrate it and embrace it. But the problem is, you can't get there from here.
10 And the project that is proposed to you tonight reinforces that aspect, that you can't get there to
11 enjoy what the City is aspiring to do. So my purpose for being here tonight is to make a
12 suggestion. [timer sounds] Am I done already?

13

14 **BRAD CANTRELL:** Can you wrap up in a minute?

15

16 **KENTON PETERS:** No. Could I have a little bit longer, because I'm going to make a
17 recommendation to you . . .

18

19 **BRAD CANTRELL:** Two minutes? I'll give you two minutes.

20

21 **KENTON PETERS:** Okay. It just involves a century is all. I'll make recommendations to
22 make it short. Is it, the developer who's going to build 9,100 square feet of commercial space on
23 the first floor on the street level. He's going to rent it out to whatever he wants to rent it out to,

1 so he can make money. He's entitled to make money for doing what he's doing, and I commend
2 him for doing this.

3 I would make a recommendation to you tonight...that there should be, you should make a
4 difficult decision, well, I shouldn't say it's difficult, this is an easy decision. The City Plan says
5 that there should be access to the lake. The City has identified that, as has the consultant for the
6 South Capitol Square, recommended that 149 East Wilson is an ideal spot for access to the lake.
7 The developer has ignored the City Plan. He has turned his blind eye to the public. So my
8 recommendation to you is that the City rents that space. All 9,100 square feet of it.

9 I've run the numbers on it. I know how much Mr. McGrath can make and should make
10 for the risk he's taking, but the amount is not very much for the City to have that access to the
11 lake. I had written out a resolution that I was going to read to you, but I can't read it to you
12 because I can't see it, really. But it's, in effect, says that this body, this august body that I'm now
13 facing, would recommend to the Common Council that the Common Council enter into
14 negotiations [timer sounds] with Mr. McGrath to rent that entire space for a reasonable amount
15 of money and pay him what he would've made had he built it himself.

16 The number is not much, and I'll submit that later to the Plan Department. But, again, I
17 have to end. I would recommend that you seriously consider that. Simply, the City should rent
18 that space and make it an access. Now the drawing I've given to you, one of them shows the
19 plan of where that access could be on the first floor. It leaves plenty of room for Mr. McGrath
20 and his tenants to get into the building. A much better entry than he's proposed.

21 The second drawing shows a cross-section, which shows how that access to the lake, 50
22 feet wide, leads right out to the next aspect of getting across John Nolen Drive, which your
23 consultants are studying now. So [timer sounds] thanks for the extension.

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BRAD CANTRELL: Thank you, Mr. Peters. Any questions for Mr. Peters? Yes, Commissioner Berger?

MELISSA BERGER: Well, it's maybe a little bit more of a comment, but I just want to say that I'm on the South Capitol Transit Oriented Design Committee that Mr. Peters is talking about, and I was going to bring this point up as well. I think that he brings up a really good point, and the consultants that are working on that project really have come up with some innovative and really interesting ideas for what that bridge could be. It's not just necessarily a footbridge that crosses John Nolen. It could have public space on it. It could have, even, potentially café space, gardens, all sorts of things. It could be a nice, wide plaza, which, you know, you started to describe here, but I know you didn't have a whole lot of time.

And I just want to say too that of all the places that they are looking at, that this really is the most ideal spot, at least in my mind, and I think in some other folks' mind on the committee, because of its particular elevation, where the elevation of Wilson Street is as compared to the, it's got to be a certain level to get over the railroad and get over to the other side, and also because it's right kind of at the end of King Street, it makes sense connectivity-wise. So I just wanted to build on your comments and kind of say I agree. Thanks.

BRAD CANTRELL: Thank you, Commissioner. Commissioner Zellers?

LEDELL ZELLERS: Mr. Peters?

1 **KENTON PETERS:** Yes?

2

3 **BRAD CANTRELL:** Mr. Peters, we have a question for you.

4

5 **LEDELL ZELLERS:** I'm just wondering if you raised this possibility with Mr. McGrath or his
6 architects, and how that went over if you did.

7

8 **KENTON PETERS:** Yes, I have. And I've had, and that's why I didn't want to go in, I'm not
9 here to criticize their plan. I've had no response from Mr. McGrath. On three personal
10 occasions, three letters to him, I've had no reaction. I've had not much support. I do have lots of
11 reservations about the building. I think Madison deserves better. But I've had no reaction about
12 this idea of creating a public access.

13 Each of you members, all 12, when they're here, represent about 20,000 people in the
14 City, and what we're dealing with at that site is something for the entire public as did the
15 Downtown Plan. That's for all 238,000 people in the City of Madison. It's not just for one
16 developer. I don't... I encourage him to make money there. But here's an opportunity to deal in
17 a businesslike manner, for the City to buy an access to the lake for a very reasonable number that
18 would allow the entire City the only access for 4,000 feet between Blair Street and Broom Street.
19 And even when you get there, you've got to fight the traffic to get across.

20 So this is a subject that all of you can count your 20,000 constituents that you represent,
21 and I ask you to really, seriously consider having the City to act very businessly responsible and
22 buy access to that lake through that site. And as I show on the drawings there, it can easily be
23 done. Mr. McGrath doesn't have to build anything at that point.

1 He would, if he built that commercial space, that's going to cost him about, I figured it
2 out, about \$2.1 million total. He doesn't have to spend that money. But he'll make, from a deal
3 like I'm proposing, what he would've made had he built that space and went through the trouble
4 of renting it out. So, again, I most respectfully and urgently ask you to consider that. We need
5 access to the lake.

6

7 **LEDELL ZELLERS:** Thank you.

8

9 **BRAD CANTRELL:** Thank you, Mr. Peters. Our next speaker is Francisco Scarano at 137
10 East Wilson Street, speaking in opposition. You'll have three minutes.

11

12 **FRANCISCO SCARANO:** Thank you. My name is Francisco Scarano, and I live in the
13 Marina looking west. I'm not on the side of the proposed development, and my views, air,
14 privacy, will not be impaired. Yet I oppose Mr. McGrath's proposal before you for what it will
15 do to livability in Madison's possibly densest acre, 210 households on 1 acre of land. Last night,
16 I e-mailed a letter to members of this commission concerning the degradation of fire safety in
17 this three-building complex where this project could be built. The letter stands on its own and
18 needs no further explanation, though I'd be happy to respond to any questions.

19 Given time constraints, I'd like to focus on a different but related issue. The building's
20 failure to ensure neighborhood safety and walkability when handling move-ins and move-outs,
21 as well as deliveries, and we heard some of that already. For a tower with 127 apartment units
22 plus commercial space on a street intersection already busy with vehicular, pedestrian, and

1 bicycle traffic, this is a serious deficiency that needs to be addressed through a fundamental
2 rethinking of the project.

3 Mr. McGrath expressed hope that moving and delivery vehicles would use the fire lane
4 parking entry accommodated as best they could towards the southern, i.e., the John Nolen part of
5 that lane. Asked specifically about this at a steering committee meeting, Mr. McGrath said,
6 quote, that's where we hope they'll go. At the UDC (Urban Design Commission) meeting last
7 week, he repeated the idea but now with a certainty that, quote, most moves would be done in U-
8 Hauls or in vans like you heard him say tonight.

9 I don't know how you move a two- or three-bedroom home in one of these vehicles. In
10 fact, across the street at the Madison Mark as we heard, another rental property, at least half if
11 not more of the moves happen in large rigs or in pods. Were the same proportion to hold here,
12 this means that at least 60 move-ins and a similar number of move-outs from the second year
13 onward would occupy space that could not be accommodated, or perhaps could be
14 accommodated illegally or illicitly in the portion of the parking lane that he's devoting to move-
15 ins that could not be accommodated in our, the Marina, fire lane.

16 That's why Traffic Engineering disagrees with the developer's claim, calling the interior
17 move-ins and move-outs unlikely, and claiming they, quote, may result in moving vehicles and
18 garbage trucks staging within the Butler/King/Wilson Street intersection, end quote. This is not
19 a trivial matter. It's not something [timer sounds] we can leave to chance either hoping it won't
20 happen. May I have another minute, please?

21

22 **BRAD CANTRELL:** Yes, you can. Yes.

23

1 **FRANCISCO SCARANO:** Traffic Engineering knows there are no parking spaces in front of
2 the proposed building. Commercial vehicles could park in metered stalls 100 feet west across
3 the commercial space in the Marina, or 300 feet east in front of the Summit Credit Union. Oh,
4 yes, and the Credit Union is going to love this when they realize the frequent obstruction.

5 The first option would force cargo to be moved across the busy Marina garages entrance,
6 the second across one of the Union Transfer entryways. Workers in their haul would face
7 significant pedestrian and bicycle traffic along the way, an intolerable and dangerous congestion
8 of workers, cargo, pedestrians, cyclists, and vehicles is the likely result. I will stop here now.
9 Thank you.

10

11 **BRAD CANTRELL:** Are there any questions for the speaker? Yes. Commissioner Heifetz?

12

13 **MICHAEL HEIFETZ:** Thank you, Mr. Chair. Thank you, sir, for your comments. What size
14 building would alleviate all of your concerns?

15

16 **FRANCISCO SCARANO:** Actually, we have talked about a building that could be as tall as
17 14 stories that would be set back 10 feet more than it is now, so that it would be set back 38 or 40
18 feet, which is actually the distance that exists in the cutout between the two front and back
19 portions of the Marina, 38 to 40 feet. We could live with that kind of building.

20

21 **MICHAEL HEIFETZ:** So it is not a height or density issue from your perspective, is that
22 correct?

23

1 **FRANCISCO SCARANO:** Well, density it certainly would have to do with it, because density,
2 I mean, the bulk of the building will have an impact on density.

3

4 **MICHAEL HEIFETZ:** Yes, but you never know. One could respond by shrinking the size of
5 apartments, and suddenly you have the same number. So one solution . . .

6

7 **FRANCISCO SCARANO:** Well, I don't think that Mr. McGrath is talking . . .

8

9 **MICHAEL HEIFETZ:** . . . begets another.

10

11 **FRANCISCO SCARANO:** Hmm?

12

13 **MICHAEL HEIFETZ:** One solution, hypothetically, could be at another. So I'm just trying to
14 understand if there's a way to alleviate your concerns in the context of the project.

15

16 **FRANCISCO SCARANO:** My major concern, as you saw, is, at this point tonight, is the issue
17 of move-ins and move-outs, which is going to be hellish.

18

19 **MICHAEL HEIFETZ:** Thank you, sir. Thank you, Mr. Chair.

20

21 **BRAD CANTRELL:** Commissioner Berger?

22

23 **MELISSA BERGER:** How does Marina do move-in and move-out? How are you . . .

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FRANCISCO SCARANO: For the most part, the trucks or rigs park in the stalls that occur, that are between the Marina entrance, entryway, and the SWIB building right next door. And so they park there, they move in the cargo through the main lobby and into the cargo elevator. So that it's, it does not impede the actual traffic of people or cars coming in and out of our garage, which this would impede.

BRAD CANTRELL: Okay. Does that answer your question? Yes. Thank you. Our next speaker is Marcus Higgins, and he's wishing to speak in support. He resides at 451 West Wilson Street. You have three minutes.

MARCUS HIGGINS: I'll share the perspective of a potential tenant to the proposed building. I was recently offered a position to relocate in Madison and work at a startup in the area in an executive management role. And I had to find a place and move here in less than two weeks, and I have a family, and I figured that the type of hours I would be working, 80 to 90 hours a week, I needed to live close to downtown, so I could walk to and from the office, which is right off the Capitol Square.

Finding a three-bedroom rental in Madison, Wisconsin in December or January is virtually impossible, as you guys all know here. It literally was quite impossible, which almost caused me to turn down the offer, which really would've been a shame, because being from Milwaukee, and we were living in South Carolina, we were really excited about the opportunity to get to Madison.

1 Luckily, I found McGrath Property. They had a sublet, which they allowed me to move
2 into, but, unfortunately, having a family under the age of one in a two-bedroom apartment isn't
3 all that luxurious. My role at EatStreet, the startup company in Madison that I'm working for, is
4 to double our total employees over the next 12 months and triple our user base.

5 So the same problem that I'm having moving here, I'm having right now recruiting people
6 from Silicon Valley and Chicago to move up. We need places with three-bedroom availability,
7 and right now, I really have a hard time recruiting people because of that. This project would
8 definitely offer the close proximity to our headquarters as well as more tenant availability for our
9 employees. In addition, the common workspace that's proposed by McGrath Property would
10 also be used by our company as our employees work late into the night and could work together
11 there. That's all I have.

12

13 **BRAD CANTRELL:** Any questions for the speaker? Thank you.

14

15 **MARCUS HIGGINS:** Thank you.

16

17 **BRAD CANTRELL:** The next speaker is Bruce Rounds, residing at 137 East Wilson Street, in
18 opposition.

19

20 **BRUCE ROUNDS:** Thank you. My unit faces directly east and south, so better than 60% of
21 the windows on the east side will be within 28 feet of a wall. To be clear, I'm not in opposition
22 to that particular space being rental property or even residential. My opposition is clear. It's the
23 size and the structure that's being proposed.

1 As many of you probably know, it's an extremely narrow lot, and so to put that size of
2 structure with 127 plus units in that small a space, 13, 14 floors high, is a serious issue for
3 anyone living on that east side, whether it's in the new building or whether it's in the Marina.
4 Today, you know, we all have views all the way from north, east, and south. To answer a
5 question that was asked earlier, you know, I would be more than happy to support a building
6 next door that had the appropriate setbacks that allowed for, you know, 30, 40 feet of space,
7 allowed light to come in, allowed at least views from the south and possibly a little narrow
8 window to the north.

9 So, and I think that the overall safety issue is not being addressed. You know, 127 units.
10 If you think of Marina today, there's, you know, 56 units there. We're more than doubling, you
11 know, the number of units in a very small, tiny space. I know as I try to exit today, even the
12 Marina, you know, we have our little mirrors on the side, you know, looking out the side to make
13 sure that pedestrians, you know, are safe, this is going to be even more complex, because, if you
14 think about it, it's going to be in a main thoroughfare, because this is where, you know, King
15 Street basically lets out right into the street.

16 So, you know, I'm an avid runner, so I'm constantly going down that street, and, you
17 know, I worry about my safety, and I would worry about the safety of others as well. So that's
18 my opposition to this program. Thank you.

19

20 **BRAD CANTRELL:** Thank you. Any questions for the speaker? Thank you. Our next
21 speaker is John Wiley...residing at 155 East Wilson, and here speaking in, neither in support or
22 opposition. Mr. Wiley, are you still here?

23

1 **WOMAN:** I think he left.

2

3 **MAN:** He left.

4

5 **BRAD CANTRELL:** He left. Okay. Sorry. The next speaker is Julie Van Cleave at 137 East
6 Wilson Street, and opposed, followed by Tim Yarnall.

7

8 **JULIE VAN CLEAVE:** Hi. I'm here to express my concerns regarding this project. While
9 technically mixed-use, we see that, you know, we know that it's a very high density apartment
10 project on a .37 acre, highly visible, Lake Monona, lake facing property. I'm hoping that the
11 Plan Commission completes a thorough review of the plans, which seem to be on especially fast
12 timetable given the importance of our lakefront to the Madison community, to our statewide
13 visitors, and all lake users.

