

# MICHAEL BEST

& FRIEDRICH LLP

**Michael Best & Friedrich LLP**

**Attorneys at Law**

One South Pinckney Street

Suite 700

Madison, WI 53703

P.O. Box 1806

Madison, WI 53701-1806

Phone 608.257.3501

Fax 608.283.2275

**William F. White**

Direct 608.283.2246

Email [wfwhite@michaelbest.com](mailto:wfwhite@michaelbest.com)

August 22, 2014

## VIA E-MAIL

Members of the City of Madison Plan Commission  
215 Martin Luther King Jr. Blvd.  
Suite LL100  
Madison, WI 53703

RE: :Legistar Nos. 35009 and 34909

Dear Friends:

We have been working with Renaissance Property Group LLC ("RPG") in regard to the project embodied in the above-referenced Legistar numbers. RPG seeks a rezoning and a Certified Survey Map for the purpose of constructing 12 apartment units at 740 Jenifer Street which also fronts at 739 Williamson Street and seeks zoning map amendment from TR-VI to Planned Development District. This matter will come before the Plan Commission on Monday evening, August 25, 2014 and we urge approval at that time.

This matter has been extensively reviewed by the project's neighbors, the Neighborhood Association, the Neighborhood Business Association, the Landmarks Commission, Urban Design Commission and is supported by Alder Rummel of the Sixth Aldermanic District. The project has received approval from all entities including final approval from the Urban Design Commission at its meeting held August 20, 2014. The project seeks to fill a "gap" in the street frontage on Williamson Street and at the same time provide secure energy-efficient housing to individuals wishing to live in the Third Lake District. RPG also intends to fully restore two historic structures within the Visually Related Area (as set forth in the Landmarks Ordinance), including the existing home at 740 Jenifer Street.

The Staff Report, which was not received until last weekend, for the first time raised issues about the height of the project. However, we believe that the project at 4 stories facing Williamson Street and 3 stories facing Jenifer Street is comfortably within the design guidelines and parameters of the existing Neighborhood Plan. Prior to the Staff Report from last weekend, there was no known opposition to this project based on height from City Staff. Consequently, we would urge that the project be approved subject to all comments.

We are also working with City Engineering to ensure that the street terraces abutting the project are consistent with the widths which have been granted by other adjacent property owners. We have every confidence that this matter will be resolved favorably.

Based on the foregoing reasons and for the reasons set forth in the attached response from RPG to the Staff Report and the letter from the Marquette Greater Williamson Area Business

## **AGENDA ITEMS NO. 3 & 4**

# MICHAEL BEST

& FRIEDRICH LLP

City of Madison Plan Commission  
August 22, 2014  
Page 2

Association, Marquette Neighborhood Association and immediate neighbors, we would urge favorable consideration of this matter by the Plan Commission at its meeting on August 25, 2014. Please let me know if you have any questions prior to that time. I can be reached at (608) 695-4946.

Sincerely,

**MICHAEL BEST & FRIEDRICH LLP**



William F. White

WFW:cmm

cc: Mr. Steven R. Cover  
Timothy Parks  
Katherine Cornwell  
Alder Marsha Rummel  
Lindsey Lee  
Al Martin  
Matthew Tucker  
Nikki Anderson  
Sarah Hole  
David Lohrentz  
Gary Tipler  
Michael Jacob  
Michael Soref  
Lynn Lee  
Steve Silverberg  
Daniel A. O'Callaghan, Esq.  
Renaissance Property Group LLC

025935-0002\15543610.1

## White, William F (22246)

---

**From:** Lindsey Lee <groundzerocoffee@yahoo.com>  
**Sent:** Monday, August 18, 2014 12:30 PM  
**To:** Parks, Timothy; Matthew Tucker; amartin@cityofmadison.com  
**Cc:** Michael Jacob; Mike Soref; White, William F (22246); Marsha Rummel; Michael Matty; KCornwell@cityofmadison.com; scover@cityofmadison.com  
**Subject:** Re: 739 Williamson Staff Report  
**Attachments:** GWABA Matty Project letter.odt

Hello,

Please find the attached letter from the Greater Williamson Area Business Association concerning the Michael Matty project for 740 Jenifer Street/739 Williamson Street.

