

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: September 16, 2015

TITLE: 2107-2249 Sherman Avenue – Advisory Recommendation at Planning Staff’s Request for a New Mixed-Use Development Containing 60 Market-Rate Apartments and Approximately 6,700 Square Feet of Commercial/Retail Space, in addition to a 6,667 Square Foot Commercial/Retail Pad Site to be Developed in the Future. 12<sup>th</sup> Ald. Dist. (39566)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Alan J. Martin, Secretary

ADOPTED:

POF:

DATED: September 16, 2015

ID NUMBER:

Members present were: Richard Wagner, Chair; Lois Braun-Oddo, Cliff Goodhart, Tom DeChant, Dawn O’Kroley, Michael Rosenblum, Richard Slayton and Sheri Carter.

**SUMMARY:**

At its meeting of September 16, 2015, the Urban Design Commission **GAVE AN ADVISORY RECOMMENDATION** to the Plan Commission on a new mixed-use development located at 2107-2249 Sherman Avenue. Appearing on behalf of the project were Kirk Keller and Jeff Lee, representing McKenzie Place, LLC; Suzanne Vincent and John Fish. Appearing and speaking in opposition were Dolores Kester, James Thayer-Hart, Nancy Thayer-Hart, Annie Johnson and Jennifer Argelander.

The site is two lots, with the smaller set for future development, and in the interim would be used as a passive recreation area for residents of the building with canopy trees to define the urban edge. Long-term it would be a two-story commercial building with less than 7,000 square feet of buildable space. The building has been reduced in overall length by about 12-feet. Keller pointed out a stronger statement of a flat iron piece at the corner of Sherman and Fordem Avenues, simplification and less activity within the palette of building materials, and the interior view and how they are engaging the building in the central area. The material palette includes utility sized brick in two main colors with red accent, with metal panels used as accent pieces. The underside of the balconies will have soffits on them.

Dolores Kester spoke in opposition, referencing an email she sent shortly before this meeting. The Sherman Neighborhood Association has discussed the project. The neighborhood will be affected by the traffic and the design. The neighborhood did not take a formal position. Despite the fact that there was one meeting about this project in June, many people confused it with the EEPY planning process and it did not include all the materials added since June. Since that time it’s apparent that many neighbors have a number of design concerns about this project. The façade is far from inconspicuous, it will stand out visually to neighbors and passers-by.

There is no setback along Sherman Avenue, the proposed height has been controversial in how it blocks views and sunlight to neighbors, not to mention conditional use standards and zoning variances. Because this building impinges on peoples' interests in these ways, they are concerned about it and they have had no dialogue per se with Mr. Fish. Other concerns include complicated vehicle access because the design for parking from the underground egress from the building comes right onto a difficult street (Sherman Avenue), people coming out of the great lakes area (right across the street) will have a lot of trouble getting out onto North Sherman depending where that egress is. Sixty apartments would need in the neighborhood of 100 spaces; they're not here, there's no street parking, Maple Bluff has no street parking, North Sherman has no street parking, where will the parking be? That has not been addressed. What about snow in the winter and ice on the sidewalks from tall buildings? These design elements are mentioned to you to say that they are still unresolved and the developer has had no dialogue with the neighbors about them. She encouraged the Commission to postpone their decision for one month to permit Mr. Fish and project designers to have a dialogue with the people in the neighborhood who are concerned. Maybe compromises are possible. The neighborhood overall sees this as a positive development but it needs tweaks, and you're not going to get those tweaks unless you hear from the neighbors.

James Thayer-Hart spoke in opposition. His concerns include the shadow the building will produce over Sherman Avenue. There will be no sunlight early in the day, and the afternoon will be shaded by the trees. This will cause problems if there is a significant snowfall because of the zero setback. It will cause frost on the street and sidewalks in the morning. What trees are going to be able to be planted in that area? Commission member Harrington brought up concerns at the last meeting regarding the planting areas and he shares those concerns. The building is 40% higher than current zoning, if it were shorter it would be less of an impact.

Nancy Thayer-Hart spoke in opposition. This is a square peg in a round hole. Changing the color or design doesn't change that. It's totally out of proportion and scale for that property and the existing structures around it. This is twice the height of the clock shop, which is an iconic building in this area. It's five times higher than the building directly to the east, out of balance with the largely residential single-family homes in the surrounding area. By the City's own rules it should be 3 stories or less, not 5 stories or more. There is no reason for the greater density, it's not required or warranted for this particular area. In comparison to this house in the neighborhood built in 1892, one of the buildings that's being torn down to put up something so out of balance and scale to its surrounding area, that building wasn't built until 1947 and it's now being torn down because it was allowed to become derelict. The single-family homes in the area have been maintained.

Annie Johnson spoke in opposition. The City's own website talks about how neighborhoods are the building blocks of our City. Part of good urban design includes the neighborhood. Mr. Fish's idea doesn't fit in with our neighborhood. It's not a bad design, it just doesn't belong where he wants to put it. Her house is 1 ½ stories, the house across the street is 2-stories; it is newly built but you wouldn't know from looking at the two that there is 70 years difference. None of the surrounding businesses scream out their location, they are tastefully done and fit in with the neighborhood. The neighborhood is zoned for single-family homes and light retail. Nowhere in this design has the neighborhood been taken into consideration. As a neighborhood, something like this could really destroy it.

Jennifer Argelander spoke in opposition. A neighborhood meeting on June 29<sup>th</sup> included about 60 neighborhood residents, and the plans have now gotten taller. Everybody at that meeting said the building was already too tall, causes too much traffic, doesn't contain enough parking, and we were dismissed. Nobody is on-board with this, this is an urban design, it needs to be something more like the family center that was put in. We like the idea of something there, this is just too much for the neighborhood.

Heather Stouder of the Planning Division asked the Commission to focus on design issues, noting land use issues will be determined at the Plan Commission level. There have been dramatic changes to the corner element, changes to the pass-thru are pretty effective and visually reads better, and the simplification of materials is successful. One of the remaining issues is the treatment along Fordem Avenue and what the long-term and short-term look at what that Fordem Avenue frontage can be.