14 In attending the recent Urban Design Commission meeting, I was gratified to hear that
15 the City of Madison would consider this a century type of building, and, which should be the
16 highest materials and quality. Unfortunately, the proposed project appears to have the equivalent
17 of room air conditioners for the 127 units, which are distributed around the exterior with, as we
18 heard tonight, unknown noise, no true common or public areas of note, minimalist balconies, and
19 other elements, any one of which these features would take it out of contention to be able, for a
20 building to be, expected to be admired for the next 100 years.

21 My deepest area of concern, and I think from our, of my fellow residents as well that
22 you've heard, the very density of the building amplified this building's largest Achilles heel, the
23 fact that there is not parking or stopping in front of this building. In fact, it is yellow curbed the

1 entire front face of the building, as it is effectively the top of a T-intersection of Butler, King,
2 and Wilson.

3 And there are traffic signals right in front of the building, which were, are left off the
4 architectural drawings presented to the Urban Design Commission and tonight. So, technically,
5 the intersections of Wilson, King, and Butler not being, it's not technically a T-intersection, it's
6 actually more complex than that, and it has the added complexity of being a spot of the
7 convergence of the one- and two-way directional Wilson Street. Without a loading zone in front
8 of the building, it is very likely that moving vans and other construction and delivery vehicles
9 will illegally stop within the intersection, and many will also spill over to block adjacent
10 driveways. It will turn this already confusing and tight intersection into a bonafide nightmare.

11 When this is coupled with a building that is designed to have high turnover with studio
12 apartments and other small units, they're not a category of long-term housing as a rule, the
13 Achilles heel is made so much worse. These are real, everyday concerns, and I would
14 recommend walking, or better yet, trying to park near here and better understand the logistics of
15 this area. Putting 127 units on a site slightly larger than an average suburban lot magnifies these
16 considerations. [timer sounds]

17

18 **BRAD CANTRELL:** Can you wrap up in a minute?

19

20 **JULIE VAN CLEAVE:** Yep. I sure can. I appreciate the difficulties in going through this
21 process, but I respectfully ask that a very thoughtful approach be taken for this century location
22 and that the important care be taken to best match a more reasonably dense development with the
23 importance and limitations of the location. Thank you.

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BRAD CANTRELL: Any questions for the speaker? Thank you, Ms. Van Cleave. Next speaker is Tim Yarnall, 137 East Wilson, speaking in opposition.

TIM YARNALL: Yeah. My name is Tim Yarnall. I live at the Marina. I also, this is a personal issue for me from the standpoint that I live at the Marina. I'm the CEO and co-founder of two companies here in downtown Madison, Broadcast Interactive Media at MdotLabs. I employ 50 people in downtown Madison, and we just raised over \$1 million in venture capital.

I moved my company here originally six years ago, so I can safely say that I have brought millions of dollars of investment and jobs into this community. I live downtown. I work downtown. I just completed the Iron Man this year, so I swim in the lake very often [timer sounds], and I run, and I cycle. I can say without a doubt I respectfully disagree with the earlier speaker from EatStreet. The main problem in bringing jobs here into Madison is not lack of apartments. It's lack of venture capital, and it's lack of a direct flight to Silicon Valley. That's the number one problem we have. And I went, did my undergraduate degree and graduate degree in Silicon Valley.

This is not an issue about financial loss. It's not about views. I purchased knowing I could lose my view. Was I surprised that somebody would try and cram that size building in a footprint half the size of the Marina? Yes. I was very surprised by that. Was I surprised that somebody wants to build? No. I'm not surprised by that at all.

I live on the east side of the building. I'm okay losing some of my view. I want it to be positive for the community. I want to be positive for my wife and daughter and the baby that we have on the way. So at the end of the day, there are many options I think we've offered at the

1 Marina to Mr. McGrath, and we've been met with this is my first and final offer, take it or leave
2 it. I don't think that's a good way of doing business.

3 I want to echo what Franco and my other neighbors have said. My main concern is about
4 safety for my wife and daughter. I don't feel safe walking with my daughter on Wilson Street
5 during peak cycling season. I love cycling. I love running. We had one of our neighbors in the
6 building hit by a cyclist in September of 2011. I don't blame the cyclist. I don't blame our
7 neighbor. We need a bike path on Wilson Street. We absolutely need a bike path.

8 The move-in policy that we've talked about here, anything larger than a small van is
9 going to have to go on the street. Well, what their schematic doesn't show is, as we've talked
10 about, that will have to happen in front of the Summit Credit Union or in front of our building.
11 The mover's going to effectively shut down the sidewalk, and I can see a cyclist getting
12 clotheslined, or a conflict developing between pedestrians and cyclists, as we are essentially
13 shutting down a sidewalk every time there's a move in. This is a very badly designed situation
14 and could be solved in many ways, redesign the fire lane, [timer sounds] lower the number of
15 units. Can I have one more minute, please?

16

17 **BRAD CANTRELL:** One more minute, yes.

18

19 **TIM YARNALL:** Lower the number of units to reduce congestion or multiple other things. I
20 absolutely don't believe that somebody of Mr. McGrath's standing and a very sharp businessman
21 couldn't find, come up with other ideas. I will end by saying this in somewhat dramatic note. If
22 Mr. McGrath is so sure that it won't impact our property values and it's going to be good for the

1 long-term value of the community, he can buy my unit at less, at 10% less than I paid for it, and
2 I'll gladly sell it today.

3 This development couldn't happen at a worse time for me, personally, as we're launching
4 a new business. My wife and I have a baby on the way. I'm already planning to move out and
5 maybe turn it into a rental unit. I don't think I can sell the unit now, because I would have to sell
6 it at a fire sale. But I can't stand the thought of having a toddler and a newborn during
7 construction and during the overcrowding that's going to occur afterwards. Those are my
8 feelings.

9

10 **BRAD CANTRELL:** Any questions for the speaker? Yes. Mr. Rewey?

11

12 **MICHAEL REWEY:** Thank you. You mentioned the bicycle, is that a sidewalk bicycle?

13

14 **TIM YARNALL:** Yes, it was, and I believe Scott Anderson was hit by a cyclist also . . .

15

16 **MICHAEL REWEY:** Are you aware that bicycling on that particular sidewalk is illegal?

17

18 **TIM YARNALL:** I am aware of that, and I've seen the signs, and Alderman . . .

19

20 **MICHAEL REWEY:** And so it was the cyclists' fault period.

21

1 **TIM YARNALL:** Well, I don't cycle on the sidewalk. That cyclist had nowhere else to go, and
2 I guess I'm not here to debate that. I think the reality is that there are cyclists on that sidewalk
3 very frequently . . .

4
5 **MICHAEL REWEY:** I know that.

6
7 **TIM YARNALL:** . . . and they're going to continue to be there, and that's the reality that we
8 have to deal with.

9
10 **MICHAEL REWEY:** By the signs that are up.

11
12 **TIM YARNALL:** Right. And those signs aren't honored. And, you know, we don't have this
13 issue in Midtown Manhattan, which is where I moved from. The reason is not because it's
14 illegal, it's because in New York they know there's conflict. They know somebody would get
15 seriously hurt, and there would be fights that would break out. So if we want to have our
16 community to turn into Midtown Manhattan, we can do this. There are going to be fights.

17
18 **BRAD CANTRELL:** Commissioner Sheppard?

19
20 **MAURICE SHEPPARD:** Just a quick question. Would you have any recommendations for
21 making the, the meetings that you've, the meeting or meetings that you attended, any
22 recommendations that would improve those meetings to make them maybe more productive?
23 You seem to state that the meetings weren't as productive maybe as they could be.

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TIM YARNALL: Well, the, what I would've appreciated...this is my first time ever getting involved in real estate. I've never been involved in it before, so I don't know. If there had been any alternative plans that we could've been involved in and perhaps voted on or given our feedback on, I think that would've been exceptionally useful. I don't know that we could do a duplication of the Marina next door but something of that lower density, even if it was going to block . . . around the corner, I think it would be more acceptable.

More time. This, the first meeting as I know happened, it was very fast. I mean, this was something where we didn't have much time to come together as a community. It hit pretty much at the start of the holidays, so I think that would've made it more productive. And I'm sure there's other things that we could've done to prepare better.

MAURICE SHEPPARD: Okay. Thank you.

BRAD CANTRELL: Thank you very much. There are no other questions. Our last, let's see, our next speaker is Steve Lesgold residing at 137 East Wilson Street, in opposition.

STEVE LESGOLD: Thank you. There's never been a building in the history of Madison that's had this severe of an impact on this many residents. It's the equivalent of building a 187 foot wall next to 27 homes cutting off all light, all view, access to solar radiation, which, by the way, is not irrelevant. We rarely have our furnace go on, even when it's minus degrees, until about 1:00 p.m. because of the passive solar effect that we get.

1 There's no reason that we have to pick this spot for this building. There are many
2 available places that make a much better building, better views for the residents, less impact on
3 others. Mr. McGrath has said that it's an economically difficult spot, that he can't make any
4 money if he reduces the size of the building. There's the answer. Find another spot. There are
5 people in our building who have talked about, and we don't have firm commitments, but have
6 talked about raising money to help the City to buy this property should this be not approved, in
7 order to have some kind of pedestrian bicycle bridge or a green space. It's, you aren't stuck in a
8 situation where you have to approve this building or nothing good will happen to this location.
9 It'll just be this old ugly thing forever. It's just not necessary to do that.

10 We've been told that if you want to be living in downtown, you have to, if you want
11 urban living, you have to suck it up and deal with people who want to put a building 28 feet
12 away from your windows, like Manhattan and Chicago. And I say Manhattan and Chicago
13 would never allow a building with no reasonable fire lane and with no access of any kind for
14 move-ins or move-outs. They have loading docks. They have places to move in and move out.

15 Mr. McGrath has said that most of the move-ins he expects to be U-Hauls. Have any of
16 you driven a U-Haul? Can you imagine backing out of that driveway by yourself while traffic is
17 going in and out of the same driveway? It's nonsense. It doesn't make any sense at all. It works
18 on pictures. It works on drawings. It wouldn't work in real life. And it's going to get worse
19 [timer sounds] when the Government East Parking Garage is raised, and there's more demand for
20 parking on that street.

21

22 **BRAD CANTRELL:** Can you wrap up in one minute?

23

1 **STEVE LESGOLD:** I will do so.

2

3 **BRAD CANTRELL:** Thanks.

4

5 **STEVE LESGOLD:** Madison is known as one of the most livable cities in the United States.

6 Manhattan and Chicago aren't usually on those lists. There's a reason. And we don't want to take

7 a wall and put it between pedestrians downtown and the lake, who want places where people can

8 see the lake. Not just Monona Terrace. Other places as well. I recommend very strongly, and I

9 ask that you not approve this project as it's been presented. Thank you very much.

10

11 **BRAD CANTRELL:** Are there any questions for the speaker? Seeing none, thank you very

12 much. We have a number of registrants that have registered in support or in opposition not

13 wishing to speak, and I'll read those into the record right now.

14

15 **MARY WAITROVICH:** Excuse me. I registered to speak.

16

17 **BRAD CANTRELL:** Oh, you did? Okay. And your name?

18

19 **MARY WAITROVICH:** Mary Waitrovich.

20

21 **BRAD CANTRELL:** Okay. Thank you. Mary, why don't you come up right now? Okay.

22 And this is Mary Waitrovich residing at 137 East Wilson Street, and opposed, wishing to speak.

23 Thank you very much.

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MARY WAITROVICH: Thank you. Yeah. I live on the other side of the Marina from the proposed development. I'm also a five-year member of the condo association board, and I was also on the neighborhood steering committee and attended every single one of the steering committee meetings, which, in my opinion, was a waste of time, because Mr. McGrath really did not, in my opinion, participate in good faith.

The changes that he mentioned were made were made because of things of the railroad insisted upon or because of things that the City staff insisted upon. There were no changes made to this project because of the steering committee process.

This project, we have never asked for a fewer number of floors. We've been asking all along for a setback of the building, a smaller footprint, cutoffs to the corners, setbacks of the upper floors, as well as proof... proof of solutions to the numerous problems regarding the loading/unloading driveway/fire lane and all that you've heard about.

Mr. McGrath claims that any of these changes would make his project economically unfeasible, but I doubt that that's strictly true. A smaller building might cut into his profits, but it would be a much better design for this extremely tiny lot. It's very understandable that the City would like to get rid of this ugly, empty building at 149 East Wilson. But, basically, the developer is saying that I'll get rid of it for you but only if you let me build the exact building that I want to build, the absolutely, you know, most profitable building possible. But, in fact, I think that's only a limit of imagination and design capability, and that this building could be made to be profitable in any other number of different ways.

I'm also opposed to the change in the zoning for reasons I would love to go into, but I'm afraid I'm going to run out of time, so I'm not going to. The footprint and the size of the

1 proposed building create a cramped, claustrophobic atmosphere in this area when some setbacks
2 or breaks in the massing of the building would go a long way towards relieving that, and
3 relieving the feelings of animosity that Marina neighbors now have for the building.

4 We've asked and asked for the setbacks. It would enhance the views and the amount of
5 light for both buildings, for his building as well as the Marina. Why is it good design to put an
6 apartment building on the lake where a very small percentage of the units can even see the lake?
7 Every single unit in the Marina can see the lake, but a very small percentage in this building
8 would even be able to see it. They'll have nothing to look at except each other's living spaces ten
9 yards away or a brick wall ten feet away on the Union Transfer side. I know that this body has a
10 responsibility to do what's best for Madison in general. The people who live in the Marina are a
11 very small number of people [timer sounds] compared . . .

12

13 **BRAD CANTRELL:** Can you wrap up in a minute?

14

15 **MARY WAITROVICH:** One more minute? A very...okay. The City courted us to come and
16 live downtown. Now we're feeling like we've put our spouse through medical school, and now
17 we're getting kicked out for the Epic employees, you know, we're getting divorced. We bought
18 homes down here. We love living down here, and, basically, we feel like we're being sold out.
19 And it's not just us. There's a lot of people besides the Marina who bought homes in the
20 downtown here.

21 So what we want...we want an additional ten feet of space between the buildings tapering
22 or cutoffs at the corners, setback to the higher floors. We know there's going to be a building
23 built here, but redesign as we suggested would go a long way towards mitigating the huge

1 negative effects on our neighboring building. We ask that the Planning Commission send this
2 back to the developer for a serious redesign. Thank you.

3

4 **BRAD CANTRELL:** Thank you. Any questions for the speaker? I see none. Thank you. The
5 next speaker is John Michael Bondura at 137 East Wilson Street, and opposed, wishing to speak.
6 And he will be followed by A.B. Hill. Thank you.

7

8 **JOHN MICHAEL BONDURA:** Thank you. My name is Mike Bondura. My wife Laurie and
9 I purchased Unit 713 in the Marina Condos just this last summer. After renting in downtown for
10 a few years, we made the commitment to the City of Madison and its thoughtful plans for the
11 future. We respectfully submit to the Planning Commission that our property value and
12 marketability have been significantly, unreasonably, and negatively impacted by the proposed
13 development.

14 Our unit is on the seventh floor the east side of the Marina. Three-quarters of our
15 windows will have views eliminated by a monolithic wall several feet away across an 18-foot
16 fire lane. Privacy will be gone completely. Light and air will be severely curtailed. Noise from
17 the individual HVAC units, over 100 of them on the building just feet away from us, even the
18 developer doesn't know what kind of noise that will make with the things cycling on and off
19 constantly.

20 Our property is simply not going to be worth what we paid for it. The proposed building
21 and the increased number of pedestrians, cars, and bikes is just too large for the lot. It's also
22 unsafe. You've heard about the street and the driveways. I won't talk about those, but I support
23 those same propositions.

