

**From:** [MARTIN DAVID SAUNDERS](#)  
**To:** [Evers, Tag](#); [Plan Commission Comments](#)  
**Subject:** Zoning Ordinance Issues  
**Date:** Monday, March 22, 2021 3:03:18 PM

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To Whom It May Concern,

I am in support of zoning considerations as proposed below.

Martin Saunders  
Lakeside St.

We advocate deferring the decision on the proposed changes to the zoning ordinance and development approval process to allow time for: 1) analysis by Planning staff of the implications for existing ordinances (stormwater, demolition, etc) and 2) robust input by neighbors and neighborhoods, including unforeseen impacts on specific locations in Madison. As important and sweeping a zoning change as this should require more than broad-stroke projections of its intended consequences. We have the following concerns about the proposed changes:

**Equitable participation in the development process:** The pandemic has limited access of people without computers to the City's virtual notifications and presentations about the proposed changes. The citizens of Madison need to be fully informed about the changes and deserve the opportunity to provide input, especially those who will be affected by these changes. More inclusive representation and wider participation by the public should be possible soon and should be a priority of good planning and policy.

**Good planning:** According to news sources, by September 2020, the reform envisioned by the [Minneapolis 2040 Comprehensive Plan](#) amounted to only three permit requests for new triplexes submitted by a single developer. Rather than rush headfirst into a reform that may not deliver, we owe it to Madison and those in need of housing to take the time to carefully consider and choose a successful reform here in Madison. Residents current and future deserves a solid plan for housing equity that will benefit all. We should not jump to the conclusion that, contrary to the guidelines of "missing middle" guru Daniel Parolak, the solution lies in increasing the footprint and height of new multi-unit housing stock.

**Streamlining the development process:** The Conditional Use Permit has been and continues to be a mechanism for catching problems with development proposals and minimizing their negative impacts on preexisting land uses. Even those developments that do not require conditional use have benefitted from planning meetings between developers and neighbors, as laid forth in the City's publication, [Participating in the Development Process](#). There is no reason to throw out long-valued neighborhood input in the name of expediency for developers, who may or may not be thinking about community benefit or housing equity. Input need not slow down the development process; there are multiple methods for allowing neighborhoods to work with developers and have input in the development process.

**Specific Bay Creek concerns:** The impact of the proposed zoning code change on two areas of Bay Creek in particular is of concern to neighbors. These areas clearly do not fit the rezoning's intended target of "urban corridors." The first of these, the 300-400 blocks of West Lakeside St., includes the elementary school, coffeehouse, historic mixed-use buildings. It forms the heart of Bay Creek and is home to one of the neighborhood's few meeting places. While falling into one of the designated categories of areas to be rezoned, these blocks are instead worthy of historic or cultural "preservation." Alteration of these buildings would significantly alter the character of the historic part of the neighborhood.

A second interior area in Bay Creek targeted for zoning change is Gilson Street, which was the subject of extended discussion between BCNA and Planning staff during the recent Imagine Madison process. These conversations resulted in the Plan Commission's decision to revert from the revised Comp Plan's then-newly proposed Employment designation for Gilson Street to the former—now current—stepped-up transitions from mostly single-family homes/duplexes between Lakeside and Cedar street to middle-density housing between Cedar to Wingra Creek. This well-thought-out plan for increased density is part of the Bay Creek neighborhood plan as included in the past and current (in-process) South Madison Neighborhood Plan.

It is worth noting that much of Bay Creek's current housing is already "invisible" duplexes and triplexes that blend in with the single-family homes in the neighborhood. Lakeside Street alone is currently home to 2 buildings of 6-8 units each, 3 triplexes, 7 duplexes, and 10 other rental houses or rental units above stores. Brooks Street west of Fish Hatchery consists of several blocks of 4- and 8-story apartment buildings. The current rezoning proposal's mistaken inclusion of Gilson and Lakeside streets among the city's urban corridors demonstrates the need for Plan to move more slowly and more carefully consider the situation neighborhood-by-neighborhood and block-by-block in its attempt to integrate multi-family and affordable housing in areas throughout the city. This can only occur if Plan allows for neighborhood input to point out overlooked factors as we move forward in the rezoning process.

**From:** [Jason Tish](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Proposed zoning changes  
**Date:** Monday, March 22, 2021 2:55:10 PM

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Hello Plan Commissioners-

I want to register my opposition to proposed changes to the zoning code intended to streamline the approval process by allowing "by right" development of mid-sized residential developments.

While I fully support increasing the density of housing in Madison, especially housing that's affordable for people making less than the median income, the proposed changes would remove important steps in the approval process that enable my neighborhood association to influence positive changes in site design and architectural design for new developments. My neighborhood association in particular has had regular success working with developers to make improvements to initial design proposals. Leapfrogging that step in the process, and allowing by-right development on many parcels in my neighborhood has the potential to undermine what has been a mutually beneficial relationship between my N. A. and development companies working in our neighborhood.

-Jason Tish  
2714 Lafollette Ave.  
SASY Neighborhood

**From:** [Gary Tipler](#)  
**To:** [Plan Commission Comments](#); [Rummel, Marsha](#)  
**Subject:** Legistar #63902. Zoning Text Changes, Housing Densities and Conditional Use Thresholds  
**Date:** Monday, March 22, 2021 2:25:05 PM

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Legistar #63902. Zoning Text Changes and the "missing middle"

Members of the Madison Plan Commission:

Others have already provided thorough outlines of the most critical of the issues raised by the proposed zoning text changes regarding the "missing middle" housing. If you haven't yet done so, please read the thorough evaluation by Linda Lehnertz, and those of David and Leigh Mollenhoff, and Brad Hinkfuss.