Comments and questions from the Commission were as follows:

- What is the permitted height?
  - It's 3-stories by rights, up to 5-stories by conditional use.
- The design and height exceeding current zoning does and does not appropriately transition between higher-intensity uses (Fordem Avenue) and adjacent lower-density residential (Sherman).
- Retail or office use fronting primary streets in lieu of parking (on both Sherman and Fordem) relies on a minimal screen wall and the idea of future proposed development.
- Is the parking for the Fordem Avenue outlot connected to this parking?
  - Yes, it would flow through.
  - We really don't know for sure what exactly this outlot will be.
- The lack of any setback on the Sherman Avenue side down to the third story scale, with the exception of the piece on the corner, I think is something that is still lacking from the original design you had brought to bring down the scale of this building.
  - It's setback about 7-feet from the back on the Sherman side.
- Relocate the drive at Fordem Avenue further south to be more central and to deemphasize the "pass-thru" traffic and provide more direct access to other surface parking and under-building parking.
- I want to thank you for responding to the comments. Every time you've been here it's been an improvement. It's a project that I am comfortable recommending to the Plan Commission. I do hope you keep a darker window mullion than the residential elements.
- You should provide a shadow study so the neighbors have that to reference.
- A modular brick would be more appropriate to the residential context.

**ACTION:**

On a motion by Goodhart, seconded by Rosenblum, the Urban Design Commission **GAVE AN ADVISORY RECOMMENDATION** to the Plan Commission to approve the design as presented, noting the questions and comments raised by the Urban Design Commission. The motion was passed on a vote of (4-2-1) with O'Kroley and Slayton voting no, and Carter abstaining.

The advisory recommendation includes the following:

- Relocate the drive at Fordem Avenue further south to be more central and to deemphasize the "pass-thru" traffic and provide more direct access to other surface parking and under-building parking.
- Keep a darker window mullion than the residential elements.
- You should provide a shadow study so the neighbors have that to reference.
- A modular brick would be more appropriate to the residential context.

**Stouder, Heather**

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**From:** Palm, Lawrence  
**Sent:** Sunday, September 20, 2015 8:24 PM  
**To:** David Gustafson; Stouder, Heather  
**Subject:** Re: McKenzie Place comment

Hi David-

The Madison Plan Commission is the appropriate body to receive these comments.

I have copied one of our city planners for them to be aware,

Larry

> On Sep 20, 2015, at 12:08 PM, David Gustafson [REDACTED] wrote:

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> Hello Alder Palm

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> We are residents of Maple Bluff so our comments are probably not of much value. But here they are:

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> Given the surrounding area, this would be a definite improvement. It appears that it will remove all buildings on Sherman from the corner with Fordem past Banzo's. IF you are so inclined it would be nice to know if we are correct.

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> In general the design is rather appealing. We would prefer that the height be limited to four stories. There are several reasons for that. A prime one is that it feels like the 5th floor is plopped there as an after-thought. It has no architectural appeal. At the same time that it detracts from the beauty, it does not add much space so the builder should not lose much revenue if it were to be removed.

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> Finally, it worries us that it seems to be standard procedure for developers to push the envelope on size and density. The arguments are typically that they can't adhere to the rules and make a profit. We doubt that to be true. My back-of-the-envelope calculations suggest that even at 3 stories, considering all of the incentives available, a substantial profit would be made.

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> So in the ideal world it would be great to have it be 3 stories and if we were decision makers, we would not approve it at all with 5 stories. Having said that, we again feel this is an improvement over what is there. And we would certainly see the benefit of a 5th floor deck without walls, so the residents could enjoy the view of the lake.

>

> David and Rea Gustafson

> [REDACTED] Farwell Drive

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September 18, 2015

City of Madison Planning Div.  
PO Box 2985  
Madison, WI 53701-2985

Planning & Development Staff:

I oppose the Planning Division Report (August 24, 2015) and recommendation of approval of the 2107-2249 Sherman Avenue building project, Legistar File ID #: 39483, a/k/a McKenzie Place LLC. I especially oppose the revised McKenzie Place plan as approved by the UDC on September 16, 2015.

"Madison's neighborhoods are the building blocks that make our community strong. As a city, it is vital for us to form partnerships with neighborhoods to continually enhance the assets of their areas." That's according to the City of Madison's own planning department website. Why doesn't the planning department adhere to their own public relations rhetoric?

The 2107-2249 Sherman Avenue development plan has been pushed through by Larry Palm and John Fish since last year. Our neighborhood didn't find out about this project until June 2015. Imagine finding out this proposed edifice is being erected across the street from you courtesy of the Emerson East - Eken Park - Yahara Neighborhood Development committee . . . while we're part of the Sherman Avenue Association. We attended our neighborhood meeting, and the majority of our neighbors are opposed to the size of the development being proposed for that location.

The present zoning for our neighborhood states no more than 3 stories/40 feet, and should remain at no more than 3 stories/40 feet. Your planning division report clearly states that the proposed plan does not meet present code nor does it meet the recommended neighborhood mixed use (NMU) Comprehensive Plan, adopted 2006. Just because this "industrial" design was approved by UDC does not mean it is an appropriate design for a small family neighborhood. This is the equivalent of sticking the GEF 1 building in the middle of said block.

No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the conditional use standards are met. Conditional use standards #3, #5, #6, #9, and #12 cannot be met by a development in our residential neighborhood of this grandiose proportion.

Conditional Use Standard:

#3 - Our "uses, values, and enjoyment" of our neighborhood will be "substantially impaired or diminished in any foreseeable manner" because of this elephant in our midst. Traffic, already bad, will be worse. The bicycle paths, dangerous at best, will be competing with additional vehicles. "Our" is defined as those of us in the Burrows

Park Neighborhood. The Burrows Park neighborhood will not enjoy the additional traffic and congestion in what is a low-density neighborhood. You who are not part of our neighborhood will not care, which you have made clear, but doesn't that defeat the purpose of this standard?

#5 - adequate . . . "pedestrian, bicycle . . . and other necessary site improvements" have not been met or provided for. There is no provision a through sidewalk down Fordem Avenue, and all the additional tenant traffic, retail traffic, delivery traffic, and garbage traffic will be on Fordem Avenue in the bicycle path This is not meeting this conditional use standard.

#6 - Absolutely no steps have been made to "minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets". The city already considers this a dangerous corner and this development will only make it worse. Traffic already gets backed up on Sherman, and having a building so close to the corner will make it a more dangerous intersection for vehicles attempting to turn on North Sherman.