1 The proposal fails to comply with the approval standards, most notably that the uses,
2 values, and enjoyment of other property in the neighborhood for purposes already established,
3 shall not be substantially impaired or diminished in any foreseeable manner. The proposal fails
4 to meet that standard. We urge the Commission to reject the proposal or, in the alternate, to
5 more thoroughly study the impact of property values. A remedy would be Mr. McGrath's
6 commitment to making whole any proven diminished values, which may sound emotional and
7 unreasonable, but it really isn't, is it, since he said there is no impact?

8 I'd like to thank you for the opportunity to share our concerns. I've never done this
9 before, and it's a bit overbearing, I will say. But there's a lot at stake with the impact on our
10 personal lives, our personal and financial wellbeing for my wife and I. If my home was your
11 home, you'd oppose the proposal. I invite any or all of you to visit my condo and see for
12 yourself. Thank you.

13

14 **BRAD CANTRELL:** Thank you. Are there any questions for the speaker? Seeing none, thank
15 you very much. Our next speaker is A.B., Abbie, sorry, Hill at 137 East Wilson Street. Thank
16 you.

17

18 **ABBIE HILL:** Hi. I'm Abbie Hill, and I'm not a rich condo owner. I've worked for the State of
19 Wisconsin for 30 years, and I've lived in the Marina for over eight years. It was a big risk to buy
20 into the Marina. We bought in before the former building was even torn down, and we built a
21 wonderful community of people that I'm sure you're aware of. We care a lot about each other.

22 And I think that, I'm really most opposed to the rezoning because it's going to diminish
23 the quality of life downtown. One of the issues we've had trouble with, I live on the opposite

1 side of the Marina, my unit won't be affected as much as the eastern residents, but when you
2 build up, and you have the kind of urban density, there are issues that developers don't always
3 think about, not just noise from HVAC systems, but also from the neighbors across the street.
4 For several of the early years in the Marina, we would have to phone the police department
5 repeatedly because people in the Madison Mark would be blaring their stereos. And down on the
6 street, you wouldn't hear it, but up on the ninth floor, it sounded like those people were right in
7 the next room. And this would be happening late at night, so it's going to really diminish the
8 quality of life for downtown.

9 And I think that the plans have not been very well thought out, and I think that Mr.
10 McGrath really hasn't taken the time to listen to us. Basically, we're just constantly told uh-uh.
11 This is how this has to be built, so I can make the money that I want to make. And I just don't
12 think that's fair. So thanks for your time tonight.

13

14 **BRAD CANTRELL:** Our next speaker is Herb Frank at 137 East Wilson Street.

15

16 **HERB FRANK:** . . . I didn't register to speak.

17

18 **BRAD CANTRELL:** Oh, you didn't. It looks like you . . .

19

20 **HERB FRANK:** . . . say hello to everybody.

21

22 **BRAD CANTRELL:** Okay. Thank you, Mr. Frank. Okay. I think that's the last speaker.

23 There are a number of people that have signed up not to speak, and I will read those into the

1 record. And then I will call on Alder Verveer. I think he maybe has some comments on this
2 proposal.

3 Mike Thorson at 5916 Schumann Drive in support not wishing to speak. Michael
4 Erdman, 525 East Main Street, in support, does not wish to speak. Tom Geier, 123 West
5 Washington Avenue, in support, not wishing to speak. Michael Metzger, 1346 Morrison Street
6 in support not wishing to speak. Laurie Bondura, 137 East Wilson Street, in opposition, not
7 wishing to speak. Debra Calder, 137 East Wilson Street, opposed. Florence Deluca, 137 East
8 Wilson Street, opposed, not wishing to speak. Robert Whitlock, 137 East Wilson Street,
9 opposed, not wishing to speak. Robert Calder, 137 East Wilson Street, opposed, not wishing to
10 speak. G.L. Edwards and Anne Edwards at 137 East Wilson Street, opposed, not wishing to
11 speak, and, lastly, Austin Schultz, 137 East Wilson Street, opposed, not wishing to speak.

12 Have I missed anyone or is anyone wishing to speak that has not filled out a green card or
13 green sheet? Okay. With that, shall I have the Alder speak or should I close the hearing? Okay.
14 Thank you. Alder Verveer, do you have some comments on this proposal? I'm sure you do.

15

16 **MICHAEL VERVEER:** Thank you, Chairperson Cantrell, or acting chair, vice chair. I wish
17 this was easy. It obviously is not, and you can imagine yourselves in my shoes, especially my
18 three City Council colleagues, that are members of the Commission. So why don't I start back
19 and let you all know I first found out about this proposal in October when Lance McGrath sent
20 me an e-mail informing me that he and some partners had secured an option to purchase the
21 property and were interested in constructing an apartment building there.

22 I responded, I vividly remember the first sentence was something to the effect of
23 congratulations, I'm glad you'll be getting rid of that awful eyesore or something to that effect.

1 And, in fact, I forwarded that e-mail to the presidents, Lance's e-mail and my response, to folks
2 at both the Marina and Union Transfer, and I've since regretted my choice of words knowing
3 how painful this proposal is for so many of my constituents that live at the Marina and Union
4 Transfer, and, certainly, in particular, at the Marina.

5 Let me also say very much at the outset, I mean this very sincerely and also on a personal
6 level, that I don't think, you know, there really are many better developers or property managers
7 in our community that could pull off a project in this difficult site. I have a great deal of respect
8 and admiration for Lance McGrath and his family. I live in a McGrath development project, as
9 some of you know. I have had the pleasure of working with Lance on numerous proposals over
10 the years downtown, and they have all been way less controversial, much more easy to have a
11 community consensus in support of than this one that's before you this evening.

12 And I think that, you know, that's due to a variety of factors, perhaps. But as I've told my
13 constituents that have expressed misgivings about this from the outset that, you know, we really
14 are fortunate to have an experienced, local developer with his level of real, high-quality projects
15 in our downtown, and the fact that he will be a hands on manager, and you heard tonight, go to
16 the length of actually relocating his management offices likely to this project if approved and
17 constructed. So there's a lot to be said for that.

18 I wish I could be enthusiastic about this proposal, and I want to assure each and every one
19 of you that I don't think this is a case of NIMBYism, that these are, and I'll just, you know, use
20 the phrase, but a bunch of rich folks upset about losing their views, because I have been
21 convinced over the last few months that it is way more than that, that there are very serious
22 concerns with this proposal.

1 There is absolutely no denying, and almost all of you were involved in the zoning code
2 rewrite in one form or another or the development of our Downtown Plan in one form or another,
3 some of you from, you know, the beginning day, some of you maybe picked up more late in the
4 multi-year projects of those documents, but there is no denying, as Mr. Parks and his Planning
5 Division, you know, staff report argues, that this, you know, meets the underlying zoning for the
6 UMX zoning district that it's currently zoned, and say for that ten rear yard issue, the setback
7 issue, that requires the rezoning to the Downtown Core zoning district. And, obviously, it's very
8 difficult to argue the rationale, also in the planning staff report, that DC doesn't make sense here
9 if you look at a zoning map. There is DC within a stone's throw of this parcel, and, you know,
10 the arguments are all set forth, you know, quite well in the staff report.

11 Also, it goes without saying, as I say, the Downtown Plan in so many respects, argues for
12 a project like this. And all of us collectively, in essence, asked for a project like this, a proposal
13 like this through various recommendations in the Downtown Plan and the zoning code, you
14 know, up to the height limit in a residential building, first floor commercial, etc., etc., etc., high-
15 quality architecture. I guess some could argue with the design, but the Urban Design
16 Commission's Report speaks for itself.

17 So what that, I think, to me really comes down to, and why I can't stand here and be
18 enthusiastic in support of this application, is because of the really dramatic, I think, adverse
19 impacts that this application, if built, will have on the quality of life of so many of my
20 constituents and future constituents, future residents of this area.

21 I have been convinced through my multiple meetings, conversations, calls, e-mails with
22 my constituents that it goes beyond views. Several of the people, and not all of them said it, but
23 several of the individuals that you heard testify tonight, and certainly several of the individuals

1 that you have e-mail communications from in your packet, the letter, petition, if you will, that
2 was addressed to me in November with the signatures of the vast, vast majority of all the
3 residents of the Marina, many, many, many of those folks will not be personally impacted in
4 terms of view loss, will not personally affected in terms of loss of air, light, privacy.

5 These are people who live on the other side of the building. Like I'll use Mary
6 Waitrovich as an example and Abbie Hill, I think you heard one or both of them say they don't
7 even live on the east side of the building. Their views won't be impacted. I've been in their unit,
8 and, you know, their views, their air, their sky, their privacy won't be impacted. What they're
9 concerned about are the safety issues.

10 There already are significant safety issues in this location, and you already heard, I was
11 going to share the anecdote, but you already heard about one of my constituents that was
12 severely injured through a bicycle crash that occurred outside the front door there. And there are
13 numerous, numerous near misses over the years. That's why we had the signage installed, which
14 has had some effect, but not what we would like in terms of the bicycle riding on the sidewalk
15 there.

16 But the fact of the matter is, is that this is such a difficult site, and I give Lance and his
17 partners credit for taking it on. It certainly isn't easy, and I think they know that going into this.
18 It wasn't going to be anywhere near as easy as the other recent projects McGrath Property Group
19 has successfully completed in downtown Madison. But I know that they are doing everything
20 that they feel that they can to mitigate the impacts, but I have to just believe that there is some
21 middle ground that we haven't come to.

22 I'm a veteran of neighborhood steering committees downtown. There's a whole Capitol
23 Neighborhoods Incorporated, you know, developer protocol that several of you are familiar with,

1 some of you very personally, because we have two former distinguished presidents of CNI
2 serving as members of the Commission. And this was a whole different animal, this proposal.
3 And I'm not faulting the development team. I'm not faulting the members of the steering
4 committee.

5 The dynamics were just bizarre in terms of the steering committee meetings were held at
6 the Madison Club and the way the room was set up. It was like a lecture style, and the
7 development team was at one table. And this, again, it's not the fault of the development team,
8 just using some example. They didn't arrange the room. You know, they didn't set up the room
9 the way it is. But the fact that we couldn't even like sit around a table and talk like we normally
10 do at neighborhood steering committee meetings, the dynamic was off from the beginning.

11 There was one large neighborhood publicly noticed meeting that Alderperson Rummel,
12 who represents the district across the street, much of the First Settlement neighborhood, and I
13 hosted it at Monona Terrace and it was on November 12th. That was very well attended. And I
14 think, I just think the neighborhood steering committee process, sadly, was not a success in this
15 case. And I don't know that the neighborhood steering committee statement that you all have in
16 your package, the two-page statement that Lee Christensen, the chair of the committee spoke to
17 earlier tonight in the hearing, really explains in much detail why that was. But, and it's not worth
18 wasting time dwelling on it. It just didn't, it just wasn't good from the beginning.

19 The changes that have been made since the initial application across the street at the
20 Planning Department, admittedly by the applicant, were largely because of circumstances
21 beyond his control like the issue of a lack of being able to have the easement from the State and
22 the railroad. And so the usual, and you could maybe say, oh, it's because Mr. McGrath is such a
23 great developer, he's honest, and unlike some of the other applicants, you see here they don't, you

1 know, ask for the world knowing that they can compromise down into what really is manageable
2 economically for them. And from the outset he was honest and applied for, you know, the most
3 that he could make work financially.

4 But, anyway, it just was a poor process. And usually I'm very proud to stand here over
5 the years and say how great the neighborhood steering committee process is, refer you to the
6 statement in your packet, stand here and praise publicly and thank the members of the steering
7 committee, and in this case, I certainly want to do that and thank all the volunteers on the
8 steering committee. But maybe it was because there weren't any members of the steering
9 committee that had worked on previous steering committees, so there wasn't really much
10 continuity, save for the chairperson of the First Settlement Neighborhood, who was able to attend
11 only a couple of the meetings, there really wasn't, anyway, it wasn't something that we saw, I
12 think, much benefit from.

13 So to get to the point in where I'm at on this tonight, I don't know if it would be helpful,
14 but as you all know from your experience on the Commission, in the past, there have been utility
15 in referral. I have, you know, asked both sides, if you will, if they think referral would be
16 fruitful, and no surprise the opponents of the proposal think referral would be beneficial, and the
17 applicant does not. And, of course, you can ask any of them yourself, if you want to bring them
18 back up to the podium and talk about referral or anything else.

19 But to give you an example of what, perhaps would, could be accomplished through
20 referral, and the fact that I do think that they were rushed through the holiday season on this, is
21 the fact that Mr. McGrath was able to meet with the Union Transfer Condominium Association a
22 couple of days ago and met with their board, or a vast majority of their board members and their
23 attorney, to work out issues that have to be worked out. And Tim's report references that there

1 are numerous construction agreements and easements that have to be worked out, you know, that
2 are outside of the purview of this commission and the Common Council.

3 And so, you know, they've had face-to-face negotiations, if you will, at Union Transfer
4 between the applicant and Union Transfer, but for whatever reason, those haven't been scheduled
5 with the Marina. And I've, you know, challenged the applicant on that thinking that perhaps
6 there's some way that we can avoid litigation, which has been talked about more than I'd like to
7 recount for you, avoid the delays perhaps of litigation, and, you know, have further conversation
8 between the different parties.

9 You know, I said that to Mr. McGrath just minutes before the hearing started tonight
10 again when we met upstairs, and, again, he feels that referral won't be fruitful. I want to get that
11 clear that that's his position, and you can ask him yourself. But I just have to think that when we
12 have, so often in the past, have controversial proposals, as you all know, referral is so often kind
13 of a fallback position if we think that something could possibly achieved by a couple more
14 weeks. And just given the level of opposition, not only in person tonight, but, again, in the
15 record, in your packets, I just can't kind of lose sight and kind of give up on that notion.

16 The other issue, and I don't know if this can be accomplished in referral, but
17 Commissioner Berger brought it up, and I figured she would at some point tonight, but she is
18 your representative on that South Capitol Transit Oriented Development Committee. I also am a
19 member of the Committee. And at our last meeting, which was before the holidays, our
20 consultants, in essence, were planning to go forth and study this particular parcel . . . Melissa will
21 recall, study this particular parcel for pedestrian bike connection to Law Park, and one of the
22 most singular important recommendations in the Downtown Plan that all of you worked hard on.

1 And I interjected, as Melissa will recall, and said, well, there's an active development
2 proposal for this parcel. Should we really be spending all the time and money studying this?
3 And then they said, oh, well, then maybe we'll concentrate our efforts on the Summit Credit
4 Union. I asked the Summit Credit Union representatives that are working on an exterior
5 renovation to their building, and they were at, coincidentally, at the Urban Design Commission
6 last Wednesday, so I got to talk to them as recently as last Wednesday night, and I said, are you
7 interested in the City purchasing your property? Are you planning on being there for the, you
8 know, foreseeable future? And they're like, no, we have no interest in moving. That's why we're
9 here at UDC to invest money in the property.

10 So another thing that's just bothering me, but I don't know what the solution is, is this
11 whole issue that we have another City committee, and I don't mean it's fair for Lance and his
12 partners to be penalized by this and the timing of it, but it's just hard for me to stand here again
13 and be enthusiastic and urge your support for the rezoning and the conditional use permits when
14 we have this other whole area that we're actively studying, coincidentally, the Planning Division
15 are the one, the staff leading the study, and, you know, yet here we are.

16 Another part of the work that our committee is doing is the issue of what to do with
17 traffic flow on East Wilson Street, and for that matter, West Wilson Street, and specifically
18 studying one-way versus two-way traffic there. The committee has not made a final
19 determination on any of this. We only have a couple more meetings, we think, including one
20 large public meeting at Monona Terrace, hopefully, in the next month or so, to get community
21 reaction to our initial recommendations.