I support their findings and messages, particularly as it applies to the neighborhoods of the near east side, Marquette Neighborhood and Schenks-Atwood-Starkweather-Yahara Neighborhood.

This present plan is dangerous and won't accomplish any of the stated goals without causing significant harm to the neighborhoods they are intended to change.

To get the best plan, please take advantage of the most precious resource -- the people of these neighborhoods -- who should be consulted at critical intervals to forge the next plan to come forth.

I stress that the democratic workings of neighborhood groups have usually served to enhance and improve the developments that have been built. That ability for neighborhood participation in the review of proposals must not be stripped away.

Thank you.

Gary Tipler

**From:** [Doug Johnson](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** public comments re #63902 -- conditional use thresholds  
**Date:** Monday, March 22, 2021 2:23:18 PM

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To: Members of the Plan Commission  
Re: #63902, Ordinance changes to conditional use thresholds in various zoning districts

Thank you for the opportunity to comment on these proposed changes to the conditional use threshold requirements for some specific new developments. While I support increasing density and the addition of more multifamily residences in Madison, I do not believe that these changes as written will be able on their own to result in many more affordable housing opportunities but will in many ways tend to favor market-rate projects instead. These changes will immediately increase land speculation by making the affected properties more attractive to larger scale developments and will result in the demolition of many now affordable properties in order to build larger, more lucrative developments that will then be more expensive to occupy.

Another undesirable consequence of exempting these potential developments from the current conditional use process is the elimination of the checks & balances provided by the review and comment now provided by the alder and the neighborhood. Larger scale developments in mixed use districts are disruptive to their neighbors in ways that are highly dependent on individual circumstances. These would now be allowed to proceed by right with no opportunity to comment or offer mitigating alternatives.

This proposal should be referred for further comment and not passed as is.

Thank you,  
Doug Johnson  
30+ year resident of SASY neighborhood

**From:** [Charlene Sweeney](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Agenda item 63902  
**Date:** Monday, March 22, 2021 1:58:52 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing this letter to you on the Plan Commission, asking that you slow the process down to make changes in the zoning of new housing in neighborhoods that are already existing. Those of us who live in older neighborhoods realize the uniqueness of their places in the city. The people are diverse and the settings are diverse.

I live on Lakeside St. It is an area surrounded by lakes and bays, parks and railroad tracks, modest homes that are mostly 70-80 years old. There are old and lovely buildings that are used for many things, that tell the story of Madison's history, and development. It is unique, as are other neighborhoods. Some of the area should be protected and preserved as historical areas. There are apartments, duplexes, and modest homes already in small lots. There are tiny streets that end at the lake. A closer look needs to be taken, and input from more city and neighborhood residents given, than this zoning change in this meeting. The pandemic has made it difficult for many people to understand what is proposed, and what their role might be in giving input.

Please, slow this process down, listen to the people being affected.. I am not opposed to more small units of housing. I am not opposed to two and three flats, and two story buildings for medium prices so our families can afford them. I really dislike the trend of building canyons of high rise apartments aimed at young professionals, and costing more than most of us can afford. Please consider these changes more carefully. I hope for better planning,, and more thoughtful planning for the future of our city, and hope for some history and affordability to be a part of it and preserved. No more tall apartments in modest and old residential neighborhoods.

Thank you for this consideration,

Charlene Sweeney  
114 East Lakeside St.  
Madison, WI 53715  
608-251-1956

**From:** [Kate Sandretto](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** PC Meeting 3/22/2021, Agenda Item #13, Legistar File ID #63902, Support  
**Date:** Monday, March 22, 2021 1:55:35 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

RE: Legistar #63902, Amending various sections of Subchapters 28C and 28D of Madison General Ordinances in order to increase allowable densities and decrease conditional use thresholds in certain multi-family residential, mixed-use, and commercial districts

March 22, 2021

Dear Plan Commission Members,

I'm writing to express my strong support for the amendment that would allow increased densities and lessen conditional use thresholds in some districts. I've been a Madison resident for 18 years, and I've observed both the growing sprawl in the suburbs of Madison and the difficulty renters have in finding reasonably priced housing in Madison. This amendment should help ease both of these problems.

This amendment would also encourage infill, which also helps our city to decrease our carbon footprint. Increased housing density lowers transportation needs and lowers household heating requirements, while encouraging public transit use.

Thank you for your work on this important issue!

Kate Sandretto  
Member, 350 Madison  
2130 E Dayton St  
Madison, WI 53704

**From:** [Steve Ohlson](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Rummel, Marsha](#)  
**Subject:** Oppose Item #13 File ID 62902 Zoning changes  
**Date:** Monday, March 22, 2021 1:45:46 PM

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Dear Plan Commission members,

I have owned my home just off of Williamson Street for 40 years.

I am opposed to the changes proposed to zoning text in resolution 63902 that would decrease conditional use thresholds and approve some development proposals “by right.” Rather than enabling the stated goal to “support additional housing,” the changes seem primarily to remove neighborhood participation in our democratic process of normal city growth. It is curious that the city would propose to initiate this effort to densify Madison by reducing neighborhood input in TSS corridors. Areas like TSS with significant absentee landlord ownership and the frequently accompanying benign neglect need more, not less, neighborhood oversight than Madison’s many acres of single-family housing.