This would be an ideal corner for a garden, similar to the Blair Street gardens at Wilson Street. Instead the UDC approved a building closer to the intersection blocking more of the view of oncoming traffic. Anita Weier's 2014 traffic study already determined that the speed of vehicles heading south on North Sherman is 37.5 mph in a 30 mph zone, and that's a decrease. Adding additional speeding vehicles to a corner with blocked visibility does not strike me as meeting this conditional use standard.

#9 - This project does not create an "environment of sustained aesthetic desirability compatible with the existing character of the area". The approved design is considered "industrial" by the UDC. We are a neighborhood of single family vintage homes, some two stories with front porches, some story and a half with dormer windows, some single story. New buildings are discreet, arts & crafts or shaker style, fitting in with the variety of buildings already in place. Industrial is not the look that fits in our neighborhood of vintage early american cape cod prairie style homes. Take a look at the domestic abuse shelter - DAIS - their design fits in our neighborhood.

#12 - The Plan Commission shall considered the "impact on surrounding properties , including height, mass, orientation, shadows, and view" and "the public interest in exceeding the district height limits" of this development on our neighborhood. John Fish wants a tall building; John Fish does not live in our neighborhood. Who's opinion is supposed to count in our neighborhood? The Burrows Park neighbors are not interested in a 4-5 story building. The Urban Design Commission asked if a shadow study had been conducted, and the answer was no. End of discussion. And no study will be conducted. That building is going to overshadow a park with trees, vegetation, children's activities and neighboring homes. I'm a surrounding property owner, and I don't like that impact.

Our Burrows Park neighborhood is a small safe stable neighborhood of single family

homes oriented around Burrows Park. Burrows Park is a small safe neighborhood park, formerly a tree conservancy/nursery, with a few swings, soccer games, some non-motorized watercraft, and an effigy mound. It's quiet, off the beaten path, and frequented by the immediate community, children's groups, and the Madison Marathon passes. It is not a large destination park, nor are we a destination neighborhood.

There has been recent growth in our neighborhood with no complaints. We've have new houses built, fitting in with the surrounding homes. The Center for Families was build to the south of Mr. Fish's property, complete with outside fenced yard for children. The domestic abuse shelter, DAIS, was built to the south of the Center for Families. Both entities are within the current zoning guidelines, two stories high, and blend into the neighborhood. Maple Bluff plans construction to the North of this site and with no more than 3 stories.

Mr. Fish (who does not live in the Burrows Park neighborhood) and his "deferred maintenance" has allowed his property to "decay, deteriorate, become structurally defective or otherwise fall into disrepair" which the Landmarks Commission would act upon if this was in a historical district. (This law change took place prior to any approval of demolition of these buildings.) It appears the City of Madison Planning Department plans to reward Mr. Fish for his lack of building maintenance by giving him a variance to build a 4-5 story apartment building that does not fit in our neighborhood or neighborhood guidelines. Why?

Our small neighborhood is not a 4-5-story apartment building neighborhood. There's not even a sidewalk to walk to the Chocolate Shoppe for ice cream. Bicycle lanes will be more congested and hazardous because of the additional retail and tenant automobile traffic. Nothing of this size or proportion is located all the way North to Warner Park and beyond. We are NOT downtown with theaters, clubs, and stores. We are a small, safe, stable neighborhood and do not want it turned into a tacky and tasteless transient hub because of greed and politics.

As residents of the City of Madison, we are being overlooked under the guise of progress. Destroying the small neighborhoods that make up Madison is not progress but pandering to the greed of the monied.

Annie Johnson  
[REDACTED] Northfield Place  
Madison, WI 53704

**Stouder, Heather**

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**From:** Melissa Berger [melissaberger2@gmail.com]  
**Sent:** Saturday, September 19, 2015 3:51 PM  
**To:** Parks, Timothy; Firchow, Kevin; Stouder, Heather  
**Subject:** Fwd: 2107-2249 Sherman - info for Monday Plan Commission meeting  
**Attachments:** 2107-2249 Sherman conditional use.doc

----- Forwarded message -----

**From:** Nancy Thayer-Hart [REDACTED]  
**Date:** Fri, Sep 18, 2015 at 7:50 PM  
**Subject:** Fwd: 2107-2249 Sherman - info for Monday Plan Commission meeting  
**To:** [melissaberger2@gmail.com](mailto:melissaberger2@gmail.com)

Dear Ms. Berger,

The proposed Sherman Avenue development adjacent to Burrows Park is just one of many items on your agenda on Monday night. Yet, for important reasons, it is a decision the city cannot afford to get wrong. I have outlined those concerns in the attached letter to the Plan Commission as a whole, but I think to really understand what is at stake, "seeing is believing."

Would you be able to take just 10-15 minutes sometime this weekend or on Monday to join me on a short walk in our neighborhood? Even if you have driven by multiple times, a walk-through will give you a better perspective for making such an important decision for our community.

Please know that my neighbors and I are not opposed to development. It is clear that something must be done to replace the existing properties that are, as the owner himself describes them, "dilapidated." We just want the time and opportunity to work with the developer on a solution that preserves the character and meets the needs of our beautiful neighborhood.

Will you give us that time? Will you come and see for yourself what the pretty architectural drawings and 3-minute speeches at public meetings have not been adequate to convey? I hope you can.

Respectfully,

Nancy Thayer-Hart  
[REDACTED]



P.S. The Plan Commission could suggest that Alder Palm initiate a neighborhood discussion with John Fish to aid in developing a mutual understanding and hence a solution that could work for all. I have several ideas to share!



Nancy E. Thayer-Hart  
Harbort Drive  
Madison, Wisconsin 53704

September 18, 2015

To: City of Madison Plan Commission - Melissa Berger, Bradley Cantrell, Sheri Carter, Michael Heifetz, Steve King, Ken Opin, James Polewski, Michael Rewey, Maurice Sheppard, Ledell Zellers

Dear Plan Commission Members,

The conditional use request for 2107-2249 Sherman Avenue fails to meet multiple required standards, and therefore should not be granted. I fear that some of the language in the staff reports and some misreads by the developer's team of the true nature of the neighborhood may not adequately convey this fact.

According to the zoning code (28.183), the purpose of conditional use is to **restrict** permitted uses, not to be an open invitation to ignore zoning regulations. So it has been particularly troubling to hear that "the city" (I assume that to mean, city staff) has encouraged this developer to increase the height and density of his original design.