22 But the initial direction that we're going, which I think is important to this conversation,
23 is to keep East Wilson Street one way. That certainly is the preference of those living at the

1 Marina and Union Transfer because of many of the issues you've heard about night, but to add a
2 contraflow bike lane which would very likely, and Assistant Traffic Engineer Scott Langer can
3 speak to this tonight if you, you know, want to ask about this, but will likely lead to the removal
4 of all on-street parking on the lake side of the street of East Wilson Street.

5 So when you talk about the significant Traffic Engineering issues that, I think, really, are,
6 I'll use the word freaking out a lot of the existing residents, it seems to me that it might make
7 matters, in some sense, worse that we're going to lose a whole, quite possibly lose all of that on-
8 street parking. So if you have semis moving in tenants at the new building, or for that matter the
9 condos, they're going to be, perhaps, wheeling the, all of their furniture and goods across a
10 relatively busy East Wilson Street if they're going to be parked in legal parking spaces where
11 they bag the meters or what have you.

12 So, anyway, I'll wrap up, because I know I'm taking away more time than I probably
13 should, by simply, lastly letting you know that I, in the event that referral doesn't interest the
14 Commission tonight, offer several conditions that I've worked on, admittedly up until the last
15 several minutes, so, unfortunately, I don't have them in form to be distributed to you in writing,
16 and will have to do this as I've done in the past probably, where I'll send an e-mail to Planning
17 staff with my, the exact language that I read for you. And, obviously, it's captured on Madison
18 City Channel, yeah, they're here, I was just making sure, Madison City Channel tonight for
19 posterity, you know, to memorialize it that way.

20 But the conditions, first relating to the Traffic Engineering issues are as follows, and
21 some of these were referenced by the applicant in his discussions with Traffic Engineering staff
22 on Friday and then with me today. So the first proposed condition, and I'm not wedded to any of
23 this language, I assure you, but the first proposed condition would read that the applicant, upon

1 submittal of a final plan, shall include a move-in, move-out plan for approval by the Traffic
2 Engineering Division. This plan shall include use of the loading zone for all move-ins or move-
3 outs unless the move requires use of a semi.

4 The plan shall address where semis will unload including alternative, alternate plan in the
5 event a counterflow bike lane is added to East Wilson Street. Use of the moving plan shall be
6 included as a requirement of the building's residential leases. And, again, I'm happy to read any
7 of this, or restate this for anybody, although I'll just keep going if that's okay.

8 Proposed condition number two, also relating to TE, would read, the applicant, upon
9 submittal of final plan, shall include a delivery plan for approval by the Traffic Engineering
10 Division. This plan shall address how commercial and residential deliveries to the building's
11 retail tenants will be conducted. Use of the delivery plan shall be included as a requirement of
12 the building's leases, both commercial and residential, so to the extent, largely commercial leases
13 as it relate to delivery of goods.

14 The third condition then also relating to traffic issues is, that I'm proposing, is that the
15 applicant, upon submittal of final plan, shall include a trash and recycling pickup plan for
16 approval by City staff, specifically the Planning, Traffic Engineering, and Streets Divisions. So,
17 again, number three relates to trash and recycling pickup.

18 Not related to traffic per se, but on the issue of recycling, I don't know if you caught in
19 your review of the plans, but there's a proposed trash chute, but not a recycling chute, for the
20 tenants of the proposed apartment building. So I would like to request that we add a condition
21 which the applicant, I believe, has agreed to, agreed to when we met a few hours ago, would read
22 that residential tenants shall be provided regular, at least weekly, recycling pickup on each
23 residential floor.

1 And, again, we can ask the applicant to come back and see if that's language that he's
2 comfortable with. But, again, my thought was that there would be weekly pickup in bins on each
3 residential floor of recyclables, so that we don't encourage folks to throw them out with the
4 refuse down the chute. And this is, as you'll recall, an issue that we've used, dealt with in some
5 of the student apartments downtown as conditions relating to the chutes for trash and recycling.

6 Then there's a couple of more, so if you'll bear with me, I have two more conditions. The
7 next one relates to the admitted shortage of bicycle parking under the zoning code. Again, I'm
8 not saying the applicant is admitting there's a shortage based on his past experience in residential
9 projects downtown, but under the code, there is. So that condition would be, I just borrowed
10 language, we've actually, the Plan Commission and the Council have added to other downtown
11 projects in the last couple of years, and it would read that if the Traffic Engineer and Zoning
12 Administrator determine that the project needs additional bike parking, they shall have the ability
13 to require the conversion of other parking to provide additional bike parking.

14 So this flex space idea that, you know, that if we get the complaints of the tenants or if
15 the building's constructed, and tenants are saying they have no place to park, if we see illegally
16 parked bicycles in front of the building chained up to the trees and light poles and what have
17 you, then that condition could be implemented against word, verbatim what we've used in other
18 projects including the 1001 University Avenue, the Hub and Bedford Crossing.

19 And then the last one relates to the commercial space. I will give Mr. McGrath credit for
20 backing away from a potential of the grade level commercial space potentially being all food and
21 drink establishments. And as I said at the outset in my remarks, I think it is quite meaningful
22 that Mr. McGrath has pledged, in essence, believes that he'll be able to relocate his offices, and
23 he personally will be on the first floor there at the grade level commercial space.

1 But as it relates to that grade level commercial space, I really would like there to be
2 comfort for the residents of that area, that a food and drink establishment is well vetted, and that
3 may or may not request a liquor license. So the Alcohol License Review Committee may or may
4 not ever see a food and drink establishment's potential use there.

5 So what I was hoping that the Commission would agree to would be a condition that
6 reads, that the conditional use for the new building be approved subject, again, if, this is if you
7 choose to approve the project, but, anyway, be approved subject to a condition that no food or
8 beverage establishments be allowed unless approved as a major alteration to the conditional use,
9 in other words, approved by all of you, approved by the Plan Commission, as a major alteration.
10 I realize that, perhaps, that's a burden to a coffee shop, but given the level of concern, I think it's
11 warranted. And, legally, I've talked to Mr. Parks about this, legally, we don't know if there's a
12 way to subdivide that grade level commercial space so that the rear, which is my main concern,
13 and that exterior, that patio, be, you know, used for food and drink establishment.

14 I trust Mr. McGrath. His word has been his bond with me all these years that we've
15 worked together, so I have no concern that there would be an issue with food and drink on that
16 exterior as long as he owns the property. My concern is if the property is sold, I want conditions
17 that run with the property and that the Plan Commission, you and your successors, have
18 continuing jurisdiction over these very, over this property and these uses. And that's why I
19 would like these to be conditions on the conditional use permit if granted tonight.

20 Is there an interest in me reading any of these? Otherwise, I'll close. Okay. I'm
21 obviously not going anywhere, so I can read these if this is part of any motion tonight.

1 But, in summary, I wish that this was an easy decision. I wish I could stand here and say
2 I'm in support. I'm in opposition. Brad didn't say this when he introduced me, but I checked the
3 "Neither" box, because this is so . . .

4

5 **BRAD CANTRELL:** Yes, you did.

6

7 **MICHAEL VERVEER:** . . . confirming it, because this is so difficult for me. And I really
8 don't want to be like a copout here. I, the development team is excellent. They have a great
9 track record, as I said a minute ago. I trust everything they say. I just wish that they had been
10 able to, and I hold out some hope, that they might be able to do more to address the concerns,
11 which I think are real, about the quality of life for those that live on this block.

12 You heard some of the ideas like, you know, widening the drive by also, there's a, it's in
13 essence, a real(?) loading zone that would accommodate larger trucks. The idea of, you know,
14 providing a step-back at the top of the building, I haven't heard, by the way, people, I think there
15 was some testimony that floors should be removed. I haven't heard many of my constituents say,
16 oh, remove a lot of floors. They've just asked for like a simple step-back like most, so many
17 other buildings in the downtown have like across the street at the Madison Mark.

18 Of course, the applicant can tell you why step-backs aren't possible. Tapering at the
19 corners was something that was discussed at the UDC by at least one of the commissioners there,
20 but, you know, ultimately that, obviously, they approved the recommend to all of you the
21 approval of the project in the current design, and, you know, I'm not denying that. So their
22 expertise always has meant a lot to me, and it does with this tonight as well. So that's why it's
23 just so hard for me to take a position on this. Of course, I'll have to at the City Council in a few

1 weeks, and it might even be a verify protest petition or appealing a decision tonight, so it won't
2 be fun, even more so. if that's the case.

3 But this is really, really a tough one. We don't have to be in the positions that all of you
4 are in. You know, I've never, I don't have an anti-development track record. The densities
5 downtown have exploded in the, almost two decades I've served in this building. This isn't a
6 NIMBY thing. It's not an anti-development thing. It's that in all the years I've been at this, I
7 cannot think of another proposal where the building is proposed to be built so close up against
8 existing residential uses.

9 And I know this is commonplace in other cities, and I've thought about this a long time,
10 and I just can't think of a lot of buildings or any buildings where you have the densities. And I
11 have nothing against the 127, you know, units that are proposed here, per se. I've never been
12 against density. It's the fact that so much would be crammed into such a little space, and it
13 would be just, you know, 28 feet across the other living space, you know, 28 feet . . . space from
14 one living space to another.

15 That's why this is so difficult, and it's really hard. And I don't know how the Planning
16 staff was able to make it seem so easy. And Tim even attended the meeting at Monona Terrace,
17 as did Scott Langer, so they heard from my constituents in that setting. And I'll leave at that. I
18 know at this point, I'm just repeating myself, so I wish I had an easy answer for all of you, and
19 I'll be happy to answer questions if there are any.

20

21 **BRAD CANTRELL:** Are there questions for Alder Verveer? Commissioner King?

22

1 **STEVE KING:** So like if we decided to refer this, what would you ask that we articulate or
2 asking for when it gets returned to us? I mean, I know you've mentioned some conditions that
3 we could probably address, and you just mentioned a couple of things at the end there, but what
4 specifically, I mean, we'd have to give some direction in terms of what we were looking for in
5 the return, and so I would ask, you know, as briefly as you can articulate, what you think that
6 motion would look like for us if we were to entertain it?

7

8 **MICHAEL VERVEER:** Well, I appreciate the question, Alder King, and it obviously is a
9 really good one. The most immediate thing, and, again, I said this to the applicant and his team
10 of, you know, within the last couple hours, the most immediate thing that has been bothering me
11 is there are such a myriad of construction issues, everything from the construction tower crane
12 swinging over the airspace of the adjacent properties to the delivery and the Traffic Engineering
13 report gets at some, you know, a lot of these construction issues.

14 But there are so many construction issues where they even have, have not had the first
15 conversation yet with my constituents at the Marina, the elected members of the Marina Condo
16 Board of Directors, and there, I guess, is a tentative meeting maybe set up for tomorrow or
17 Wednesday, is what the applicant told me today, at least with the President of the Marina. And
18 so that, first and foremost, Steve, is what I would say, that I'm not cavalier about referral. I know
19 time is money. I know that they have to get going in the ground and have to hit that peak
20 downtown leasing season and whether or not they can take occupancy in a summer month, and
21 the early summer, you know, obviously is what the developers want. But to me that is just one
22 thing is that if we could at least have, I've been assured that Union Transfer Condominium Board

1 has a much higher comfort level based on the conversation they had with the applicant a few
2 days ago. They haven't reached final terms, but, you know, they're close, I guess.

3 I would like to say, especially since I think this neighborhood association steering
4 committee process kind of broke down and folks just agreed to adjourn kind of abruptly and
5 agree to disagree on all these issues, at least to me, and maybe my constituents don't feel this
6 way, but to me, if I lived in the Marina, I'd like to perhaps have some more specifics about the
7 construction phase worked out, you know, sit down with representatives of Stevens
8 Construction, who's the general contractor that's been selected for the proposal. So, anyways, so
9 that's one, Steve, is just giving at least some time to have one or more meetings, hopefully more
10 than one, with the Marina, the elected Marina Board, to talk about issues but especially
11 construction issues.

12 Two, and I realize this is a big ask, and I'm only saying this if, you know, some of the
13 commissioners here tonight agree with me, about the design of the building, but it's a big ask not
14 only because I know it's all about the project economics, and the applicant's been consistent with
15 that on day one, and it's especially difficult since UDC has already, you know, weighed in on
16 this. And, you know, I haven't seen the scores. I don't know if scores are spectacular or not.

17 But I was at the UDC meeting. I heard what the commissioner said there, and they
18 obviously are comfortable with the design, including the Magic-Paks. So the redesign would
19 really be because of, you know, you, as commissioners, feel that the specific standards, perhaps
20 conditional use standards of approval, can't be met, you know, especially with, you know, I'm
21 not saying the City will be a party to any litigation, but I don't need to remind all of you that
22 whatever you decide to do tonight, it would be very helpful mentioning requests of the
23 neighborhood.

1 One other quick...this is a very controversial application, but, anyway, so like issues that
2 get at the big standards, like standard #3 and what are the traffic ones? Are they #6, #5 and #6,
3 or I think they're #6 and #7. Anyway, you know them better than I. You probably have them all
4 memorized, you know, on your blue sheets and whatever that you have. But if you think referral
5 would help get at some of these standards that I think are the most applicable to this, would be
6 helpful.

7 So, again, it would be, Steve, to allow time to maybe give a serious look at some of
8 the . . . just to refer you to is that neighborhood steering committee statement, which was
9 approved unanimously, as far as I know, by the neighborhood steering committee. You know, it
10 was a page and a half long, and it's in your packet, and that gives you bullet points of all of the
11 issues. And so if you think, in your collective experience, referral might help with those several
12 bullet point issues some of them, then I, you know, would ask you to consider that. Thank you.

13

14 **BRAD CANTRELL:** We have some other questions. Commissioner Hamilton-Nisbet?

15

16 **TONYA HAMILTON-NISBET:** Thank you. So it sounds like, Mike, you feel that if this does
17 get referred, you know, you talked about the middle ground, and you talked about the need for
18 some additional dialogue between the Marina and the, and McGrath developers. Do you feel
19 confident that some middle ground could be achieved knowing the personalities as you do?

20

21 **MICHAEL VERVEER:** Well, obviously, it's another great question, and I don't know. I mean,
22 I certainly do know Lance, I think, fairly well, and I think the world of him as I've tried to say
23 over and over tonight. I don't know what's driving. I have to believe if the economics are

1 driving this, and he has partners, that he has to answer to and so forth, so perhaps referral would
2 encourage that collective development team to have somewhat of a more meaningful
3 modification, or at least a series of, you know, conditions that might address these issues.

4 Will everybody be happy? I don't, you know, think so. And I wouldn't mention the word
5 referral tonight in my testimony if I didn't think that it'd be worth giving it a shot. But am I
6 hugely optimistic that, you know, in two weeks or whatever we'd be all back here and happy to
7 report that we've reached an agreement, and, you know, this only will take a few minutes of your
8 time? I don't, I can't imagine that that will happen.

9
10 **TONYA HAMILTON-NISBET:** Is your idea if referred it would be two weeks?

11
12 **MICHAEL VERVEER:** Well, again, I'm trying to give the benefit of the doubt to, another
13 great question, I'm trying to give the benefit of the doubt to the developer. He was pretty, you
14 know, he, as I suggested, you might want to call him up and hear his argument against referral,
15 but he was pretty, he was more supportive of referral when I talked to him two weeks ago. And
16 then today he felt that because of the potential, I mean, I don't want to put words in his mouth,
17 he's here, he can, but anyway he thought there would be other delays that are outside of his
18 control, and so referral here coupled with other delays, you know, could mean the project is
19 delayed for a whole year to capture that prime rental season.