As a personal observation, this weekend I did read the staff report for this project. I am always impressed with how Madison city staff analyze the data in a dispassionate and fair manner. Thank you for the professional expertise you provide to our city.

Sincerely,

Lindsey Lee  
731 Williamson Street

On Sunday, August 17, 2014 4:38 PM, Michael Matty <mmatty@rpgrentals.com> wrote:

Tim - it is Sunday afternoon and I am just seeing the extensive and thoughtful staff report regarding our proposal for 739 Williamson Street. I appreciate your time in the report and knowing the many 'masters' that we have to meet. I believe, however, we have a plan that should be supported by staff as it has been supported by the neighbors, historic stake holders, architects, MNA, Landmarks Commission and our Alder. I am at a loss as to the findings of your report, and the 'staff' who feel that our project does not meet, let alone exceed (in our opinion), the numerous design guidelines and goals of the City, BUILD and Third Lake Ridge Historic District.

I look forward to helping all of us get there.

Just a couple quick clarifications and addition to the report that I think should be reflected and or amended.

1. The unit make up is 4 efficiencies and 8 1 bedroom units. Not 9 Efficiencies and 3 1 bedroom units as the report indicated. We will correct anything submitted on the plans that might confuse this. Moreover, I think it is important to include the addition of the 3 bedroom 2.5 bath house in the calculations as they are all tied together and we feel this better informs commission members and the public the balances and mix of units we are adding to the City as infill.

2. Per the Zoning definitions (Matt Tucker) that the staff report is using to define our building as a '4 story', the same should then be used to define the adjacent properties on Williamson Street as '3

stories'. (not 2 or 2.5) More than 50% of the street facing wall is exposed on all adjacent properties, thus per code, 3 of the 5 existing, or a 'majority' of the current structures are 3 story buildings. This definition per code changes the make-up or feel of what is actually a majority of the current buildings on that Southern facing block and adjacent to our proposed building. This is significant when referring to a particular rhythm or mass present in that area vs. or compared to what we are proposing.

Additionally, and more significant in the comprehensive design guidelines, our proposed building is an additional 'story' as you note on page 5 of the report, however, it is not an additional story taller than the residential building adjacent to the proposed 12 unit as the report states. This should be pointed out. Our proposed building is barely 2' taller than the long established buildings that the report compares it to, as well, only 1' 7" taller than the new Lindsey Lee home at 731 Williamson Street. It is not 'one story taller'. We feel that this is a very important detail.

3. Page 5 the report - BUILD Guidelines - or 'top neighborhood priorities of the BUILD plan,' which I participated in, as stated on page 7 of the opening of the BUILD Document, and which we feel we are meeting are:

*Preserve Historic Structures* - which we are doing at 740 Jenifer Street

*Promote Pedestrian Friendly Design*, which we are doing with design, landscape, and strong street lobby entrance, as well as less parking than .50-1

*Support Local Businesses* - adding to fabric of neighborhood, people, filling in a missing tooth in street.

*Allow Contemporary, Compatible Architect* - Bold Modern Design Approved by Landmarks and MNA within Historic Neighborhood

*Allow Moderate Increase in Density in Appropriate Locations* - Adding 12 units in a missing tooth along a commercial street across from very large buildings

*Maintain and Promote Housing Affordability* - renovate and sale of owner occupied house at 740 Jenifer.

*\* Parking in any New Structure to be Place Under the Building including facing Williamson Street - additional*

4. BUILD Bonus Floor Allowance - we are renovating both 754 Jenifer (CA from Landmarks) and 740 Jenifer (CA Landmarks) - which within the BUILD guidelines allows a bonus floor for a development within the VRA (MGO 33.01 (15). see page 32 section 2.a. under Preservation Bonus. This is missing within the report as you reference BUILD guidelines and is vital to why we feel our 4 story building does in fact meet the guidelines that the staff report continues to use.