Ensuring appropriate implementation of conditional use provisions is delegated to your unbiased judgment, including consideration of the "impact on neighboring land or public facilities, and of the public need for the particular use at a particular location." The proposed building will significantly and negatively impact the neighboring properties and the public community park it is adjacent to, and the developer has provided no evidence of the public need for his project at this particular location.

In addition to the 15 standards that must be met before a conditional use is approved (more on those below), the zoning code states that the Plan Commission "shall not approve a conditional use without due consideration of the recommendations" in the Comprehensive Plan. In the Comprehensive Plan's Housing Goal, Objective 3 – Policy 2 states that, "The City shall continue to protect the character and scale of existing residential areas" and "minimize negative impacts on residential properties and of residential neighborhoods." Policies for established neighborhoods include:

- ✓ Changes in established neighborhoods should be carefully planned **in collaboration with neighborhood residents**, businesses, owners and institutions. *(emphasis added)*
- ✓ Balance the preferences of residents with City-wide and neighborhood planning objectives and priorities when determining the acceptability of changes . . . adjacent to existing residential development.
- ✓ . . . protect the desired street and block patterns, land use patterns, and development characteristics of the City's established neighborhoods, such as building size and height, building setbacks and placement on the lot, density, parking, landscaping, and streetscape improvements.
- ✓ Infill development or redevelopment in existing neighborhoods should be designed to incorporate or improve upon existing positive qualities such as building proportion and shape, pattern of buildings and yards, building orientation to the street, and building materials and styles.
- ✓ Recognize that **infill development is not inherently "good"** simply because it is infill, or higher density because it is higher density. Where increased density is recommended, **it is always only one among many community and neighborhood objectives**, and **other factors such as architectural character and scale (including building height, size, placement and spacing)**, block and street patterns, landscaping and traffic generation are also important. *(emphasis added)*

Standard 1: The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

60 apartment units and over 13,000 sq ft of retail will dump exponentially more traffic onto the adjoining streets, which are already congested. Multiple residents have attested to not being able to leave their homes during certain times of the day and the dangers of trying to cross the street because of the traffic. People have told me they go to great lengths to avoid coming to our part of town because of the traffic.

The height and mass of a building so close to the sidewalks will prevent the sun from melting snow and ice on the sidewalks and roadways, as residents on Atwood and pedestrians and bikers in downtown Madison have discovered. This endangers public safety and the general welfare of those who live, walk, or travel in the area.

Standard 2: The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.

The anticipated tax revenue from the project is considered by some to be sufficient rationale for granting conditional use. However, the neighborhood schools are already overcrowded, and those who have served on school boards will tell you that is not often the case that the increased tax base covers the additional burden on schools.

What will happen to the water pressure in our home with some many additional users? It is already barely sufficient to water our garden or shower and do laundry at the same time. Will the new tax revenue be adequate to fund improvements to infrastructure?

Standard 3: The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.

This standard is the one that simply cannot be met by the current concept.

The height and mass of the proposed building will have an extremely negative impact on the uses, values and enjoyment of individual home owners as well as the many park users. Many people value and enjoy early morning activities in and around the park, and the building will prevent the sun from reaching the park until much later in the day. The morning sun will no longer reach the windows of my home. Homeowners on the east side of North Sherman will no longer have a view of the park or sunsets over the lake. The natural, peaceful environment of the park will be subjected to substantially increased traffic and noise, decreasing the value and enjoyment of our property. In addition, the park provides critical resting places to migrating birds which are sure to be affected by additional noise and congestion so close to the park.

Standard 4: The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Granting conditional use for this project is a slippery slope. It will set a precedent for future development of surrounding properties, successively encroaching on residential areas until one of the city's most stable neighborhoods declines and disappears. It will give property owners permission to neglect their properties until they become an eyesore in anticipation that they, too, will be allowed to turn them into large-scale developments.

Standard 5: Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

The parking provided for the apartments is inadequate. In the latest revision of the plans, it is now less than one spot per unit, which is entirely unrealistic. Most families (and some individuals) in the income bracket targeted by these apartments will have at least two cars. Materials you have been given have blithely referred to plentiful on-street parking, but that simply is not true. Most of the area's streets have limited hours for

parking. And if parking overflows to Warner Drive, where will people attending the soccer games park? The city will be forced to pave over part of the park for another parking lot. Does this make sense??

Standard 6: Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

If this standard is to be satisfied relative to traffic issues (see comments under Standard 1), the city will need to put a traffic light on Fordem at McGuire. This will encourage drivers travelling north on Sherman to turn right and use the light to continue north on Fordem, reducing the number of cars going past the development and making it safer for apartment residents to exit onto Sherman or walk to the park. It will also give residents on the east side of Fordem/Sherman a break in traffic at regular intervals, improving their safety.

The city should also explore, in conjunction with the Village of Maple Bluff, whether extending either Old Shore Road or Burrows Road to intersect with Fordem (at a normal angle!) and making Sherman a dead end at Burrows Road would improve traffic flow in the area.

Standard 7: The conditional use conforms to all applicable regulations of the district in which it is located.

City zoning code 28.064 specifies that Neighborhood Mixed use (the designation for the property in question) is to be up to 3 stories/not to exceed 40 ft, and that density is not to exceed 40 units/acre. The proposed building exceeds these requirements by 42% and 36% respectively.

As noted on page 1 of this letter, the requested conditional use violates many principles of the City Comprehensive Plan. In addition, the Emerson East-Eken Park Neighborhood Plan (1998) covers all of Fordem down to East Johnson and up North Sherman and also includes Burrows Park, so while it has not been interpreted that way by city staff, it would be hard to come up with a persuasive argument that it does not also include the stretch of Sherman Avenue in question. One of the goals of that plan is to "ensure that rehabilitation and new construction in the neighborhood is consistent with the character and integrity of the neighborhood," and specifies that the architectural scale of the neighborhood should be retained to "reflect the predominant one to two story height of buildings." The proposed building is 4-5 stories.

Standard 8 refers to an application by a community living arrangement, and does not apply to this project.

Standard 9: . . . the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district.

This is one of the standards that city staff initially reported as not being met, and even with the revised plans, staff still has reservations that it can be met for some aspects of the project. I disagree with the assessment that the revised submittal meets the standard for the building itself. If anything, the increased height at the "flat iron" end of the building makes it even less compatible with the existing character of the neighborhood.