20 So my thought, as a compromise, would be two weeks, and then until your next meeting,
21 and at your next meeting would then allow time for the Marina Board to meet with the applicant
22 and talk about, if nothing else, these construction issues, which they haven't really started
23 discussing, because, I guess, of scheduling conflicts.

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TONYA HAMILTON-NISBET: So the last thing that I wanted to find out, is you brought up a couple of other issues with the other committees that you're on with the, the issue of the bridge going over and the issue versus one- versus two-way traffic on Willy Street. And it seems to muddy the issue quite a bit that there are these external forces coming in, other studies being done, and dialogues occurring about those two elements. Is there, can those be addressed or resolved, or maybe not even resolved, but is there any way to somehow, if this is referred, to somehow discuss those or make any progress with those, with the parties that would be discussing this?

MICHAEL VERVEER: Well, I don't, another, these are all great questions, and I don't think a two-week referral would get probably at the issues that Melissa and I serve on. Our next meeting of our committee is the second Thursday in February. So the next time our committee will be making any progress, at least official progress, will be not for a few more weeks. You know, maybe Mr. Cover or others from the Planning staff here could speak to the work of that committee, that, again, is under the Planning Department's bailiwick.

Our short, and Melissa can correct me if I'm wrong, or Mr. Cover or anybody could, but our tentative timeline, just so you all know, as I recall it, is that we hope to only have a couple more committee meetings, a large, again, public, our third publicly noticed large neighborhood, not neighborhood, community meeting at Monona Terrace, and then wrap up our work. Correct me if I'm wrong, but I think April, it was either March or April, the second Thursday of either March or April would be our final, final meeting. The committee would be abolished and our report would be forwarded to your commission and others for your edification.

1 So I, it's not fair to, I think, Lance and his team to refer this, you know, for several
2 months for that other committee to do their work. I will say that Mr. McGrath, and maybe others
3 on his team, did meet with our consultant, Kimley Horner, the lead consultant, in October or
4 November?

5
6 **MAN:** November 14th.

7
8 **MICHAEL VERVEER:** November 14th. And so they already have had a dialogue, and the,
9 Mr. McGrath's application has certainly been discussed at several of our meetings, so it's not like
10 this is something out of the blue, where we're on this path of trying to figure out what's the best
11 connection.

12 Again, Melissa can correct me if I'm wrong, but her consultants reported to us that they
13 thought the most meaningful connection in terms of the grades and the ramping that's needed for
14 bicycles and so forth would either be this subject property or Summit Credit Union. With the
15 idea, our idea . . . with their committee charges that we're looking at as creating, if we can afford
16 it someday, have two connections, one on each side of Monona Terrace, somewhere to get easier
17 access to Law Park and the Lake.

18

19 **TONYA HAMILTON-NISBET:** Okay. All right. Thank you.

20

21 **MICHAEL VERVEER:** You're welcome.

22

23 **BRAD CANTRELL:** Commissioner Sheppard?

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MAURICE SHEPPARD: Just two quick comments. One, it seems that there is an opportunity here for the developer and also the neighbors to do something good here. Not everyone's going to be happy maybe with an outcome, but there's an opportunity to address some of these issues. I think the staff report by Mr. Parks is very detailed and gives a great basis to sort of build upon.

The other thing I would say is if this is referred to, once again, future meeting, in between if there are going to be meetings, that those meetings need to have a purpose. They need to, as you mentioned already, they probably need to be better, have a better structure, agenda, and that sort, to really ask questions, answer questions, make sure for the developer that there's timely feedback and that sort, and also for the neighborhood, for the community to not only ask those questions, but, again, to understand what's possible, what may not be possible.

And I've been in, I've worked in, in the past, as a City planner and that sort, and, you know, having a project in front of you can be, have a, can be a great advantage because you understand sort of what's there, you know, what's possible. You know, and it would seem to be a shame to not take advantage of that. So if this is referred to in the future, I would just, you know, politely recommend that if there's going to be another neighborhood meeting or something, that it's timely, that it's focused, and that for developer and community, as was mentioned earlier, presents maybe, be creative.

If there are additional alternatives, ways to adjust things, try to include that. And then also, again, for the neighborhood, the same thing, try to be creative, and see where there's some flexibility or maybe you can think a little bit sort of out of the box. Because, again, for some of the neighbors, they voiced, again, that they aren't necessarily dead set against this. Some people may not like this at all, some, a number of folks have said that they actually support it, but they

1 have real questions. So, but it needs to, again, if we move forward on this, be timely, be fair, and
2 be focused.

3

4 **MICHAEL VERVEER:** I couldn't agree with you more. And, again, based on all the
5 discussions I've had with my constituents, there's nobody that's against a development at this
6 property. They, you know, consider it a vacant office building that's there now to desperately
7 need replacement. It's just the issue of what is built in its stead there.

8

9 **BRAD CANTRELL:** Commissioner Berger, do you have a question for?

10

11 **MELISSA BERGER:** Yeah. Just quickly...I noticed in a couple places shadow studies were
12 mentioned. Do you think that would be a helpful thing to happen if this were to be referred?

13

14 **MICHAEL VERVEER:** There were, another great question, the development team did
15 conduct a shadow study which they shared with UDC. I'm sure they have it with them if they, if
16 you have an interest in getting a summary from them. I couldn't do justice and summarize it on
17 my part.

18

19 **MELISSA BERGER:** That's okay. I didn't realize one had been done.

20

21 **MICHAEL VERVEER:** But they did conduct one, and it was briefly summarized at UDC.

22

1 **MELISSA BERGER:** Okay. And there was, obviously, if UDC looked at, and there was
2 nothing in it that made them change their mind then, I guess, from a design standpoint. When
3 you looked at, was there anything about it that shocked you?
4

5 **MICHAEL VERVEER:** Well, again, I don't think it would be fair for me to try to summarize
6 it. I will say that I think it's pretty predictably, you know, the building would have impacts, you
7 know, there's no doubt about it, on adjacent properties. There's positives in the shadow study too
8 that, you know, I'm sure that they'd be happy to articulate for you if you wanted to hear a . . .
9

10 **MELISSA BERGER:** Thanks, Mike.
11

12 **BRAD CANTRELL:** Commissioner Heifetz?
13

14 **MICHAEL HEIFETZ:** Thank you, Mr. Chair, thank you, Alder Verveer. You mentioned not
15 penalizing the developer for issues related to South Capitol Transit Oriented Committee and a
16 counterflow bike lane. So, you know, hopefully that would not happen, although my fear is it's
17 already been foreshadowed. That's more commentary.

18 But a question for you is we've already, we being the Plan Commission, and then the
19 Council as well in approving some of our actions, or at least not overturning them, that we have,
20 by approving various projects already violated the Downtown Code. Early in your comments,
21 you noted the Downtown Plan asks for projects like this. Are we now violating the Downtown
22 Code with the opposite action? How do we address that issue? Does this, if the Downtown
23 Code asks for projects like this, what's the threshold for approval?

1
2 **MICHAEL VERVEER:** Well, I presume that that wasn't, I'm sorry, were you done? Was that
3 a question?

4
5 **MICHAEL HEIFETZ:** When I stop, I'm done. Thank you.

6
7 **MICHAEL VERVEER:** Okay. Well, first of all, congratulations on your appointment. I
8 haven't stood here since you've, you know, been appointed . . .

9
10 **MICHAEL HEIFETZ:** Thank you very much. Come visit anytime.

11
12 **MICHAEL VERVEER:** . . . State Budget Director. But I guess I'd say, Michael, that, you
13 know, you certainly recited my words accurately. And I think that an argument can be made,
14 and, again, I'm not standing here arguing against this application, but that there's a difference
15 between the zoning code that went into effect a year ago and the Downtown Plan and the various
16 standards of approval that all of you are legally bound and know inside and out in your work
17 here at the Plan Commission.

18 So, to me, what I'm saying is that, yes, and I think Mr. McGrath said this in his
19 testimony, yes, this absolutely more than on the surface meets the, you know, in so many
20 respects, the spirit of the new zoning code. The letter of it, if you didn't ask the rezoning in
21 UMX, is going to be largely built under UMX. This is a rezoning, so in that sense it is a, you
22 know, difference from the code that all of you recommended the Council approve a couple years
23 ago.

1 But to me it's kind of the devil in the details. So, yes, broadly the Capitol, well, I already
2 said this earlier in my testimony, but a Capitol view height building of this nature, you know,
3 residential, first floor commercial absolutely is something that, you know, the planners and some
4 of the other project leaders here tonight, Mr. Fruhling can speak to from the Downtown Plan
5 perspective, that this is certainly something that was envisioned in the Downtown Plan and the
6 zoning code.

7 I didn't say this in my testimony, but my enthusiasm, when Lance McGrath first e-mailed
8 me and said I want to do a project here, I, my reaction was, oh, great, get rid of that vacant
9 eyesore, the old Department of Corrections Building. But then a few weeks later was invited to,
10 actually, and I had been in the Marina certainly many times before over the years, but was
11 personally invited to go on the tour of the units that are on the east side of the building, and I
12 was, frankly, blown away trying to envision a wall 28 feet across out the windows of all these
13 constituents of mine.

14 I know we've approved a lot of, I've stood here and urged you to support a lot of similar
15 downtown projects over the years, and speaking also, personally, my view outside my condo
16 windows have been somewhat significantly adversely impacted by the, you know, kind of
17 monumental investment in the Bassett Neighborhood, and I could cite building after building,
18 including one of Mr. McGrath's at 640 West Wilson that has affected the view of the old Park
19 and Pleasure Drive and Lake Monona from my condo.

20 But, you know, it still is a whole City block, generally, away that these view impacts that
21 I personally have had to deal with, with all the new development in the Bassett Neighborhood
22 over the years, all the buildings that I've stood here and urged you to support. The difference for
23 me, and from the, to get to finally to answer the question another way, that you're asking me is I

1 think there's a difference between the zoning code and the Downtown Plan and then the actual,
2 again, specific standards that you need apply as it relates to rezonings and conditional uses. And
3 that's where, again, I think the details here are still problematic.

4

5 **MICHAEL HEIFETZ:** Thank you. I appreciate that answer, particularly the last couple of
6 sentences, because that's exactly what we have to do is balance all those things. And I think that
7 gets lost on a lot of folks that come before us in support or in opposition, and they focus only on
8 one aspect of this. So you articulated it better than I have in the past in that regard, that we can't
9 look just at the zoning code solely or at the Downtown Plan solely or at the conditional use
10 clauses solely, although those thresholds do have to be met.

11 In relation to the conditions you laid out, and I know you mentioned that those are,
12 should the project move forward in some fashion or be approved in some fashion this evening, if
13 we do end up referring the matter, do those proposed conditions of yours still apply, or are they
14 tradeoffs for other things, or is it if we refer it, then let's just get to referral and see how the
15 groups do in addressing those issues? Because I support some of them. I don't support a couple
16 of others. But I don't want to parse it if it's not really before us this evening, so to speak.

17

18 **MICHAEL VERVEER:** Well, that's a good question. Whatever, my response would be
19 whatever you, all of you are comfortable with. If, again, if there's a referral motion made, I
20 suppose it could be with or without these conditions. It seems to me that there's not a strong,
21 perhaps, need to have any, some or all of these conditions articulated on the record as part of a
22 referral motion.

1 I'll state the obvious though and say rather than, you know, my chicken scratch here that
2 I, you know, finalize these conditions sitting in my seat tonight, you know, these would be in
3 writing, and you're, one of the benefits of referral is you'd have at least proposed conditions in
4 your packets for the next meeting that would be typewritten and neat and something you'd be
5 able to, you know, actually read instead of hearing me read to you. Did that answer the
6 question?

7

8 **MICHAEL HEIFETZ:** You punted to us, and that's okay if that's the answer, because it just
9 means, no, you're not putting those out there if we're going a different direction. You were
10 putting those out there then if we go in one particular direction this evening. So I may not have
11 articulated the question that well, but I think you did answer it satisfactorily, so I know what to
12 do with those in the meantime.

13 I'm still struggling with all the things that you mentioned as well as others that have
14 spoken tonight. But given the complexity, I'm wondering how we get to yes through the referral
15 process, yes from both, but I'm, I take everyone at their word that they're willing to do that. I'm
16 not a fan of referral, so I'm going to withhold my perspective depending on the rest of the
17 discussion amongst the Commission. But, you know, for folks to really get to a communal yes
18 or a mutual yes, there has to be pressure on both sides to do so.

19 So I would hope that the improved neighborhood process, or at least improved over what
20 some have articulated, would address that. Because right now I'm seeing a lot of burden one way
21 and a little bit the other way, and all have valid concerns, so I would just like to make sure we
22 don't run out the clock, so to speak, on this, that it does get a fair hearing, so to speak, if we do
23 proceed with a referral.

1 And, hopefully, you can help address that given your veteran status of getting through
2 these kinds of debates. So it's probably not fair for me to say that to you, but you do have a way
3 of working through these things, not that you can make anyone do or say anything, but you're
4 very good at bringing parties together and understanding each other's perspectives, so that's been
5 appreciated from myself, as a Madison native, so thank you for that. And I'll end my questions
6 here. Thank you, Mr. Chair.

7

8 **BRAD CANTRELL:** Thank you, Commissioner Heifetz.

9

10 **MICHAEL VERVEER:** I'll just say . . . I appreciate the kind words, but also just, again, I want
11 to disclose one last time, I'm not so optimistic that I think we'll ever get to a communal yes on
12 this one. And so I just want to make that clear that I don't want to be back here in two weeks,
13 and, you know, you can all say to me I told you so, or, you know, why are we all back here
14 again. And, again, one last time too I'll just offer that if you're interested, you could ask the
15 applicant, and maybe the chair of the neighborhood steering committee and Mr. Christensen, you
16 know, what do they envision a referral doing? Will, you know, will there be a benefit or not?
17 Maybe it's just a, I'm a pipe dreamer on that one, and a referral won't get us anywhere if they
18 think they're at a loggerhead, so.

19

20 **BRAD CANTRELL:** Thank you, Alder Verveer. Are there any other questions for Alder
21 Verveer? Seeing none, are there other questions for the other, the registrants that have spoken.
22 Commissioner King?

23

1 **STEVE KING:** Predictably, can Mr. McGrath come and talk about his perspective on the
2 referral?

3
4 **LANCE MCGRATH:** Thank you for allowing me to come back up. Definitely a difficult
5 decision. The referral itself, personally, I don't see the benefit of it, to be honest. Additional
6 time in meetings isn't going to help the process. It's not going to soothe things over, so to speak.
7 The, some of the things they're asking for, like let's say a 10-foot setback, that's, the building's 70
8 foot wide, it drops down to 60 feet, that's a 14% reduction in square footage, just absolute
9 nonstarter as far as we're concerned.

10 Timing is also a huge deal for us. We're trying to get this started in the latter half of
11 February, so that we can have the building ready by June of 2015. As that starts to slide, our
12 window is definitely shrinking here. Banks like to hear that we'll have the building ready on
13 June 1st. If we come back and say, well, now, it's going to be July 1st or mid-July, that becomes
14 an issue affecting it. So there is a real, and I'm not just blowing smoke here, there's a real
15 possibility that our window lapses, as Commissioner Heifetz mentioned. It's a definite
16 possibility.