5. The wording used in the conclusion at the bottom of page 6 in the staff report is in direct conflict of the findings of the Landmarks Commission and the Historic Architects. The commission members found that the mass of the proposed building was broken in two with the use of a living wall, as well as, the actual void created by the elevator shaft itself being set back 5 or more feet. This finding and support by the LC I believe should be noted within the staff report at this reference conclusion point. The report is in conflict with the findings of City's own LC and the architects findings on the commission. Moreover as the staff report continues its conclusion on top of page 7, again per Matt Tucker, there is not a definition within zoning code of '2.5 stories'. As such, since the report is treating our building as a 4 story building, the adjacent buildings should be referred to as existing 3 story structures, or what is predominantly the number of stories in that zone. However the report should not be used to reference the predominate height as a 2.5 story vs our 4 story building. That is inconsistent with actual heights of the existing structures vs what we are proposing. Again, our

proposed building is less than 2 feet higher than the adjacent buildings on that street and far less in height than the buildings within the ordinance defined VRA from across the street. The report does not distinguish correctly the number of stories nor the actual heights of what is there compared to what we are proposing.

We are not proposing a 'story higher in height,' but rather one story which is less than 2 feet higher in height of what is predominately already in existence on the southern side of the street, and lower than the buildings across the street within the VRA.

*6. The Landmarks Commission is authorized to consider certain variances to the criteria in the five designated historic districts, provided that the proposed project will be visually compatible with the historic character of buildings within the visually related area [see MGO 33.01(15)]. The variance procedure is designed to prevent undue hardships caused by the application of the strict letter of the regulations and to encourage and promote improved aesthetic design but allowing for greater freedom, imagination and flexibility in the alterations of existing buildings and the construction of new buildings.*

Note page 42 of BUILD, parking, material, set backs, higher foundations due to grade, roofing material, use of high quality material - all of which goes to the heart of our building, the design, choice of materials and the artistic expression - and how we feel we have met and exceeded the design guidelines and necessary criteria within the defined VRA of our proposed building.

Tim, the neighborhood believes that we have met the criteria of the BUILD plan and the design standards within. They have also supported this building on this block within their and our City, within the Third Lake Ridge Historic District. They have voted unanimously in support of the CSM and the 12 unit building with limited structured underground parking on Williamson Street. We have support of the neighbors, historic architects, Commission Members, local historic preservationist who believe we have designed a quality building that reflects the historic nature of the district while still being built to reflect 'a building of its time', and lastly support from the district Alder.

How can we get staff to see and agree with all this?

Please let me know if you need any further information or clarification.

Thanks again, Tim.

Michael

Michael Matty, President

**RPG**

Renaissance Property Group, llc

2132 Fordem Ave Suite 100

Madison WI 53704

[mmatty@rpgrentals.com](mailto:mmatty@rpgrentals.com)

[www.rpgrentals.com](http://www.rpgrentals.com)

608.301.0000



August 18, 2014

To whom it may concern,

The Greater Williamson Area Business Association (GWABA) voted unanimously at our August 12 board meeting to join the Marquette Neighborhood Association (MNA) in its also unanimous vote to support Michael Matty's project at 739 Williamson Street and 740 Jenifer Street.

At our board meeting we recognized that the new apartment building proposed by Mr. Matty for Williamson Street at four stories is taller than the two and a half stories recommended by the BUILD II plan. We also recognized that it has a greater density than what is identified for that block in the city's comprehensive plan. But we agree with MNA that its thoughtful design and the plan to refurbish the house at 740 Jenifer Street keeping it as a single family home is a fair trade off for this extra density that is being requested by the developer.

While it is surely a very close call, more density can probably be absorbed on this side of the 700 block. Though, it should be acknowledged that it is the even-numbered side of Williamson Street, which is more open and commercial/industrial in nature than the greener, more residential odd-numbered side, that is clearly more appropriate for "density building."

Nevertheless, we go along with the Marquette Neighborhood Association in urging you to weigh the above in making this close call in favor of allowing this project to go forward.

Thank you for your service to our city,

GWABA Executive Board