The development site is surrounded by long-established traditional single family housing (some built in 1892!), contrary to the architect's comment to UDC that his design matched the "industrial warehouse look of the neighborhood." Cape Cod and colonial style homes? The Clock Shop? Really?? I wouldn't even describe the low-profile Webcrafters building that way, and the Center for Families and DAIS buildings also blend in well. And then there's the peaceful natural park all along the Sherman Avenue frontage.

Standard 10: When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; . . .

The application for conditional use does not request a reduction in off-street parking requirements, but should it given that the revised submittal does not include parking for each unit?

Standard 11 refers to telecommunication facilities, and does not apply to this project.

Standard 12: When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

The adopted plan for this neighborhood specifies that the architectural scale of the neighborhood should be retained to "reflect the predominant one to two story height of buildings." See comments under Standard 7.

There is no public interest in exceeding the height or density limits of the zoning code on this property. There is no demonstrated need for such a large apartment building on this property, and in fact there are plenty of apartment units nearby. While there is unoccupied retail space all up and down Sherman Avenue, I do believe that if the developer can accommodate the promised coffee shop and dentist office in a smaller building (a down-sized version of the "flat iron" portion of the building, but with only a single story of apartments above the commercial/retail space), it would be appropriate for the property and good for the neighborhood.

The lure of tax revenue for the City may appeal to some as rationale for a mega-apartment complex, but it is doubtful whether the revenue would be sufficient to cover the increased burden on schools, water and sewage utilities, roads, and the environment.

Standards 13, 14, and 15: I agree with city staff that these standards do not apply to this project.

I want to be clear that I am not opposed to developing the 2107-2249 Sherman Avenue property. However it is clear that the proposal before you does not satisfy the objectives of nor meet the standards for granting conditional use. It is my strong hope that the Plan Commission will deny the application, and instead encourage Mr. Fish to "do something positive for the neighborhood," as he repeatedly indicated was his goal when he spoke to you in August. He could demonstrate his sincerity by taking time to understand the needs of the neighborhood and collaborate with his neighbors to develop something that is "compatible with the existing or intended character of the area." I am confident that there are many possibilities.

Thank you for your thoughtful consideration,

Nancy Thayer-Hart

September 18, 2015

CITY OF MADISON PLANNING DIV  
215 MLK JR BLVD  
PO BOX 2985  
MADISON WI 53701-2985

Planning Commission Members & City Planning Staff:

I am writing to express my opposition to approving a conditional use permit for the 2107-2249 Sherman Avenue development, i.e., McKenzie Place, LLC, as proposed by John Fish.

I disagree with the City Staff's statements from the Planning Division Staff Report under Land Use and Plan Consistency on page 4. It states that "in the Comprehensive Plan (2006)...mixed-use buildings of two to four stories are recommended, with residential densities of up to 40 dwelling units per acre (unless high densities are recommended in a neighborhood plan)." That statement does not clearly articulate all that the Comprehensive Plan includes.

To start, the map for future development (Maps 1 and 2-2a) defines this area as Low Density Residential (LDR). (The Comprehensive Plan's discussion of LDR is attached at the end.)

**"In general, Low-Density Residential areas should be protected from encroachments of higher density or higher intensity uses than presently exist in the neighborhood, and future conversions of housing in older mixed-housing type neighborhoods from single family to multi-unit should be discouraged. Infill or redevelopment projects should be compatible with established neighborhood character and be consistent with an adopted neighborhood or special area plan." (pg. 2-79) [Emphasis supplied]**

Low Density Residential areas can also include Neighborhood Mixed-Use (NMU) land uses. The Comprehensive Plan states that "development in Neighborhood Mixed-Use districts should be consistent with the design standards for mixed-use areas recommended in City plans...." (I will get to the Neighborhood Plan later).

The Comprehensive Plan further states the recommended land uses for NMU (pg. 2-87):

**"• Neighborhood-serving commercial buildings and uses. While primarily intended to serve the adjacent neighborhoods, neighborhood mixed-use districts may also include specialty businesses serving wider markets, provided the size of establishment and scale of building is consistent with the character of the district and the surrounding neighborhood.**

**• Housing types similar to Low-Density Residential districts, but with no fixed maximum number of apartment or row house dwelling units in a building, provided the building scale is appropriate. Generally, this will be a relatively small building when the adjacent**

neighborhood is low density. [Especially by a community park] [Emphasis supplied]

- Mixed-use buildings.
- Non-commercial residential support uses similar to Low-Density Residential districts.”

The Comprehensive Plan further states that “generally, buildings should be between two and four stories height. Specific height standards should be established in neighborhood or special area plans, and should be compatible with the scale and intensity of the adjacent neighborhood. Gross square footage of commercial buildings (including single-tenant and multitenant buildings) should not exceed 10,000 square feet, except for neighborhood-serving grocery stores...” pg. 2-87. [Emphasis supplied]

In the Objectives and Policies for Established Neighborhoods, Objective 42 is to “ensure that new development is compatible with the existing and planned design and development characteristics of the neighborhood and minimize land use conflicts between infill or redevelopment projects and existing neighborhood development. One of the objective’s policy is to “recognize that infill development is not inherently “good” simply because it is infill, or high density because it is higher density. Where increased density is recommended, it is always only one among many community and neighborhood objectives, and other factors such as architectural character and scale (include building height, size, placement and spacing) block and street patterns, landscaping and traffic generations are also important.” (pg. 2-36) [Emphasis supplied]

In terms of an existing Neighborhood Plan, I once again disagree with the City’s assessment. It does appear that the portion of Sherman Avenue affected by this development somehow was missed in all earlier plans. However, the Fordem side of this proposed building (built on the triangle of Fordem and Sherman with parking for the structure on the Fordem side and the corner filling both sides of the land) is covered in the existing approved Emerson East - Eken Park Neighborhood Plan (1998). (See Map attached at end showing all the existing Neighborhood Plans.) This Neighborhood Plan not only covers all of Fordem down to East Johnson and up North Sherman but also includes Burrows Park. Given that, and in lieu of any other plan including that strip of Sherman Ave, I would suggest that Sherman Avenue be considered part of the existing Emerson East – Eken Neighborhood Plan. (The new draft EEPY plan does include this portion of Sherman Avenue.)

On page 5 of the Emerson East-Eken Park Plan, Item no. 7. states the following: to “preserve architectural integrity of the neighborhood...in new construction or rehabilitation, new architectural treatments should reflect the character and integrity of the neighborhood.”