17 We've got a lot invested in this relying on the plans and the zoning code, as I mentioned
18 before. It's...we've advanced this design quite a ways based on that. The...also touching base on
19 the lakefront connection, we did, we've met with City staff. David Trowbridge called a meeting
20 on November 14th. The consultants came in. We talked about the options. They looked at it.
21 They seemed interested, a little bit. We were interested in talking to them further and seeing if
22 there's a way somehow to incorporate it. Very next day, we were told it's not an option. They're

1 not looking at our site, and that was on November 15th, the very next morning. Since then, I've
2 heard other things.

3 Anyway, if there is a way to work with the City in the future on that, we're open to it, but
4 we can't design a building around something that's not certain. We can't plan for that at this
5 point, whether it's Kenton Peters' Lake Terrace Park or this bike path. But I do think there is the
6 ability to modify our plan, and David Trowbridge talked about that a little bit when we met, if
7 there was a way to, if this does become a site that is an ideal location for a bike path connection
8 across the street, I see benefits to us as the building owner. It's a nice connection to have for our
9 residents. And we're more than willing to work with that, but we can't stop and wait until it gets
10 to that point.

11 So bottom line, the referral would be really bad for us. As Mike mentioned, there are
12 whispers of lawsuits and things like that. So an additional two-week referral, even if it's only
13 two-weeks, that is an additional two weeks we'll lose on the calendar here, so.

14 I'd be happy to answer any questions if you have any.

15

16 **BRAD CANTRELL:** Commissioner Berger?

17

18 **MELISSA BERGER:** I'm just really happy to hear what you said about being open to
19 potentially working further with the City on this bike path thing. I can't imagine why you were
20 told that it had been totally dropped. I guess maybe they were going to focus on the Summit
21 location. But I think that was because they heard that you were absolutely not interested, so it
22 sounds like I'm hearing something different.

23

1 **LANCE MCGRATH:** Yeah. No. That wasn't the case at all.

2

3 **MELISSA BERGER:** Okay. So that's great. So if we can think of a way to word a condition
4 that obviously doesn't hold you to something. I understand you don't want to wait, you know,
5 and hold your construction plans for something that might take a while, but if I can word
6 something that, you know, just basically says that you'll explore the issue further with the City, it
7 sounds like you'd be comfortable with that.

8

9 **LANCE MCGRATH:** One-hundred percent behind that.

10

11 **MELISSA BERGER:** Okay. Thank you.

12

13 **BRAD CANTRELL:** Commissioner Heifetz?

14

15 **MICHAEL HEIFETZ:** Thank you, Mr. Chair. All right, so there's the air of litigation in the
16 room, and, you know, whatever, fine whoever sues, doesn't sue. But you just mentioned timing
17 and all of that is important, so that impacts the impact of a referral. But banks and timing also
18 don't favorably look at litigation, so how do we balance the urgency with litigation?

19

20 **LANCE MCGRATH:** I'm fairly confident that we can avoid any litigation. There's long
21 stories behind all the various issues that might possibly pop up, but we think there's, you know,
22 definitely solutions that can avoid that. Don't think it needs to be anything, or the threat of
23 litigation shouldn't be anything that should slow down this process, but we definitely feel that we

1 can negotiate...we can negotiate our way around that without having a huge impact on the
2 timing of the project.

3

4 **MICHAEL HEIFETZ:** Okay. Thank you. Thank you, Mr. Chair.

5

6 **BRAD CANTRELL:** Are there any questions, further questions for this registrant? Yes?
7 Commissioner Hamilton-Nisbet?

8

9 **TONYA HAMILTON-NISBET:** How many bedrooms, you know, we know that you've got
10 studio to four-bedroom units, how many of each of those are in here? That wasn't spelled out in
11 our information.

12

13 **LANCE MCGRATH:** There's one 4-bedroom unit, there are 13 studios, one per floor. And
14 then roughly the remaining ratio would be 50% one-bedrooms and 30% two-bedrooms, the
15 remainder being three's.

16

17 **TONYA HAMILTON-NISBET:** The reason I'm asking . . .

18

19 **LANCE MCGRATH:** Thirteen 3's, 13 studios, and then roughly, here we go . . .

20

21 **TONYA HAMILTON-NISBET:** One four-bedroom, you said.

22

1 **LANCE MCGRATH:** Yeah. This doesn't break it down by the unit number, but, so about
2 50%, so 60-some would be 1-bedroom units and 30% would be 2-bedroom units. And this is a
3 much larger unit mix than any of the new, relatively new apartment buildings that have gone
4 forward in Madison. The average square foot per unit size, I don't see it on here, but it's
5 somewhere in the high 900-square foot per unit, and that's primarily driven because we have
6 these 3-bedroom units and the one 4-bedroom.

7

8 **TONYA HAMILTON-NISBET:** The reason I'm asking is because of the issue of the loading
9 trucks. And, you know, you've talked about the Two Men and a Truck or something smaller, and
10 that would be, that would go below, potentially, although, you know, it depends on some level, I
11 think, the comfort level of the driver, but, I mean, some of the, the larger units, you said one 4-
12 bedroom is all. So that's just one unit. Then thirteen 3-bedroom units, I mean, a 3-bedroom, I
13 don't think, would fit into a truck of that size. I'm trying to understand how many of these would
14 be semis on the street versus smaller trucks.

15

16 **LANCE MCGRATH:** I could take a stab at that, but I couldn't really probably give you a real
17 accurate answer. I do think, however, though these three-bedroom units, they're not all going to
18 be empty nesters relocating from Verona or whatnot to downtown. It could be three single,
19 young professionals that want to live together and share living expenses, and they work a lot, and
20 they want to have some social activity. They don't want to sit in a one-bedroom by themselves
21 when they come home from work.

22

1 **TONYA HAMILTON-NISBET:** So then they may have three trucks, they may have three
2 small trucks instead of one large truck?

3

4 **LANCE MCGRATH:** Yeah. More than likely they're smaller vehicles. As I mentioned
5 before, our typical move-in, it's rare that we see a moving van. I know somebody mentioned
6 what they've seen at Madison Mark across the street, but I can only speak to what we see in our
7 three properties that we own and manage. And I can think, in this past year, I think I saw one
8 full-size Allied Van Line that was moving in.

9

10 **TONYA HAMILTON-NISBET:** So in your discussions with Traffic Engineering, did you
11 guys discuss that at all, how many semis on the street per year, that kind of a granular
12 discussion? Only because that is kind of a wonky intersection, I mean, it's like a K, and to have
13 the loading in and out of there, and given that these are rental units and not owner-occupied, they
14 may turnover more, they may not. It's really hard to say. But given the density, I mean, that
15 seems like, I mean, I could see that being a significant problem. So can you, did you get down to
16 kind of that level with Traffic Engineering?

17

18 **LANCE MCGRATH:** I don't know if we got to that exact level, and . . .

19

20 **TONYA HAMILTON-NISBET:** And I'll, I can ask . . .

21

22 **LANCE MCGRATH:** I would refer to him. But I know we talked about what, the same things
23 I just mentioned here, what we see as our typical move-in vehicles. And I don't know if we

1 talked specifically about how many large vans might be showing up that wouldn't be
2 accommodated on site.

3

4 **TONYA HAMILTON-NISBET:** Okay. The other question I have is why are you looking at
5 these wall packs instead of a standard HVAC system?

6

7 **LANCE MCGRATH:** That's a good question. It's a very common apartment heating and
8 cooling system. It's efficient from a number of points. It's a combined heating and cooling unit,
9 and it's also a cost-effective means to heat and cool an apartment. An internalized HVAC
10 system, which was referenced in the staff report, that would be something like a water-source
11 heat pump, where you would have, up on the roof of your building, you'd have cooling towers,
12 and you'd have boilers, and you'd have a pipe loop running throughout the building.

13 That is like a \$1 million add for a project like this based on what our contractor told us.
14 They, it's a big deal, and it's, that's the main issue. There's also benefits with apartments get a lot
15 of, what I call co-heating, where, you know, the Marina residents, we see this in all our multi-
16 family buildings, you get a lot of heat traveling up or down the building shared between
17 neighbors, so overall energy use is actually relatively low.

18 The other thing nice about Magic-Paks, they're individually controlled, so the tenants are
19 controlling their own temperature, how they want it in their unit. They're not, it's not a central
20 system, so it's not one of these buildings where you'll drive by, and you'll see windows open in
21 the middle of the winter. We see that every now and then on some buildings where the central
22 system gets too hot maybe on one side of the building when it's too cold on the other. This is
23 just a real nice way to control the temperature and the climate within a unit.

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TONYA HAMILTON-NISBET: So you have them in other buildings that you've managed?

LANCE MCGRATH: I've not put these in any of the buildings that we've managed, but we do have similar systems. They're all standard split system furnaces, which would be an option for this building also, except you have to find a spot for a remote air conditioner, and you can't run, you can't put all the air conditioning condensers on the roof. They can only run a certain distance to the refrigerant line sets between them. So it just, it's not a real, feasible option for a building of this height although Marina has them. They've carved out an area with a screen wall, which each floor they have AC condensers sitting out there.

TONYA HAMILTON-NISBET: But you haven't done any sort of, you don't have any sense of the noise of these individual wall packs?

LANCE MCGRATH: Well, I'm not concerned about that at all. The, we have four, at least as far as facing the Marina, there'll be four wall pack units facing the Marina per floor.

TONYA HAMILTON-NISBET: Four, four per floor?

LANCE MCGRATH: Four per floor. Then there's four on the Union Transfer side, and then there's two on the front elevation setback on the recessed balconies. And in all cases, they're discretely hidden behind these architectural louvers in the black recessed component of the building. But there's not an overwhelming, there's not hundreds of them on that side. There

1 would be 4 times 13, there'd be 52 on that side of the building. There will some noise from
2 them, and it's not going to be any more than an air conditioning condenser by any means, so.

3

4 **TONYA HAMILTON-NISBET:** Staff had noted in the report that there was not an indication
5 of what percentage of units of yours have balconies. Do you know, offhand, what that is?

6

7 **LANCE MCGRATH:** All of them except for the studios and . . .

8

9 **TONYA HAMILTON-NISBET:** Okay. And the studios, there are 13 of those?

10

11 **LANCE MCGRATH:** Yeah. And then there would be one more one-bedroom, and these are
12 all along the Marina side of the building, and part of that was done for privacy reasons as an
13 acknowledgement from the Marina. You know, as opposed to us having a lot of balconies on
14 that side with potential noise issues, we decided not to do that, and there are, the units that don't
15 have balconies will have like a Juliet-style balcony, a railing, where they can open up a door and
16 get fresh air in, but they can't physically step out.

17

18 **TONYA HAMILTON-NISBET:** Right. Okay. I think that's all. Thanks.

19

20 **BRAD CANTRELL:** Are there any other questions for this applicant, for the applicant? I
21 guess I have a question. The, Alder Verveer indicated that you had a meeting with Union
22 Transfer on the construction techniques and details, and it appears that you haven't had a
23 discussion with the Marina Towers building. And the staff noted in its report that there are stairs

1 coming from Marina Towers into the 18-foot fire lane, and that will be, I'm assuming, eliminated
2 with your project. Is that correct?

3

4 **LANCE MCGRATH:** Correct.

5

6 **BRAD CANTRELL:** So I guess I'm just curious why you haven't found the need to discuss
7 construction details with your neighbors, since you're going to have to eliminate one of their
8 sidewalks?

9

10 **LANCE MCGRATH:** We definitely have discussed construction details with them. At one of
11 the steering committee meetings, we had a representative from Stevens come and went over all
12 the details. When we met with Union Transfer, it's where you sit down around a conference
13 room table, you go over in a little more detail, and then at that point, we're also talking about air
14 rights for crane swing. And, quite honestly, I don't think they're going to be willing to give us air
15 rights to a crane swing unless this project gets approved, so there's not a lot of benefit to meeting
16 and talking about that early on.

17 We're more than happy to start the discussions, but nothing's going to get resolved real
18 quickly here. We do have other options regarding the crane swing. There's other types of
19 cranes. You don't have to have the one with the big boom that swings around. There's luffing
20 cranes that lift up and avoid going over neighboring properties. We always have that option. It's
21 not necessarily the most effective. It's not necessarily the cheapest crane to put on the site, but it
22 is another option for us.

23

1 **BRAD CANTRELL:** In addition, you've determined how you're going to handle this stairwell?

2

3 **LANCE MCGRATH:** Yeah. Okay. So that's a long story, and I'll try to keep it brief. The two
4 properties, Marina and our site, 149, were owned by the same development group, McShane and
5 Kenton Peters. When they did the Marina Condominium development, they put several
6 easements on our site. The first one was the fire lane, that's an 18-foot fire lane, they put a 10-
7 foot height restriction, or 10-foot wide height restriction for the first 10 feet away from Marina.
8 So that indicates, you know, if they wanted to keep the building within 10 feet of the property
9 line. We're 18 feet away.

10 There was a second amendment to the fire lane easement that gave the 149 property the
11 permission to remove that fire lane as long as they reconstruct it. The fire lane easement itself
12 specifically states it's only for fire lane purposes, not for anything expressed, any other expressed
13 use. I'm no attorney, but my read of it is pretty clear that the staircase doesn't belong in the fire
14 lane. Fire Marshal Ruckriegel is here. He might be able to add some commentary onto that.

15 The, I don't think this is an anomaly though. I'm sure there's probably other fire lanes in
16 the City that have some non-permitted uses within them. But we've got an option, you know,
17 that we've got ways that we can address the staircase issue, and we've always told Marina we'll
18 pay for whatever that cost is. We don't want to have any cost impact on them as a result of this
19 project. So if we can figure out a way to address that staircase and deal with it, we're more than
20 happy to do that.

21 And there's a pretty simple solution. As part of our project, that grade of a fire lane raises
22 up a little bit. So what's now a four- or five-foot step landing and stoop coming down doesn't
23 need to be that high because of the grade. It might be two or three steps. We can carve that into

1 the Marina building and have it set in so it would actually step onto the fire lane and not project
2 into it. But that's all part of the discussions we need to have with them as we go forward.

3

4 **BRAD CANTRELL:** Okay. Other questions? Commissioner Hamilton-Nisbet?

5

6 **TONYA HAMILTON-NISBET:** I'm sorry to come back again. I have a strange question, and
7 I promise this will be the last one. In all of the documentation we got, the, the people who are
8 concerned about this talked about pet refuse. Are you talking about allowing dogs in your
9 building?

10

11 **LANCE MCGRATH:** It came up in the very first meeting, and I said, yeah, more than likely,
12 we would allow dogs in the building. And it's been a bit of a firestorm ever since then as far as
13 where pets do their business.

14

15 **TONYA HAMILTON-NISBET:** And is that still what you're planning, or what?

16

17 **LANCE MCGRATH:** Yeah. We still intend to allow it. We would, you know, we don't want
18 dogs in all the units. We'd probably put a restriction on the number and the size. We currently
19 allow them in one 40-unit building, Lake Park Apartments, we allow dogs, and we might have 3
20 of the 40 apartments that have dogs in there. However, if we do get the empty nesters that we
21 think we'll see here, a lot of the empty nester crowd has dogs, and we don't want to limit that,
22 take that away from them.

1 But dog behavior is, you know, it's managed by the owners of the pets. We will provide
2 a waste station and a bag thing and have a collection system set up if we do allow dogs, and it's
3 more, you know, if somebody's dog is doing their business on a sidewalk, someone needs to
4 clean it up, and that would be the owner of the dog itself. So, you know, we have ways within
5 our lease that we can address those . . .

