

March 2, 2015

Michael May,
City Attorney
City Attorney's Office
210 MLK, Jr. Blvd., Room 401,
City-County Bldg.
Madison, WI 53703

Dear Mike:

As owners of the Arbor House inn located at 3402 Monroe St., we are writing to request your review and comment regarding a proposed development at 3414 Monroe St. Moreover, we are requesting that your opinion be shared with city planning and zoning staff and any review body or Commission that will consider the matter.

We believe the proposed development will significantly alter the use of our establishment and the existing Arbor House zoning and as an alteration, would require our prior approval and approval by the Plan Commission and Common Council as stated in our PUD zoning text. We further believe that the proposed development will infringe on our rights under an Easement Agreement that has been in place since 1994.

Background:

Arbor House has operated at 3402 Monroe St. for over twenty years and our PUD zoning text was approved and recorded in December 1994 after a lengthy and controversial city review process.

The review process included the negotiation of an Easement Agreement between Arbor House and the owners of 3414 Monroe St. Entering into that Agreement allowed us to meet the requirements negotiated under the PUD zoning text. The final Easement Agreement was approved and recorded at the Dane County Register of Deeds on October 14, 1994.

The Easement Agreement grants Arbor House a nonexclusive easement over the Easement Parcel for vehicular egress from the Arbor House parcel to Glenway Street. The term of the easement is permanent; the rights and obligations created by the Agreement bind the parties and their successors/assigns as long as the Arbor House parcel is operated as a bed and breakfast or inn (with no more than 12 guest rooms). The Agreement also provides parking rights during nights and weekends. Importantly, the Agreement provides that the owner of 3414 Monroe St. shall not in any way obstruct the Easement Parcel, construct any buildings, structures or other improvements on the Easement Parcel, or take any other action that would interfere with the rights granted to Arbor House under the Agreement.

On October 29, 2014, former district alder Ken Golden and I met with city planning and zoning staff to raise the possibility of conflicts with the existing Arbor House PUD zoning text as a result of the proposed development at 3414 Monroe St. As a former alder, Ken was instrumental in the Arbor House rezoning review and approval process, including revisions and communication with the Mayor's office after Common Council approval in November 1994.

Ken informed city staff that the existing Arbor House PUD zoning text has very stringent provisions including a requirement that "...all further alterations involving the occupancy level and use of the establishment be treated as major alterations to be approved by the Plan Commission and Common Council..."

The meeting included a discussion on possible changes to the proposed development, including provisions for an acceptable side-yard setback and step back to the building height and ways we might avoid possible infringement on rights under the Easement Agreement. Staff was also provided with a printed copy of the Easement Agreement to review.

Despite numerous attempts to resolve our concerns over the last year, including several proposed alternatives to the owner/developer of 3414 Monroe St., we believe the proposed development will significantly alter the use of our establishment and as a result, would require prior approval by the Plan Commission and Common Council as stated in our PUD zoning text.

In particular, the latest proposal will significantly reduce the available surface parking for Arbor House guests who use the lot at 3414 Monroe St. after 5pm at night, during the weekend and for special occasions. The zoning text is clear that Arbor House guests, operator's household and employees will not use street parking and we have met that requirement for over 20 years though parking rights we established through the PUD zoning process. In addition, the proposed development would relocate the easement path of egress. The Agreement requires that the parties must mutually agree, in writing, to a relocation of the Easement. No such relocation agreement has been reached or discussed.

We would appreciate your review and comment on the matter as soon as practicable so that it may be included as part of the official record for consideration by city staff and related Commissions and review authorities. Thank you for considering the matter. We welcome your response and please feel free to contact us if you have any questions or need additional information.

Sincerely,

John & Cathie Imes

Co-owners, Arbor House, Ltd.
3402 Monroe St.
Madison, WI 53711