The term multi-family has been used frequently in the presentation of these proposed changes. To gain support from the Marquette neighborhood it would be useful if the city made some effort to ensure that new housing actually included a significant percentage of the two- and three-bedroom units that families need. Otherwise, East Isthmus corridors like Williamson Street will eventually resemble the canyons of human filing cabinets that now line streets like West Johnson in the campus area.

The Williamson Street neighborhood has slowly climbed back from a period of significant decline. Now during its current popularity is not the time to throw open the doors to the candy store by reducing development oversight by our neighborhood. Please do a reset to the changes proposed in resolution 63902 and implement city density equitably.

Thank you,

Steve Ohlson

416 S Paterson St.



To: Plan Commission, Alder Evers

From: Bay Creek neighbors: Barb Bailly, Jody Clowes, Steven Davis, Lisie Kitchel, Cindy McCallum, Janelle Munns, Judy Robinson, Carrie Rothburd, Charlene Sweeney, Daniel Thurs

Re: Proposed Changes to Zoning Ordinances

Date: March 22, 2021

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We support the City in its efforts to create more housing—specifically more affordable housing—and believe that all Madison neighborhoods have a role to play in integrating more varied housing in their midst. However we advocate deferring the decision on the proposed changes to the zoning ordinance and development approval process to allow time for: 1) thorough analysis by Planning staff of the implications for existing ordinances (stormwater, demolition, etc.) and 2) robust input by neighbors and neighborhoods, including unforeseen impacts on specific locations in Madison. As important and sweeping a zoning change as this should require more than broad-stroke projections of its intended consequences. We have the following concerns about the proposed changes:

**Equitable participation in the development process:** The pandemic has limited the access of people without computers to the City’s virtual notifications and presentations about the proposed changes. The citizens of Madison need to be fully informed about the changes and deserve the opportunity to provide input, especially those who will be affected by these changes. More inclusive representation and wider participation by the public should be possible soon and should be a priority of good planning and policy.

**Good planning:** According to news sources, by September 2020, the reform envisioned by the Minneapolis 2040 Comprehensive Plan amounted to only three permit requests for new triplexes submitted by a single developer. Rather than rush headfirst into a reform that may not deliver, we owe it to Madison and those in need of housing to take the time to carefully consider and choose a successful reform here in Madison. Residents current and future deserves a solid plan for housing equity that will benefit all. We should not jump to the conclusion that, contrary to the guidelines of “missing middle” guru Daniel Parolak, the solution lies in increasing the footprint and height of new multi-unit housing stock.

**Streamlining the development process:** The Conditional Use Permit has been and continues to be a mechanism for catching problems with development proposals and minimizing their negative impacts on preexisting land uses. Even those developments that do not require conditional use have benefitted from planning meetings between developers and neighbors, as laid forth in the City’s publication, Participating in the Development Process. There is no reason to throw out long-valued neighborhood input in the name of expediency for developers, who may or may not be thinking about community benefit or housing equity. Input need not slow down the development process; there are multiple methods for allowing neighborhoods to work with developers and have input in the development process.

**Specific Bay Creek concerns:** The impact of the proposed zoning code change on two areas of Bay Creek in particular is of concern to neighbors. These areas clearly do not fit the rezoning’s intended target of “urban corridors.” The first of these, the 300-400 blocks of West Lakeside St., includes the elementary school, coffeehouse, historic mixed-use buildings. It forms the heart of Bay Creek and is home to one of the neighborhood’s few meeting places. While falling into one of the designated categories of areas to be rezoned, these blocks are instead worthy of historic or cultural “preservation.” Alteration of these buildings would be detrimental to the character of the historic part of the neighborhood.

Narrow, residential Gilson Street, the focus of extended discussion during the recent Imagine Madison process, is the second area of concern. Conversations between BCNA and Planning staff resulted in the Plan Commission’s decision to revert from the revised Comp Plan’s proposed Employment designation for Gilson Street to the former—and current—Comp Plan’s stepped-up transitions from mostly single-family homes/duplexes between Lakeside and Cedar street to middle-density housing between Cedar to Wingra Creek. This well-thought-out plan for increased density is part of the Bay Creek neighborhood plan, as included in the past and current (in-process) South Madison Neighborhood Plan.

It is worth noting that much of Bay Creek’s current housing is already “invisible” duplexes and triplexes that blend in with the single-family homes in the neighborhood. Lakeside Street alone is currently home to 2 buildings of 6-8 units each, 3 triplexes, 7 duplexes, and 10 other rental houses or rental units above stores. Brooks Street west of Fish Hatchery consists of several blocks of 4- and 8-unit apartment buildings. The current rezoning proposal’s mistaken inclusion of Gilson and Lakeside streets among the city’s urban corridors demonstrates the need for Plan to move more slowly and more carefully consider the situation neighborhood-by-neighborhood and block-by-block in its attempt to integrate multi-family and affordable housing in areas throughout the city. This can only occur if Plan allows for neighborhood input to point out overlooked factors as we move forward in the rezoning process.