On pg. 18, one of the Neighborhood Goals (most relevant to this matter) is to “ensure that rehabilitation and new construction in the neighborhood is consistent with the character and integrity of the neighborhood. Retain the architectural scale of the neighborhood to reflect the predominant one to two story height of buildings, with the

exception of some areas along East Washington Avenue.” [Emphasis supplied]

And finally, City zoning codes per 28.064 clearly state Neighborhood Mixed use is to be up to 3 stories/not to exceed 40 ft.

Given the City zoning codes, the City Comprehensive plan defining this area as Low Density Residential with a tiny area marked as NMU, the fact that this massive structure will be towering over a community park, and the existing Emerson East-Eken Park defining goals for the neighborhood, it is clear that approving this conditional use permit would violate both the letter and the spirit of all applicable plans and codes. It should not be approved.

The developer has not explained his need for such a massive development, out of scale and density for all the adjacent buildings, nor has the Planning Commission asked why this conditional use request is needed.

The Comprehensive Plan clearly states all development is to have neighborhood input. Yet for the proposed structure, the neighborhood affected by this building only heard about it for the first time on June 29, 2015. (Note: a conversation with the EEPY development members does not constitute informing the neighborhood.) The proposed plan was submitted to the City on July 29, 2015. It was to be posted within one week. However, I had to contact the City to get it posted by noon on August 11, almost a week late. Then we were told we had 3 days to comment and we had to complain that we were entitled to a week. So, comments were turned in on August 19, thus delaying the materials getting to the Planning Commission for enough review time. We were not informed that it had been sent straight to UDC for review on August 12. If we had known, we would have attended that meeting and provided comments. This has made us feel as if the City really did not care whether or not we approved of or had objections to this project. This has been very frustrating to say the least.

This is our neighborhood, governed by an existing Neighborhood Plan, and our opinions about this proposed structure as home owners and tax payers should bear as much weight as a single developer's opinions.

We do not want a building of this density or height located on this space towering over our park. We do support a development, but it must be one that fits the City's specifications as zoned and fits the design and scale of the adjacent buildings.

Please stick to the City zoning codes and do not grant the conditional use permit.

Thank you.

Jennifer Argelander  
[REDACTED] Erie Court, Madison



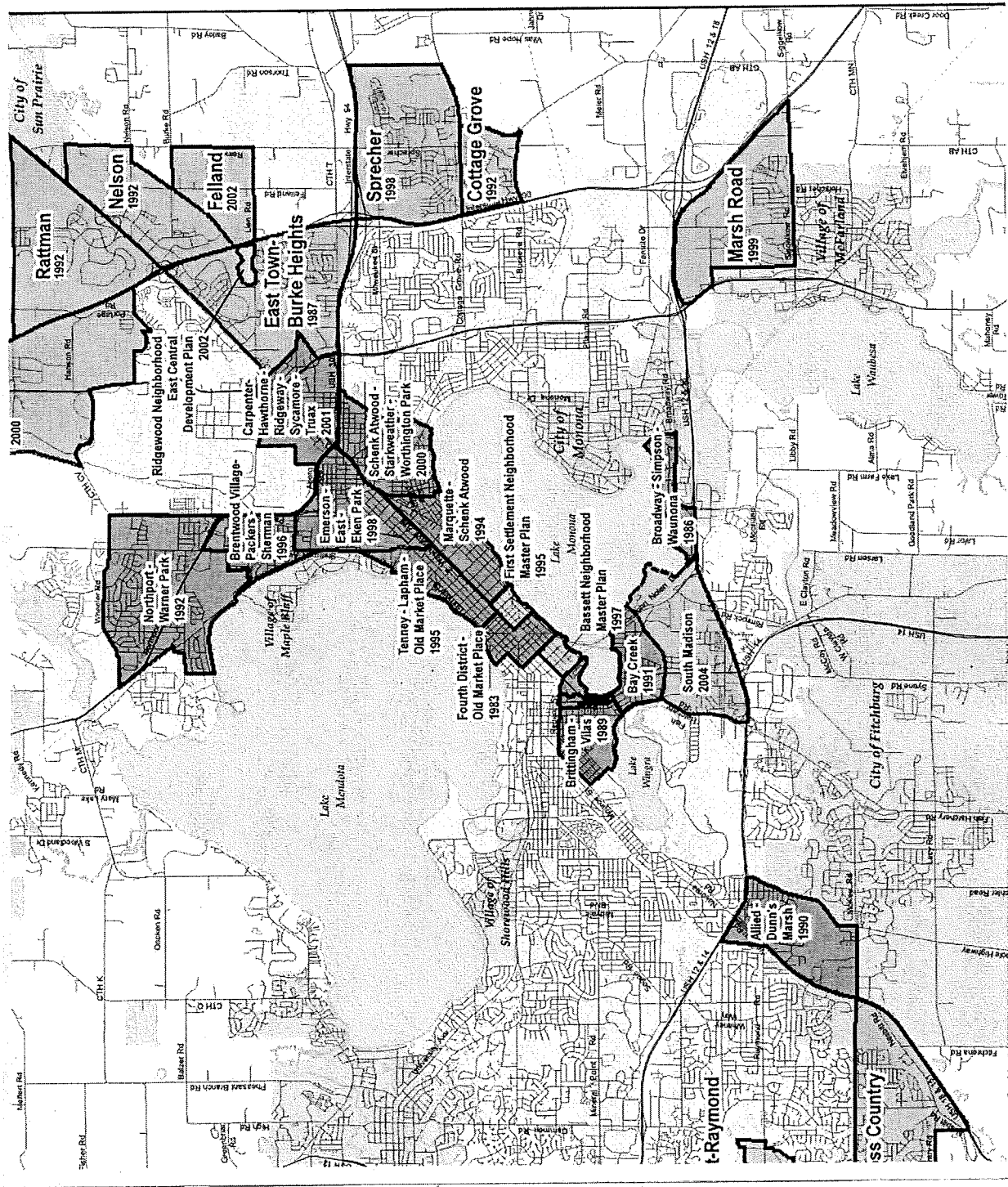
**NOTE: Attached are 3 maps from the Comprehensive Plan and LDR description.**