6

7 **TONYA HAMILTON-NISBET:** And do you, or will you?

8

9 **LANCE MCGRATH:** Yeah, yeah. We will. We've got a whole separate pet addendum.

10

11 **TONYA HAMILTON-NISBET:** And if we put that on as a condition of approval . . .

12

13 **LANCE MCGRATH:** I'm totally for that.

14

15 **TONYA HAMILTON-NISBET:** . . . that dog waste will be addressed in the leases of tenants?

16

17 **LANCE MCGRATH:** Yep. And along those same lines, the on-site management helps, you
18 know. We'll be there every day. We'll have eyes, you know, patrolling the site making sure, you
19 know, that's not happening, so.

20

21 **TONYA HAMILTON-NISBET:** Okay. Thanks.

22

23 **BRAD CANTRELL:** Are there any other questions for the speaker?

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LANCE MCGRATH: One last point I'd like to make that I omitted before regarding the pedestrian safety. One nice aspect of this project is our garage door is down near the end of the drive aisle. It's not right up near the sidewalk like you see in our immediately adjacent neighbor. So when someone's coming out of our building, they've got, they come out of the parking garage, they drive up the hill. There's a lot of room for queuing of traffic. They have time to look. They don't have to worry about a garage door coming down on them and hustling out. It's a much safer situation than what's currently on either side of us, where there's a garage door within feet of the property line.

BRAD CANTRELL: Okay. With that, does the Commission have any other questions for any of the other registrants? And if not, I will close the public hearing.

STEVE KING: . . . Recess . . . seven minutes.

BRAD CANTRELL: Okay. We'll recess for ten minutes. Thank you.

[RECESS]

BRAD CANTRELL: I'm calling the meeting back to order. Can the Commission members take their seats?

Do any of the Commission members, which I'm sure you do, have questions for staff?

And here tonight we also have the Fire Marshal Ed Ruckriegel, sorry, and Scott Langer, the

1 Assistant City Traffic Engineer, in addition to the various Plan staff members, so. Again, do you
2 have any questions for staff? Commissioner Hamilton-Nisbet?

3

4 **TONYA HAMILTON-NISBET:** Of course, I'd have the first question. So question for
5 Traffic. So can you give us kind of some perspective on, first of all, I'd like to know if you knew
6 how many units were in, you know, how many four-bedroom, all of these various units, and do
7 you have any sense of how many of those would require a large semi versus smaller trucks?

8

9 **SCOTT LANGER:** I think it's kind of hard to judge that just on the size of the units. To me,
10 that's going to depend more on where the resident moving in there is coming from. You know, if
11 it's a long distance move, they're probably coming in with a semi even if it's a two-bedroom. It's
12 just, it's hard to move a long distance without that. If it's more of local, in-town move, I would
13 be highly surprised if they required a semi at all. You know, they're more likely to do it in a
14 couple moves. It'd be, it's, you know, the cost of getting a semi would not lend itself to doing
15 that. So it's really going to be a factor of where are they coming from, to me.

16

17 **TONYA HAMILTON-NISBET:** I mean, okay, so, and I agree with that. I'm just, I'm trying to
18 understand, you know, I'm picturing that intersection, which is wonky, you know. It's very
19 strange. And the number of units there and the amount of moving activity that could be there
20 could be a great deal, and so, I mean, you know, it's pretty clear that you guys have had a lot of
21 dialogue about this, but how do we get around that? Do you feel like, are there any potential
22 options or solutions to make this doable or safer?

23

1 **SCOTT LANGER:** Yeah. Sure. I think if you look at our comments in the staff report, they
2 were, they didn't give a lot of solutions.

3

4 **TONYA HAMILTON-NISBET:** Right. Exactly.

5

6 **SCOTT LANGER:** And part of that is that the nature of a building in the downtown area is,
7 you know, there's not a lot of great solutions. The zoning code doesn't require a loading zone,
8 because, you know, they could envision not having loading docks up and down our streets. That
9 being said, the applicant did come in late last week, you know, on their plan set it wasn't real
10 clear where the entrance to the garage was in comparison to the loading zone. He did show me
11 some templates where you could have a U-Haul sitting in there and still have someone get out of
12 the garage. So that made me feel a lot better that the loading zone was actually usable.

13 Will there still be, you know, some residents that disregard that? There could be. And
14 that was our concern too. And that was kind of where we came up with, okay, if this is going to
15 work, we would like a move-in/move-out plan that requires using the loading zone and also have
16 that as, you know, maybe a condition of the lease to use that area. So I think that would be, that
17 would go a long way to helping that.

18 The semis are always going to be an issue. There's no building...I don't think there's a
19 building downtown that could accommodate, you know, a move-in semi. There's very few that
20 could. Really, the only way we've done that is using the metered parking. It does get a little
21 complicated if we would put in a counterflow bike lane that sort of thing.

22 That's, you know, one of the reasons that Wilson Street hasn't been tackled yet is all the
23 loading that happens on Wilson Street. It's a lot, up and down the street. And so that was, a lot

1 of the complications with making it a two-way street was all the loading that happens, and how
2 do we deal with that. So that would complicate matters. I think members of the Plan
3 Commission have to be confident enough that it wouldn't happen enough times to really cause a
4 huge mess.

5
6 **TONYA HAMILTON-NISBET:** Okay. All right. Thank you.

7
8 **BRAD CANTRELL:** Commissioner Zellers?

9
10 **LEDELL ZELLERS:** One of the, I'm sorry, one question I have is about the fire safety and the
11 fire lane, and if you see that as being satisfactory in terms of safety for both buildings?

12
13 **ED RUCKRIEGEL:** Yes, we do. The 149 project, that complies with the code as proposed
14 without using the fire lane between the two buildings. And as long as the fire lane is
15 reconstructed as, you know, the proposal states, we're fine with it.

16
17 **LEDELL ZELLERS:** Okay.

18
19 **BRAD CANTRELL:** Oh, sorry, sorry.

20
21 **LEDELL ZELLERS:** That's okay. In terms of there is something, and this is for Scott, there's
22 a notation there to maintain sidewalk and travel lanes during the construction, and does that

1 include bike then too? That there's an expectation that there would be adequate room in, overall,
2 for bikes to safely continue going the correct direction on the one-way street?

3

4 **SCOTT LANGER:** Currently, there is no . . .

5

6 **LEDELL ZELLERS:** Specific... right.

7

8 **SCOTT LANGER:** . . . dedicated space for bicycles there, so currently they do use the travel
9 lane, they take the travel lane, yeah.

10

11 **LEDELL ZELLERS:** Travel lane, okay. One of the issues is, too, in terms of conflict, is the
12 Madison Mark unloading and loading in traffic travel lanes. I don't know whether there's
13 anything, because that could exacerbate the problems that can be done to mitigate that too, is that
14 something that could be addressed to make it less likely that there's going to be weaving in and
15 out?

16

17 **SCOTT LANGER:** Yeah. I'd have to look back and see if they had any conditions in their
18 approval. One nice thing about if we do, would incorporate a move-in plan, for example, we
19 could require that they have to be done in metered spots, and they would have to schedule that
20 with Parking Utility when the spots are available. So that could help, you know, kind of provide
21 some order in that you not only have to schedule it, but you have to make sure that the spots are
22 available for the truck.

23

1 **LEDELL ZELLERS:** Okay, okay. And then you also say, #38, if sporadic impacts to the
2 right-of-way are required, they must be completed on an approved weekend only. And what
3 kinds of things are you thinking of there?
4

5 **SCOTT LANGER:** Well, what comes up, and that would be related to construction of the
6 building, what comes up a lot of times with the . . . what happens with construction of the
7 building is a lot of times there'll be tower cranes, for example, where there's just no way of
8 erecting it without closing the street. In talking to the developer, he doesn't think that'll be
9 necessary. There will be utility connections that are going to be very difficult to do, and those
10 are very hard to do just over the span of a weekend, but that gives my employees some leverage
11 with the contractors to at least get some of that work done over the weekend to limit the impacts
12 to the public.
13

14 **LEDELL ZELLERS:** Okay. And then the last question about this. Is the width of the
15 driveway down to the parking, that's adequate for vehicles to comfortably pass each other?
16

17 **SCOTT LANGER:** I wouldn't say comfortably. Twenty feet wide would be comfortable. We
18 do, 18 has been our minimum, that, we would not want to go any smaller than 18 feet. Twenty
19 feet would be what would be recommended by professional standards, but 2 vehicles can pass
20 each other in an 18-foot area. It's tight, but they can.
21

22 **LEDELL ZELLERS:** Including Two Men and a Truck that they were talking about doing, or
23 are those vehicles wider?

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SCOTT LANGER: Those vehicles are wider. The idea for them is they would be parked down in the loading zone, and vehicles would still be able to get out, in and out.

LEDELL ZELLERS: So then when they left though that somebody might not be able to come in.

SCOTT LANGER: Correct. When they left, they would probably take up the whole space. And if, you know, if a move-in plan was required, I think we would have to address, you know, needing multiple people to, you know, get the truck out safely when you are done moving.

LEDELL ZELLERS: Okay. Thank you.

BRAD CANTRELL: The Chair has a question, a follow-up question, on that. I guess the question I had was the backing up of move-in-and-out vehicles, and the safety of that onto Wilson Street and the sidewalk, and, because an adjoining building is right at the sidewalk as well. Are you concerned about that, or would that be in the move-in-and-out plan?

SCOTT LANGER: I think we would include that in part of the plan. That is, of the whole thing, that is one of my biggest concerns is, you know, somebody trying to back that truck out by themselves without somebody standing down there to guide them and, also, you know, watch for pedestrians and that sort of thing. That is definitely a concern.

1 **BRAD CANTRELL:** Okay. Thank you. Commissioner Berger?

2

3 **MELISSA BERGER:** Just one more point on that. Would, can you foresee any easy changes
4 that would allow a truck to be able to turn around down there and come out forward? I mean, it
5 would take a substantial . . . of space.

6

7 **SCOTT LANGER:** Yeah. They'd have to do a substantial change. I don't think they have the
8 floor heights on the parking garage to, where they could, you know, pull into the garage and then
9 come back out. That would be the easiest thing, but I don't think the floor height is there. Their
10 original plan had the loading being done on the first floor, with an entrance off the front of the
11 building, and then they discovered by the zoning code, they couldn't actually have a door on the
12 front. There wasn't, they needed more glass space on the front is what my understanding was.
13 So that's kind of where they went from. Because that floor, which is a floor up, they would've
14 had actually the heights to get a truck in, but on the parking garage they, I don't believe they do.

15

16 **MELISSA BERGER:** Okay. And then I had a question for other staff just about the wall
17 packs. So I don't know who that would be Kevin or Tim or, but, basically, you know, throughout
18 our packet, you know, it's been discussed that the wall packs are lesser in design, I guess, and I
19 just wanted to get at what, specifically we should be concerned with according to the staff. Is it
20 aesthetics, noise, maintenance of these things in the future or changing out? You know, what are
21 the specific things that staff is most concerned about with wall packs?

22

1 **TIM PARKS:** Generally speaking, we don't have a uniform standard throughout the City for
2 those sorts of utility penetrations. This body has reviewed projects that have wall packs, but it's
3 also done some handwringing, it's fair to say, especially recently, about projects that, in
4 particular, came back and said, "oh, hey, look here are our wall packs". But we don't have a
5 uniform standard.

6 And I think that the most important thing overall from a staff perspective, and I'm one
7 voice of many in what planning staff is, but our general concern, our overarching concern is that
8 the entire composition of the building be very well thought out and that everything that's
9 proposed be properly integrated. And I think you've heard from the applicant, and you've seen in
10 the very brief comments you received from the Urban Design Commission, that they feel that
11 how they're handling their HVAC and other utility penetrations is being done in a very
12 thoughtful manner, and that they're well integrated into the exterior of the building so as to have
13 a minimal impact, if any impact, on the exterior appearance of the building.

14 We don't really have any baseline for what is quieter or noisier, whether it's a central or
15 zonal heating and cooling system versus these wall packs, whether or not one is more efficient
16 than the other. From a maintenance perspective, I'm sure that there are pros and cons that we're
17 not fully aware of. I think the one advantage of a wall pack is that if a single unit fails, it does
18 not have a broader impact on an entire building, and that unit could be repaired, or I would even
19 submit, potentially be replaced without any impact on other property or other units in the same
20 building versus if the heating and cooling for an entire building goes down, a 14-story building,
21 you're going to have some broader impacts.

22 But, again, we don't really have any baseline to say, yes, this is exactly right, no, it isn't.
23 And, again, I think from a thing that we can control and make clear recommendations on, it's

1 important that every aspect of the exterior of this building be well thought out, properly
2 integrated – a complete composition. And so I think you're hearing, again, that the UDC feels
3 that what's before you is, meets that standard such as it is.

4

5 **MELISSA BERGER:** So it sounds like the concern is aesthetics, and, yeah, so the thought of
6 the staff in writing their report is that the, that grading material is not the best solution, it's not
7 the, it, the grading material that runs along the outside that hides the louver material . . .

8

9 **TIM PARKS:** It's important from our perspective that it be fully thought out, that we're talking
10 about not just sort of random penetrations into the exterior of the building, or something like
11 what you ran into on Packers Avenue a couple of months ago, where it was here's the project, it's
12 approved, and now we've kind of thought through it and engineered the project, taking it from
13 design/development to construction drawings, and, “oh, here's our HVAC penetrations” or “our
14 dryer vents” or things like that, that all of a sudden kind of change the perspective you had when
15 you approved the project.

16 I think in this case, they have tried to integrate these wall pack systems and other utility
17 penetrations in a way that it uses the same materials. It's a variation, because when you're talking
18 about a louver of black anodized metal panel versus the actual whole panel, it's a little different,
19 but they're trying to present it to you in a fashion that is similar, what they would submit, is a
20 high-quality building material throughout that they're not cheapening it, that they've thought
21 about it from day one, and they're not hiding from it.

22 And so, yes, I think it is primarily aesthetics. I think that's the thing we know, and we
23 can speak to most clearly, versus efficiency, maintenance, noise, things like that. And I think

1 that we're, we've reached the point that we're generally comfortable that how they're proposing to
2 treat these penetrations is integrated and well thought out, and as well thought out as the rest of
3 the building.

4

5 **BRAD CANTRELL:** Any other Commission member questions? Yes, Commissioner
6 Hamilton-Nisbet?

7

8 **TONYA HAMILTON-NISBET:** I just have one question of, I guess, Mr. Parks or someone on
9 staff. Can you think of any other buildings that are taller buildings in Madison that are placed
10 this distance apart?

11

12 **TIM PARKS:** Well, I think if you look on the Capitol Square, and I think we're close enough
13 that that's a relevant example, you have some buildings on the 100 block of East Mifflin Street,
14 or the, I guess it would be, yeah, it would be the 100 block of East Mifflin Street where you have
15 a series of buildings that are very close to one another. They are primarily nonresidential
16 buildings.

17 You have the Churchill Building, which, well, I guess that's probably not as good an
18 example, because there isn't really something of that same mass right next to it. I think Block 89
19 has some relatively tall buildings that stand right next to each other. You have the more historic
20 building just kitty-corner here, and then you have the newer building next to it, and then you
21 have the 33 East Main building that's kind of behind it across the Marigold Kitchen site, where,
22 again, we're not talking about residential units, and I suppose that's the . . .

23

1 **TONYA HAMILTON-NISBET:** Right. That's my next question.