**From:** [Bob Klebba](#)  
**To:** [Ledell Zellers](#); [Heck, Patrick](#); [Prestigiacomo, Max](#); [Furman, Keith](#); [Lemmer, Lindsay](#); [Evers, Tag](#); [Mayor](#); [Plan Commission Comments](#)  
**Cc:** [Stouder, Heather](#)  
**Subject:** Comments on agenda item 11 tonight  
**Date:** Monday, March 22, 2021 1:09:46 PM  
**Attachments:** [Klebba Comments on Legistar 63902.pdf](#)

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I ask you to refer Legistar 63902. Such significant changes to the Comprehensive Plan require a more thorough analysis and greater outreach. Please review my attached letter. thank you,  
Bob Klebba

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Bob Klebba he him his  
704 E Gorham St  
Madison WI 53703-1522  
608-209-8100  
[www.governorsmansioninn.com](http://www.governorsmansioninn.com)  
[www.mendotalakehouse.com](http://www.mendotalakehouse.com)  
[www.canterburymadison.com](http://www.canterburymadison.com)

Comments on Legistar 63902

Bob Klebba

22 March 2021

I have attempted to read the resolution. I have read Alder Heck's summary of the changes. I have attended several presentations and meetings on the proposed changes for zoning in some districts. I have watched with dismay the confusion of the meeting attendees. I cannot provide comprehensive feedback like how Linda Lehnertz can. Here are my brief comments.

**When zoning is proposed to be changed, residents and property owners should be notified.**

The changes may seem minor, but the implications haven't been studied in detail. I would argue that less than 1% of affected residents, property owners and neighbors understand how these changes will impact their neighborhood. The Comprehensive Plan took 2 years with extensive community outreach to solicit input and to educate. The proposed zoning changes are a significant change to the Comp Plan and not only are they being rushed through the political process, there has been little effort to educate affected citizens and no effort to request input. These zoning changes need to be slowed down and better advertised.

**Reducing the barriers for small developers is not an issue**

The City provides a wealth of resources for developers ranging from the DAT meetings to personal meetings with Zoning, Transportation Engineering, MFD, etc. As a small developer myself, I never felt that the political or administrative process was a barrier. Even as a community member, I have always been able to access the right staff person to answer my questions. Raising the bar for CUPs is an insignificant incentive for encouraging small developers.

**Neighborhood involvement is important**

The Tenney-Lapham neighborhood worked with a small residential developer 2-3 years ago on their proposal for E Johnson St. Part of the development involved the demolition of two 19<sup>th</sup>-century houses to be replaced by a 24-unit apartment building. Because of neighborhood involvement, one of the "demolished" houses was moved elsewhere on the block and the overall development was improved significantly. The better integration with the local area would not have happened without neighbor involvement. I am against changing zoning that would diminish participation in the development process.

**Potential for gentrification and pressure to increase property values**

As is the case in most of our older isthmus neighborhoods, these zoning changes will encourage property owners to redevelop their existing buildings with additions or by demolition. Encouraging this kind of development potential will increase property values, development costs and market rental rates. Increasing density will be achieved, but affordability will be reduced. Any new development at the scales addressed in the proposed changes will be rented or sold at market rate or better.

### **Residential development in commercial districts by right is wrong**

One detail that jumped out at me was the proposed ability to develop residential units in commercially zoned districts. The work that went into the Comp Plan involve hundreds of people and thousands of person-hours. There is currently a well defined process to change the zoning for a non-conforming use with community, administrative and political input and review. I know, because I've been through it. Excluding the public in such a major change contradicts Madison's ethos of participation.

Comments for Plan Commission meeting March 22, 2021  
Agenda item #13, Legistar item #63902

Dear Plan Commissioners,

The City of Madison needs more affordable family housing yet the current iteration of proposed changes in item 63902 do not solve this issue. Instead the changes offer possibilities for unintended consequences on multiple environmental, social, financial and democratic levels.

This plan has support from real estate investors and developers. But what about the peoples' voice in the neighborhoods? Our voices should be welcomed, respected and attentively considered. Community engagement is currently portrayed in this plan's promotion as an impediment to development. Madison's Comprehensive Plan recognizes that neighborhood voices have value. The proposed changes may be well intended but taking public participation out of select future developments obfuscates real community and democracy.

There is nothing in these changes that guarantees affordable and family size units or that address Madison's problematic speculative market on the isthmus.

Multi-family housing in some cases is a misnomer. Multi-unit apartments may be more accurate nomenclature when a development's planned units are for a majority of efficiencies and one bedroom. A maximum number of units for maximum profit rarely encourages affordable or family housing.

I support upholding the long existing (not missing) middle housing on the isthmus and spread more of this into additional neighborhoods throughout the city by developing empty parking lots. Well planned smaller multigenerational condominiums and co-housing that include green space can keep character and livability of our neighborhoods. Please thoroughly consider all possible unintended consequences of this proposal and reject this current version. Rework the proposal so that it does not eliminate Madison's democratic participation in planning.

Respectfully Submitted,

Tracy Dietzel  
Madison/Dejope

**From:** [mary johnston](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Zoning ordinance changes.  
**Date:** Monday, March 22, 2021 11:12:19 AM

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Commission Members -- I'm strongly against any zoning ordinance changes that would increase the number of multifamily development projects that do not require conditional use permits from the Madison Plan Commission. I'm against any change (such as removing the Plan Commission from the planning process) that would exclude neighbors input into the proposed planning. For a healthy community to thrive, we need all residents near new development to be offered a chance to speak their minds. Thank you for your consideration. Mary Johnston, 1708 Fremont Ave, Madison.

**From:** [Michelle Martin](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Comments on Legistar 63902  
**Date:** Monday, March 22, 2021 10:23:56 AM

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To: Members of Plan Commission

From: Sherman Neighborhood Association

The board of the Sherman Neighborhood Association wishes to register its opposition to the proposed changes under the Zoning Text Amendment on Housing Density and Conditional Use Thresholds (Legistar 63902). These changes remove input from neighborhood residents and open the door for large, poorly designed development in existing neighborhoods.

