

March 30, 2020

VIA E-MAIL: allalders@cityofmadison.com and SRhodes-Conway@cityofmadison.com

City of Madison Common Council Office
210 Martin Luther King Jr. Boulevard #417
Madison WI 53703

RE: March 31, 2020 #59493 - Appeal of Plan Commission action
Concerning 3630-3650 Milwaukee Street, Legistar File 58787

Dear City of Madison Common Council and Mayor Rhodes-Conway:

I urge you to approve the proposed package distribution facility at 3630-3650 Milwaukee Street. We and our co-counsel, Kevin St. John, have previously laid out the legal basis for our position in the petition we filed on February 5, 2020 and the letter submitted to the Council on March 13, 2020 by attorney St. John. From a legal standpoint, the Common Council should approve the proposal because the use is permitted in the applicable zoning district (IL). The site plan has been through months of engineering work, meetings with City staff, site plan submittals, incorporation of City staff comments, and multiple plan revisions and will meet all City site plan and engineering standards (including, for example, stormwater management, utility design, trees, lighting and landscaping and lot coverage requirements). From a policy standpoint, the Council should approve the proposal because, at this critical time, moving this project forward will lead to the creation of approximately 170 new jobs in the very near future and add millions of dollars of commercial tax base for our City when we need it most.

While future land uses envisioned in the newly developed area plan are important, allowing plan recommendations to trump existing law is not only wrong; in the situation at hand, it would be to the detriment of citizens of the City and at the risk of significant costs to the City. The City creates a comprehensive or area plan under the guidance of professional City staff who use their training and expertise to take ideas from concept to implementation, while recognizing current realities including current zoning laws and corresponding vested property rights. In a January 27th memo to the Plan Commission, planning staff correctly advised the Plan Commission to **approve** the final plans for this project. Specifically, staff aptly noted: ***“While the use of the property does not implement the adopted plan recommendations, it is permitted by the site’s existing IL zoning. With that key consideration, staff believes that the request should be found to meet the applicable standards.”*** City staff also confirmed “development of the long, narrow parcel by itself is unlikely [and] use of the subject site as part of a cohesive development of the two parcels consistent with the IL zoning district may be found to [be] consistent with the normal and orderly development and improvement of surrounding properties.”

Furthermore, the current proposal is consistent with the overarching goal of the Milwaukee Street Special Area Plan, which envisions the area as a hub of housing, services and employment well-served by transit,. This project in the immediate future provides employment and is easily accessible by employees – it is

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located on transportation corridors, is within a short bikeable distance of the Capital City Trail and is immediately adjacent to the City's East Transfer Point. Could the proposed tenant of this project build a hub on a greenfield in a suburb? Perhaps. Could Madison residents most in need of employment get there? Not without reliable and accessible public transportation. At this critical time in our lives and for our City, it does not make any sense to turn away new blue collar jobs for our citizens in an easily accessible location, particularly when the proposal satisfies all existing laws.

Finally, there may not be new housing anytime soon if there are not accessible jobs for people who need them most. If implementation of the plan is the ultimate goal for this area, including encouraging new workforce housing, this project provides a path to achieve that goal. As the Ritter team submitted to you separately on Friday (from Aimee Bauman of Key Commercial Real Estate), this project also creates the very real possibility of jumpstarting workforce housing in the area; more specifically, on the property located at 3618 Milwaukee Street. Creating jobs and activity on this site can be a catalyst for moving other goals set forth in the plan forward which, especially now, are unlikely to happen in a void.

We ask you to consider the future of Madison and the impact on that future that will be created by the very real and challenging situation we are facing now as a community. This proposal does not ask for a rezoning and it does not require any conditional use or other discretionary land use approvals. All we are asking is the Council confirm the properties at 3630 and 3650 Milwaukee Street may be used in a manner that is expressly allowed under current zoning. The Council should support the jobs, commercial tax base and commerce this project will bring to an area that can then prosper with new workforce housing, mixed use and neighborhood-serving businesses. Our team is committed to continuing to work with the City on goals beyond the adaptive reuse of this industrial site.

Thank you for your time and careful consideration of this matter.

Best Regards,

CARLSON BLACK O'CALLAGHAN & BATTENBERG LLP