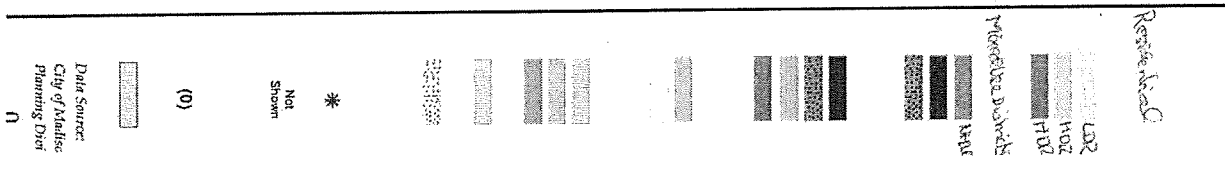
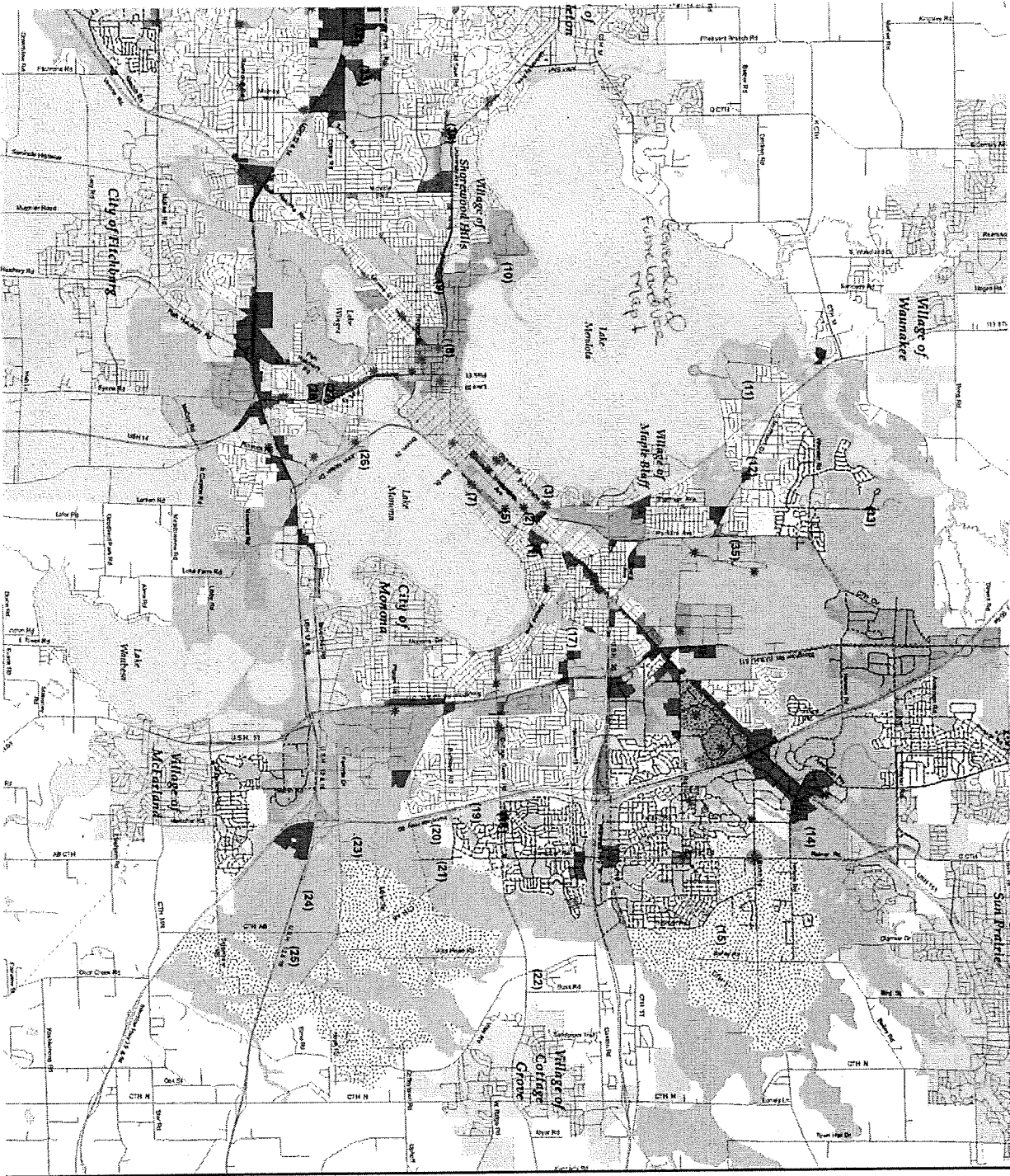
- 1: Map of existing Neighborhood Plans**
- 2. Map 1 of General Future Land Use**
- 3. Map 2-2a Future Land Use**
- 4. Low Density Residential**