The proposed transfer of decision making power from Madison's Plan Commission to Madison's Planning Department means that developers can propose a project and have it approved by City Planning staff without input from neighbors. The current approval process does not stop projects that ought to be approved but it does give current residents the opportunity to provide feedback which often makes the projects a better fit for their neighborhood.

We are also concerned about the increased height and density allowed under the proposed changes. Reasonably sized multi-family buildings are already allowed in the locations to which this ordinance applies. By increasing the permissible heights and densities and reducing the required usable open space, the proposed ordinance changes allow the construction of large buildings that are not in scale with the surrounding buildings.

The stated purpose for these changes is to provide "more housing units in general, more housing options affordable to all households, and a broader variety of housing so that people have the choices they need to live in neighborhoods across the city, regardless of income, age, race, or ability." We understand that need but do not believe these changes will achieve that goal. We urge the city to look for creative ways to address this issue while still respecting the residents already in these neighborhoods.

Sincerely,

The Sherman Neighborhood Association

This proposed ordinance has an ambitious agenda. The news update from the City website claims a number of results. (My brief comments are in *italics*.) For the news update:

<https://www.cityofmadison.com/news/mayor-and-alder-propose-zoning-changes-to-increase-and-diversify-housing>

1. Make it easier to develop housing in most multi-family residential and mixed-use zoning districts across the City by streamlining the permit review process for projects that meet basic requirements.

*Projects that meet basic requirements are already streamlined. The problem, particularly in mixed-use districts, is that developers seek more than the basic requirements allow. An expansion of size/number of units is unlikely to reduce developer's requests for more. For example, the zoning code rewrite process claimed that with the new flexibility, planned developments would become far less common. That does not seem to have been proven accurate.*

2. Remove the discretionary barrier that can add costs and uncertainty, speeding up the development of small and medium scale housing projects, and make it easier for new, smaller-scale developers to invest in Madison.

*Making it easier for new smaller scale developers to invest in Madison was expressed as a "hope" by Planning staff at the March 1 meeting. If one is looking at 30+ units (about the size of the increase in mixed-use districts), developers have come from Milwaukee, Chicago, Rochelle, IL, Georgia, and Minneapolis. Whether there is opportunity for small scale developers to do "missing middle" housing (2-12 units) depends upon (1) the availability of properties and (2) whether those properties are being demolished/rebuilt or just being added onto. At the March 1 meeting, staff anticipated additions, not demolitions, because of the cost to purchase/demolish/rebuild. However, as will be seen later in this comment letter, there are areas of relatively affordable properties at risk for demolition and new construction.*

3. Allow for more density by opening up opportunities for additional dwelling units to be added to existing buildings and for more housing to be incorporated into developing and redeveloping parts of the City.

*Comparing infill versus new developments on former farmland, the same zoning category can have drastically different results, with the infill project double (or more) the density of the farmland project.*

4. Meet housing needs.

*The Comprehensive Plan has a plan to meet those needs.*

5. Support small and medium scale buildings often described as "missing-middle" housing." *Great idea. But is that accomplished by making already dense areas denser? Or is that accomplished by making single-family areas subject to at least 2-unit zoning?*

6. Implement recommendations from the City's Comprehensive Plan.

*No, the proposed ordinance does not do that. (See the first and second sections of this letter.)*

7. Start to remove barriers to multi-family housing that exist in Madison's zoning code.

*Barriers are being "removed" only in areas where barriers do not exist. What is being removed is the size of those buildings fitting in with neighborhood character.*



## Comprehensive Plan

"The Plan's recommendations are intended to: ... Guide private development through the Generalized Future Land Use Map and Growth Priority Areas map. (CP, page 4).

"[A] Goal within the Land Use and Transportation chapter states that "Madison will be comprised of compact, interconnected neighborhoods anchored by a network of mixed-use Activity Centers." The Growth Framework maps those Activity Centers, lending a more specific, location-based view of a very general Goal. While it may appear that the Growth Framework primarily relates to the Land Use and Transportation Element, it is directly related to the implementation of all the Elements. The City cannot fulfill the Neighborhoods and Housing Goals without first creating the land use framework that helps establish complete neighborhoods and provides opportunities for affordable housing construction. ... *The Growth Priority Areas section identifies where the city should accommodate much of the anticipated 40,000 new housing units and 37,000 new jobs that it will see by 2040.*" (CP, page 14, emphasis added)

"The Growth Priority Areas Map on the following page shows Activity Centers and corridors *prioritized* for mixed-use infill development and redevelopment." (CP, page 15, emphasis added)

Rather than focusing on the Growth Priority Areas (GPA map is reproduced below), the proposed ordinance changes take the denser residential classifications and most mixed-use classifications and makes them even denser. There is little overlap between this ordinance proposal and the Growth Priorities Map, other than for East Washington. As examples:

- The ordinance has minimal impact on Odana and Mineral Point roads, yet these are identified as "regional corridors."
- Monroe and Williamson were removed as priority growth areas in the text, though identified as corridors. "All corridors, with the exception of Williamson Street and portions of the Monroe/Regent corridor, are (or will be) transitioning from their current auto-oriented development to more transit-, walk-, and bike-friendly styles of development." (Comprehensive Plan, page 15) This intent is supported by spreadsheets prepared by Planning staff during the Plan process.
- The GPA map identifies "transitioning centers." For example, the Northside Towner Center at Sherman/Northport. This area has transit, restaurants, a pharmacy, a bank, a hardware store, a grocery store, Goodwill, a liquor store, a barber, and likely some I am forgetting. So what would it take to make this an "established center?" With all the existing amenities, making this a full-fledged activity center should be one of the easier transitions.