2

3 **TIM PARKS:** And, I guess probably the only other project that I can think of, two projects that
4 come to mind, would be Metropolitan Place, where you have the two towers in that development,
5 and then you have the existing Capitol West condominium tower on the West Washington side
6 of that site. And in the future, approved, but not yet built, the apartment building at 306 West
7 Main Street, which was approved about this time last year where two similar masses but in both
8 of those cases further than 18 feet apart from one another. But, again, potentially close enough
9 that you can talk about, you know, privacy issues and air and light, things like that. I suppose the
10 Statesider, on either side of Statesider and whatever its dark brown brick twin is across from
11 North Frances Street, that would be another example of buildings within relative proximity.

12

13 **TONYA HAMILTON-NISBET:** They're rare, but we've got a few examples here and there
14 that are comparable but maybe not quite as close.

15

16 **TIM PARKS:** That's probably fair.

17

18 **TONYA HAMILTON-NISBET:** Okay. Thanks.

19

20 **BRAD CANTRELL:** Commissioner Berger?

21

22 **MELISSA BERGER:** Sorry to buzz in again, but just one thing, some of the members of the
23 public had commented on the change from UMX to Downtown Core zoning and the differences

1 that that entails. And I just wanted you to clarify, it sounded to me like the only difference in
2 making this zoning change is that, is this 10-foot setback on the back that is just the garages, it
3 sounds like, or the garage portion of the building. That's really the only reason that the zoning
4 change is needed. We're not changing zoning and creating a whole new building envelope.

5
6 **TIM PARKS:** I think if you look at the use lists and compare the use lists in the UMX and the
7 Downtown Core District, the differences are very, very subtle. Most of the uses that are
8 permitted in UMX are permitted in Downtown Core and vice-versa. Similarly, the uses that are
9 conditional are the same. There aren't a lot of additional permitted uses that you get by going
10 from UMX to Downtown Core. The differences are subtle in that regard.

11 In terms of approval process, this building would, if we were talking about a building that
12 met the 10-foot rear yard, which this building does not, and I don't want to really kind of split
13 hairs about it. It doesn't. It will not. It is not proposed to. And the building has to meet it in its
14 entirety, which includes the portions that are below the grade of East Wilson Street, so this does
15 propose a zero rear yard setback.

16 And the tower above doesn't provide a ten-foot rear yard setback. It provides more
17 setback from that rear property line projected upward, but it's not meeting it but for the parking
18 below. It's just that there's, it's a bit of a plinth building that there's a tower above the bigger
19 base. But, again, the bottom line is it's a zero-foot rear yard setback that they're proposing, and it
20 shouldn't be nuanced, because there really is no nuance to provide.

21 But, otherwise, procedurally, UMX and Downtown Core are very similar in terms of this
22 building would be a conditional use in UMX, because it's greater than 20,000 square feet and 4
23 stories in height. It would require Urban Design Commission review using the Downtown

1 Design Guidelines in UMX just the same as it did or does in the Downtown Core. The
2 downtown building requirements, the design standards in the zoning code, which are
3 differentiated from the guidelines, which are outside of the zoning code, apply in UMX just the
4 same as they do in Downtown Core. So, really, the big difference, the take home is ten-foot rear
5 yard versus no ten-foot rear yard.

6

7 **MELISSA BERGER:** Thank you.

8

9 **BRAD CANTRELL:** Any other questions? Seeing none, do we have a motion? [Pause]

10 Hopefully, we'll have a motion. [Pause] What are the wishes of the Commission?

11

12 **TIM PARKS:** Channel 98 hates dead air.

13

14 **BRAD CANTRELL:** Yes. Okay.

15

16 **TIM PARKS:** In the distance, a dog barked...

17

18 **BRAD CANTRELL:** I think we have a volunteer. Commissioner Resnick?

19

20 **SCOTT RESNICK:** So we're going to start out with a motion to refer on this one, and I'll speak
21 to it ever so briefly, on the overwhelming concerns that we have had, particularly about the ease
22 of the traffic of the building, particularly on the fire lane, whether it is a conversation about

1 moving that back or any conversations that the developer can have with the neighbors, I would
2 like to see.

3 Some of the other pieces that we heard here tonight, I don't find as compelling. But on
4 the safety and wellbeing of those in the neighboring building, I think that there is a true
5 detriment. Some of the other issues that I did not find on the HVAC system, I feel like the
6 developer has made a case on that where I'm not so set against it. On other elements of building
7 curvature or some of the architecture pieces, I think the UDC has provided a pretty substantial
8 report, and in my own opinion, met many of the criterias.

9 Alder Verveer has provided a very strong list of additional conditions. I feel like some of
10 these conditions, if there was more space on that fire lane, we wouldn't be having the same
11 conversations about the move-in and move-out, or potential Traffic Engineering issues. Another
12 concern that I did find was with how the first floor of the co-working space would be used, the
13 operating plan that would go alongside that, to make sure that things of parking ratios and bike
14 parking are met. I'm sure that would be developed along the lines, but just so that the ratios to
15 the building do make sense and that the commercial space is also something that's acceptable to
16 the neighborhood.

17 I don't find the same issues with food or beverage of that space. Others may find it of the
18 neighbors, but I would let that go through the entire process and see what the neighborhood does
19 understand. A major conditional use for food or beverage, I could understand coming back to
20 this body, without any available space for outdoor seating, I see that many different options
21 would be contained within. So those are some of my thoughts on the project. I really do hope
22 that there is a workable project here, but with that, I would move and encourage my other
23 colleagues to refer the project.

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BRAD CANTRELL: Do we have a second?

TONYA HAMILTON-NISBET: . . . ask a question before . . .

LEDELL ZELLERS: . . .I will second.

BRAD CANTRELL: Okay. Alder Zellers second. Commissioner Hamilton-Nisbet?

TONYA HAMILTON-NISBET: I just wanted to know, refer to when? Are you talking two weeks, Alder Resnick?

SCOTT RESNICK: Do you want to amend it to make it two weeks?

TONYA HAMILTON-NISBET: I just wanted clarification.

SCOTT RESNICK: If there is a point where the applicant feels comfortable . . .

BRAD CANTRELL: Sorry.

SCOTT RESNICK: Yeah. My motion right here is to refer. If the developer can meet with the neighborhood and feels like just even after the initial conversations that there is no space to be gained, and they need a decision, they want to bring it back here in two weeks, it comes back

1 here in two weeks. If more ground could be made in conversations, I'm not putting a date on my
2 motion.

3

4 **TONYA HAMILTON-NISBET:** Okay. Thank you.

5

6 **TIM PARKS:** If I may, from a, well, if I might just impart upon the Commission, there are
7 practical needs in terms of if you refer it to a specific Plan Commission date, we do not need to
8 provide new public hearing notices. If you are, if it is their intention to come back in two weeks,
9 and we don't send it directly to the January 27th meeting, I'm afraid we would not be able to
10 notice a new public hearing in time, so.

11

12 **SCOTT RESNICK:** Thank you for . . . two weeks, that's what I'm . . .

13

14 **TIM PARKS:** Thank you for the additional consideration, Alder.

15

16 **BRAD CANTRELL:** So we have a motion to refer for two weeks until our next Plan
17 Commission meeting to address some fire lane safety issues that Mr. Resnick has pointed out,
18 move-in and move-out issues within that fire lane, construction of, I guess, the fire lane, the
19 parking and bike ratios, and, let's see . . . and a trash plan that Alder Verveer talked about. Are
20 there any other... Yes, Commissioner Rewey?

21

22 **MICHAEL REWEY:** Yeah. In addition to the bike parking ratio, take another look at the
23 location of the bike parking. Is that okay . . .As a think to look at?

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BRAD CANTRELL: Can we consider that a friendly amendment?

MAN: Yes.

BRAD CANTRELL: Okay. And look at the bike placement within the building. Did I miss anything? I'm assuming that Alder Verveer will have his conditions refined by then. Do... is the Commission ready to vote? Yes. Discussion? Yes. Commissioner Berger?

MELISSA BERGER: I mean, I guess, I just want to say where I'm coming from on this vote, not that I've completely decided which way I'm going to come down, but I think that the items that Alder Resnick brought up as far as reasons to refer, I feel like a lot of those could be decided by approving this with Alder Verveer's conditions. So I'm, and I also, my fears were a little bit allayed by the opinions expressed by the Fire Marshal and by the Traffic and Engineering a few minutes ago, so I guess I'm less concerned about that.

If I refer this, which I'm not sure that I would vote to do at this moment, my concern would be does this meet the standard, specifically standard #3, about not substantially impairing or diminishing the uses, values, and enjoyment of property owners, and what it would take for me to refer it would be the thought that there would be some sort of redesign based on the conditional use standards. So I guess I just wanted to put that out there and see if anybody else wanted to comment on what their thoughts would be about referral. But I'm not as concerned about the issues that Alder Resnick brought up as far as reasons behind referral.

1 **BRAD CANTRELL:** Any other discussion on the motion? Commissioner Heifetz?

2

3 **MICHAEL HEIFETZ:** Thank you, Mr. Chair. I would echo Ms. Berger's comments as well. I

4 may be, I may or may not be, I'm not really entirely sure yet, on a different place on standard #3.

5 But her comments still apply completely as, you know, we could either resolve those tonight or

6 punt them and come back and do this show all over again with the same level of productivity.

7 And, frankly, that's my fear is that we'll punt this and come back and every question of substance

8 before us will still be before us. So I am wavering on the motion, and we'll see where it goes.

9 Thank you, Mr. Chair.

10

11 **BRAD CANTRELL:** Commissioner Rewey?

12

13 **MICHAEL REWEY:** Thank you. One thing that hit me, and I think you both brought it up, is

14 it doesn't seem to address what we heard from the neighbors. We dealt with a lot of other issues,

15 but we did not address the physical issues, which, perhaps should be at least looked at one more

16 time, even if nothing happens to it. It should be, I would think it should be part of a condition of

17 the referral even if nothing does happen on it. Because that's one thing I heard loud and clear

18 tonight, I may or may not disagree with what I heard, but I heard it from the neighbors, and I feel

19 that should be part of the, one of the items for the referral also. I'd like to include that.

20

21 **SCOTT RESNICK:** Could you rephrase?

22

1 **MICHAEL REWEY:** Well, to look at the physical footprint of the building itself, as we heard
2 from the neighbors. Now the result of that maybe nothing changes, but just look at it one more
3 time during this two-week process.

4

5 **SCOTT RESNICK:** Okay. I don't know...

6

7 **BRAD CANTRELL:** Okay. Is the . . .

8

9 **MICHAEL REWEY:** . . . as long as you want to refer it.

10

11 **BRAD CANTRELL:** Does the entire body have to approve that or just the . . .

12

13 **TIM PARKS:** If anybody is opposed to it, then it would go to . . .

14

15 **BRAD CANTRELL:** Okay. Do any of the Commission members object to the inclusion of
16 that within the motion? Seeing none, okay, so Mr. Rewey, you're suggesting they look at the
17 physical design footprint of the building? Commissioner Berger?

18

19 **MELISSA BERGER:** Just to elucidate a little further about what I think I've heard, and what I
20 would agree would make this project better and would not substantially impair or diminish the
21 value of the folks in the neighboring condo, would be things like changing the rear setback,
22 tapering the corners, maybe even just reorienting, I could imagine, some of the windows or
23 balconies along the side so that people aren't staring right across into each other's windows. So

1 those are just to put it out there on the record, those are things I could imagine addressing those
2 concerns that Mr. Rewey mentioned.

3

4 **BRAD CANTRELL:** Okay. Commissioner Heifetz?

5

6 **MICHAEL HEIFETZ:** Thank you for the indulgence, Mr. Chair. Hopefully, I'm not violating
7 Robert's Rules of Order, Jefferson's Manual, or Assembly Rules for that matter by speaking
8 twice on the matter. But I just need to mention that regardless of where this goes and what
9 comes back, if we do go down this road, it's entirely possible that even a redesign with tapering
10 and setback and all those other things being flexible, and I don't even know if they are, we could
11 still come back here and have a project that obstructs views, etc., does all those things just to a
12 slightly lesser degree, or maybe to a few less places, so we're still going to have those things in
13 front of us. And it's my own perspective that regardless of this application or not, something like
14 this is going in that space. So I think all of us have to come to grips with that and make it as
15 amenable from all perspectives as possible.

16 But the fact that that space has sat there vacant for ten years is ridiculous. And we may
17 all take some of the blame or credit, depending upon your perspective, for that happening. And I
18 know we talked about New York and Chicago and all those things, but we are looking a little
19 more like those cities every day. And some of that's good, and some of it's not quite as good. So
20 I could give the standard Heifetz density lecture about what density means, but I'm not going to
21 do that tonight, because you've all heard it before.

22 But I think it would behoove everyone to bring their best and most sincere ideas forward,
23 if, indeed there is an extra two weeks on this, because this can't sit as it is vacant, and you can't

1 just indefinitely leave things hanging with the Downtown Plan and all those other things going
2 on. So the community's going to have to go, what I hopefully would think, is forward at some
3 point on this property whether it's this exact application or not. Thank you, Mr. Chair.

4

5 **BRAD CANTRELL:** Thank you. Any other discussion on the motion? Okay. All those in
6 favor of the motion?

7

8 **MAN:** Aye.

9

10 **WOMAN:** Aye.

11

12 **MAN:** Aye.

13

14 **BRAD CANTRELL:** Opposed?

15

16 **MAN:** No.

17

18 **MAN:** No.

19

20 **BRAD CANTRELL:** Can you raise your hands, the people who have voted no, can you
21 identify yourself? Thank you. Motion carries to refer this item for two weeks to address the fire
22 lane and safety issues in the fire lane, move-in/move-out plan, bike and parking ratios, and to
23 look at physical footprint of the building, and those design issues. So . . .

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STEVE KING: When this comes back, what's the guidance to the public on the public hearing aspect?

BRAD CANTRELL: This item is going to be referred for...the public hearing has been closed ...

TIM PARKS: Yes, it has.

BRAD CANTRELL: So, is there any ability for us to open the hearing again? Can we do that ...

TIM PARKS: I'm looking to colleagues for...I've got teeth gnashing. I do see handwringing.

BRAD CANTRELL: Can you notice it again?

TIM PARKS: Well, frankly, I think we're kind of up against it for noticing it for the 27th. The Plan Commission could amend its motion to recess the public hearing and refer to January 27th for the issues that were raised . . .

STEVE KING: [Inaudible]

BRAD CANTRELL: Sorry. Commissioner King?

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STEVE KING: That's what I'm getting at. I want some guidance to the public on what's, if we were to recess the public hearing and reopen it, traditionally, in the Council, we are not reopening the floor for everything to come over again, it's tied to the specific things that we referred upon, the conditions we referred upon. So I'm just, I just want them to have some guidance about what the discussion will be like at the referral meeting.

TIM PARKS: It should focus on what's new and different about the request that's before the body and also relevant to the standards, and, in particular, the referral from tonight's meeting.

So would it be fair to say that the Plan Commission meant to recess its public hearing on this item and refer the project to its next meeting for the items that were . . .

SCOTT RESNICK: [Inaudible]

BRAD CANTRELL: Was that your intent?

TIM PARKS: I'm seeing general agreement or relative ambivalence from my colleagues, so we'll assume that it's relatively legal, and we'll do it.

BRAD CANTRELL: So the public hearing is recessed, at least for the items to be discussed within the referral.

1 **TIM PARKS:** And if I hear differently from the City Attorney's office tomorrow morning,

2 I'll...we'll let you know on January 27th and notice it for another meeting.

3

4 **BRAD CANTRELL:** Okay.