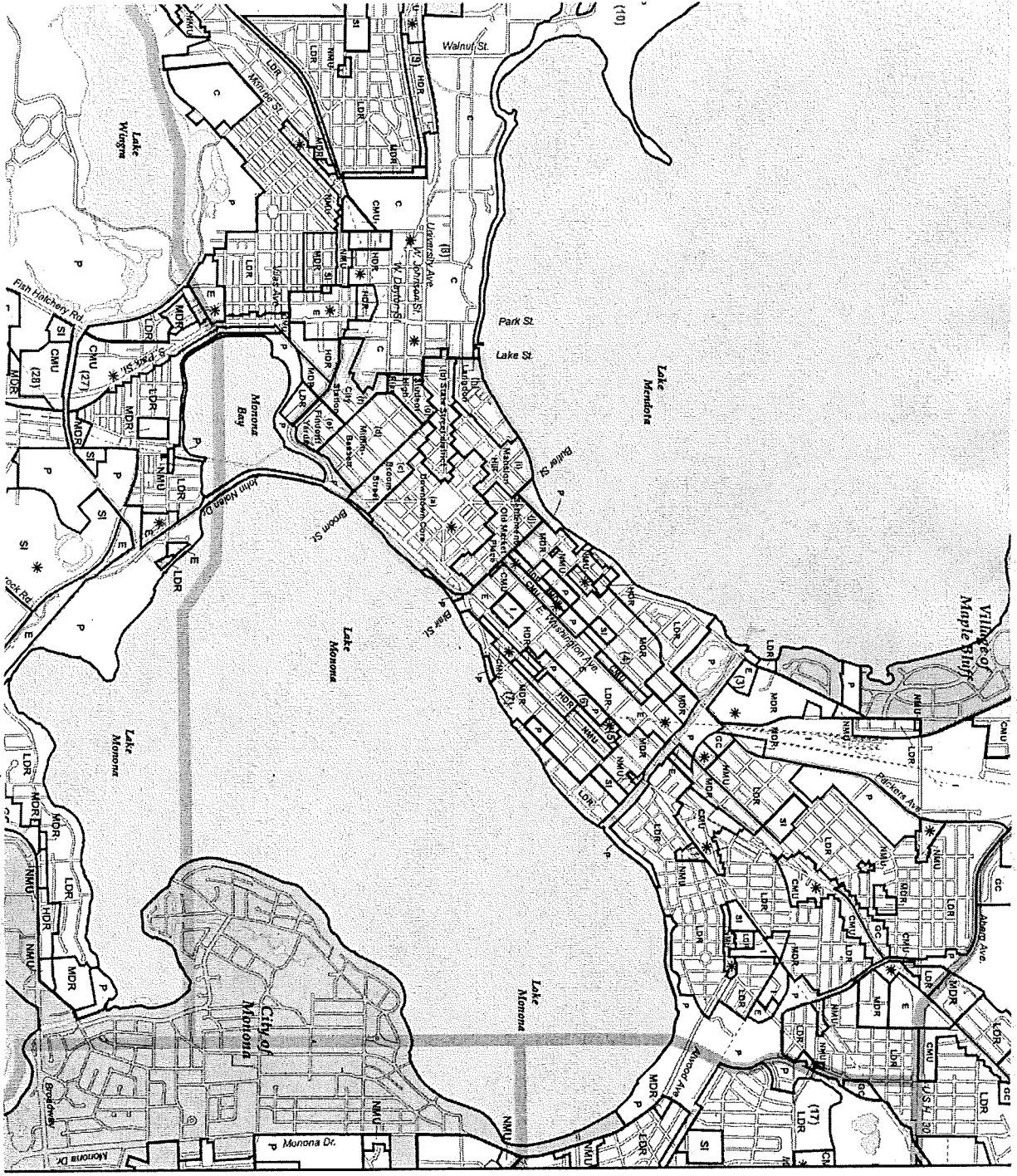


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Future Land Use

Map 2-201

***Low Density Residential (LDR)(pg. 2-79 to 2-81)***

Low Density Residential districts are characterized by relatively low densities and a predominance of single-family and two-unit housing types. Some Low Density Residential areas, particularly in the older neighborhoods, may include many “house-like” structures that were built as, or that have been converted to multi-unit dwellings. Smaller two, three and four unit apartment buildings may be compatible with the Low Density Residential designation at locations specified in an adopted neighborhood or special area plan, but large apartment buildings or apartment complexes are not.

In general, Low-Density Residential areas should be protected from encroachments of higher density or higher intensity uses than presently exist in the neighborhood, and future conversions of housing in older mixed-housing type neighborhoods from single family to multi-unit should be discouraged. Infill or redevelopment projects should be compatible with established neighborhood character and be consistent with an adopted neighborhood or special area plan.

**Net Density Range**

An average of less than 16 units per net acre (0-15) for the Low Density Residential area as a whole. Most developments within the area should fall within this range, although small areas of slightly higher density may exist, either due to the historical development pattern or based on a specific recommendation in an adopted neighborhood or special area plan. Small-scale apartment complexes comprised of relatively small, low-rise buildings (such as garden apartments) may be included in the Low Density Residential category, but large scale apartment buildings and large apartment complexes will generally be designated as Medium Density Residential areas, even if the actual parcel density falls within the low density range.

**Location and Design Characteristics**

Mapped Low Density Residential areas are often relatively large, and on the Generalized Future Land Use Plan Map may encompass adjacent portions of several neighborhoods. The size, layout and design of Low Density Residential areas should incorporate the neighborhood design principles recommended in the Comprehensive Plan. Ideally, Low Density Residential areas will form individual but interconnected “neighborhoods” that extend about one-quarter to one-half mile from the neighborhood’s primary activity center focal point. The neighborhood design should be conducive to walking and all of the housing and other uses should share an interconnected sidewalk and street system.

Higher density housing types within Low-Density Residential areas generally should be located nearer Mixed-Use or other more intensively developed areas, with a transition to smaller buildings such as duplexes and single-family detached houses as the distance from the more intensively developed area increases.

### Housing Types in Low Density Residential Districts

- Single-family detached houses on individual lots.
- Townhouses or row houses.
- Duplexes and two-flat buildings.
- Three-flat buildings (stacked units in a three-story buildings similar in character to the single-family buildings in the area.)
- Apartment buildings (multi-unit dwellings with units accessed via shared entrances and hallways) compatible with neighborhood character.) Generally limited to no more than four-unit buildings if interlaced with other housing types. Small-scale apartment complexes may include buildings with more than four units.
- Accessory dwelling units.

In order to provide a range of housing choices for households of different sizes, ages, incomes and lifestyles, Low Density Residential areas should include at least two different housing types and include both owner-occupied and rental housing. Single-family housing should include a variety of lot sizes.

### Other Uses within the District

Although primarily a residential designation, a limited amount of other land uses are also located within Low Density Residential areas, and these often serve as focal points for neighborhood activity. At the scale of the Generalized Future Land Use Plan Maps, these small areas of non-residential use generally are not shown. Non-residential uses within a Low Density Residential area may include:

- Parks and recreational facilities.
- Community gardens.
- Elementary schools.
- Day care centers.
- Small civic facilities, such as libraries or community centers.
- Places of assembly and worship, if at a scale compatible with other existing or planned development in the area.
- Commercial uses
  - Neighborhood-serving retail and service uses, especially in mixed-use buildings.
  - Small offices, especially in mixed-use buildings.

Within designated Low Density Residential areas, commercial uses are limited to small scale establishments providing convenience goods or services to neighborhood residents. Because of the scale of the plan maps, these isolated, single commercial uses within a Residential district are generally not mapped. Groupings of commercial use within a neighborhood generally will be separately identified on the Plan Map as a mixed-use, commercial or employment district as appropriate.

Specific locations for non-residential support uses within Low Density Residential districts, as well as more-detailed planning or design standards, should be identified in adopted neighborhood or special area plans.