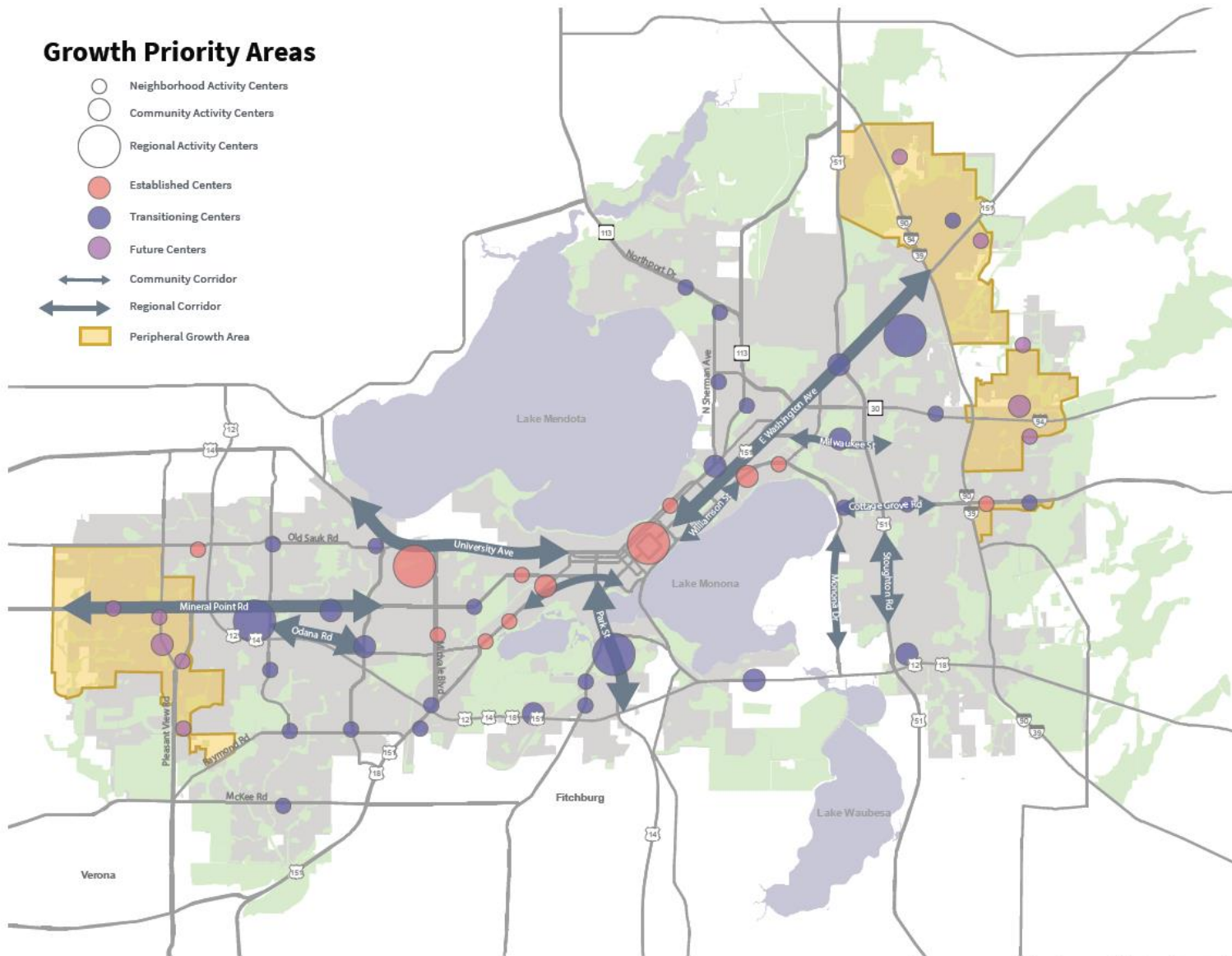
The Comprehensive Plan recognizes that much of the growth has been on the isthmus: "Much of the infill over the last decade has occurred in the downtown and isthmus areas, and *this will continue to some extent.* Directing redevelopment and infill to existing auto-oriented commercial centers and other areas as identified in the Growth Priority Areas Map, Generalized Future Land Use Map and sub-area plans will help accommodate needed growth while protecting the historic character of older neighborhoods." (CP, page 50, emphasis added) Although the isthmus is not excluded from growth, it is not the primary focus of growth. Yet, this proposed ordinance creates much of the potential growth on the isthmus.

Or, as said under Redevelopment and Infill Growth:

Accommodation of a significant amount of growth within infill and redevelopment areas is one method to reduce the demand for the development of farmland. *Redevelopment should be integrated into corridors and established and transitioning Activity Centers identified on the Growth Priority Areas map, consistent with this Plan and adopted sub-area plans.* (CP, page 39, emphasis added)

## Growth Priority Areas

-  Neighborhood Activity Centers
-  Community Activity Centers
-  Regional Activity Centers
-  Established Centers
-  Transitioning Centers
-  Future Centers
-  Community Corridor
-  Regional Corridor
-  Peripheral Growth Area



Please see pages 78 and 79 for maps of the city's historic districts.

The Comprehensive Plan also addressed compatibility of infill with the existing environment. (It is hard to see how a 48-unit TSS infill project can always be compatible with a 2-story neighboring structure that is 30' wide and has commercial on the first floor with a residence above.) A few snippets from the Comprehensive Plan:

Designers must understand how a new building will fit into that existing environment when developing concepts for new buildings. Context-sensitive design is particularly important in neighborhoods with an established character and where redevelopment or infill is occurring in close proximity to buildings of historic or architectural value. (page 75)

Madison will need to balance encouraging redevelopment and infill with protecting the qualities that made existing neighborhoods appealing to begin with. Redeveloping existing auto-oriented commercial centers and other areas identified in the Growth Priority Areas Map, Generalized Future Land Use Map, and sub-area plans will help accommodate needed growth while respecting the historic character of older neighborhoods. (page 76)

Culture and Character, Strategy 1, Action c.

Use the City's development review standards and processes to ensure that redevelopment and infill projects result in interesting, high-quality buildings and spaces and harmonious design relationships with older buildings. (page 118)

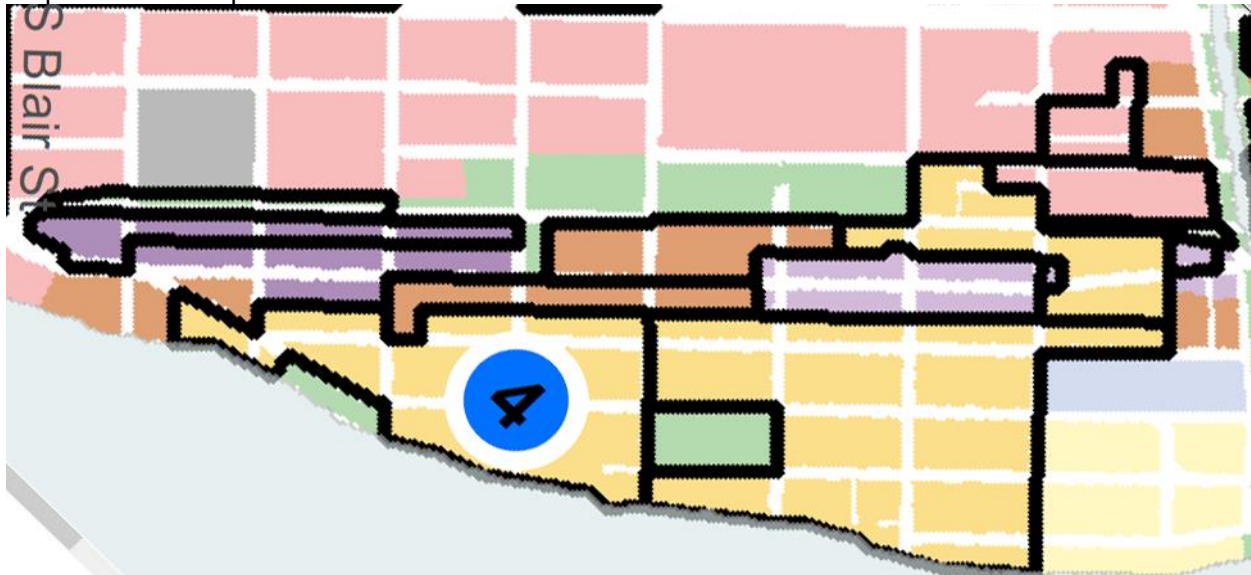
### **Violations of Comprehensive Plan Decisions**

Not only does the proposed ordinance contravene Comprehensive Plan principles, it also contravenes very specific decisions made about appropriate growth during the Comprehensive Plan process.

#### Williamson Street

As noted above, the Comprehensive Plan removed Williamson Street as a designated growth area. In addition, during the process various decisions were made about lowering the intensity – an intensity this proposed ordinance would reinstate. (Although one could argue that the Landmarks Commission would prevent oversized projects, that result is not certain. Plus this proposed ordinance would create more conflict with the historic ordinance rather than reducing/removing conflict.)

Proposed GFLU map as of 2017-10-11



Adopted GFLU map



The Plan Commission, in work groups and official meetings, determined the following changes were appropriate.

1. Reduce the intensity of the south 700 block (Elk's Club) from Medium Residential (density of 20-90 du/acre, 2-5 stories) to Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories).
2. Reduce the intensity of the 800 block (along the Williamson sides of the blocks) from Community Mixed-Use (density up to 130 du/acre, 2-6 stories) to Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories).
3. Reduce the intensity of the north 900 block from Community Mixed-Use (density up to 130 du/acre, 2-6 stories) to Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories).
4. Reduce the intensity of the south 900 block from Medium Residential (density of 20-90 du/acre, 2-5 stories) to Low-Medium Residential (density of 7-30 du/acre, 1-3 stories).
5. Reduce the intensity of the 1000 block from Medium Residential (density of 20-90 du/acre, 2-5 stories) to Low-Medium Residential (density of 7-30 du/acre, 1-3 stories).
6. Reduce the intensity of the 1100 block from Medium Residential (density of 20-90 du/acre, 2-5 stories) to Low-Medium Residential (density of 7-30 du/acre, 1-3 stories).
7. Expand the Neighborhood Mixed-use on the north side of the 1100 block (to include the gas station).
8. Change the 1400 block from Low Residential to Low-Medium Residential (more accurately reflected existing density).

The proposed ordinance change to TSS, allowing 48 units by right, ignores the Comprehensive Plan distinction between Neighborhood Mixed-Use and Community Mixed-Use. As can be seen on the zoning district map below, both of those Comprehensive Plan designations have TSS zoning.



### Merry Street

Generalized Future Land Use Map Comments Summary 6/20/18, item #53, was a discussion of whether the west side of Merry Street should be changed to back to Low-Medium Residential (due to 222 and 230 Merry, a 22-unit apartment and vacant lot) as shown on an interim map. The Plan Commission did not adopt that change, and all of Merry Street remains Low-Residential.

The Comprehensive Plan specifies:

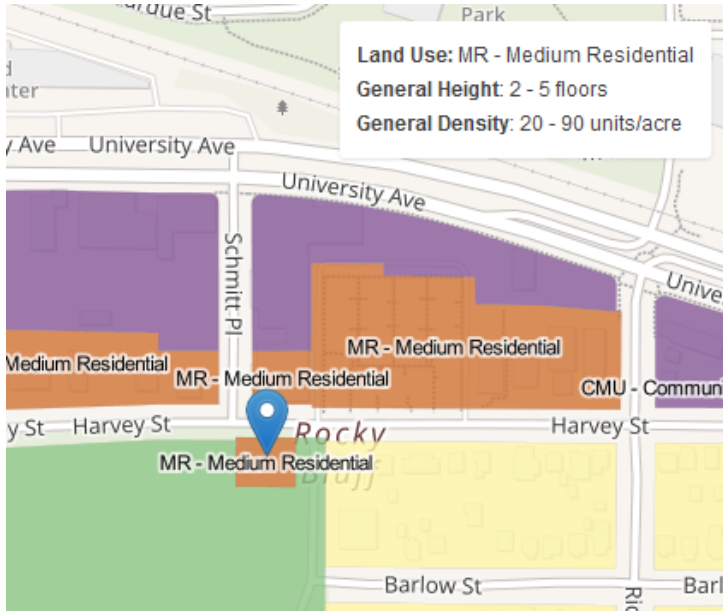
“While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be *compatible with established neighborhood scale*, and consistent with any relevant sub-area plan.” (emphasis added)

Yet the proposed ordinance change would permit 95 units on those two lots with the changes to TR-U2 zoning (60 on the lot with the existing building, 35 on the vacant lot), based on the number of units allowed and the reduced minimum lot size per unit. That would be a density of 102 du/acre, in the midst of a street with a density of 9.74 du/acre. (Not even taking into account that 95 cars could be added to a one-block street that provides access to 21 dwelling units.)



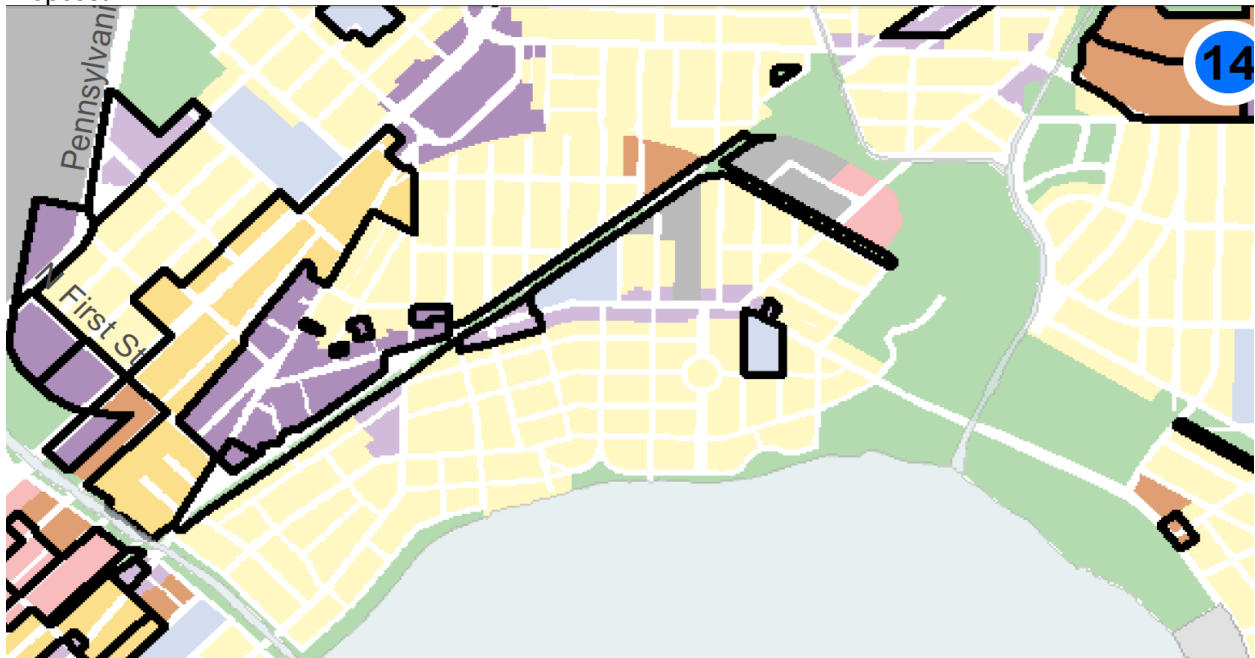
Quarry Park

Generalized Future Land Use Map Comments Summary 6/20/18, item #12 was about a 5-unit property zoned TR-U1, 8250 square feet, in Quarry Park. This property was changed to 'parks and open space' for future incorporation into Quarry Park. Under the proposed ordinance, this property could be redeveloped, by-right, as an 11 unit property and 4 stories/52 feet (as compared to the existing limits of 8 units and 3 stories/40 feet). Does that create an incentive for redevelopment?



Atwood

Proposed



Adopted



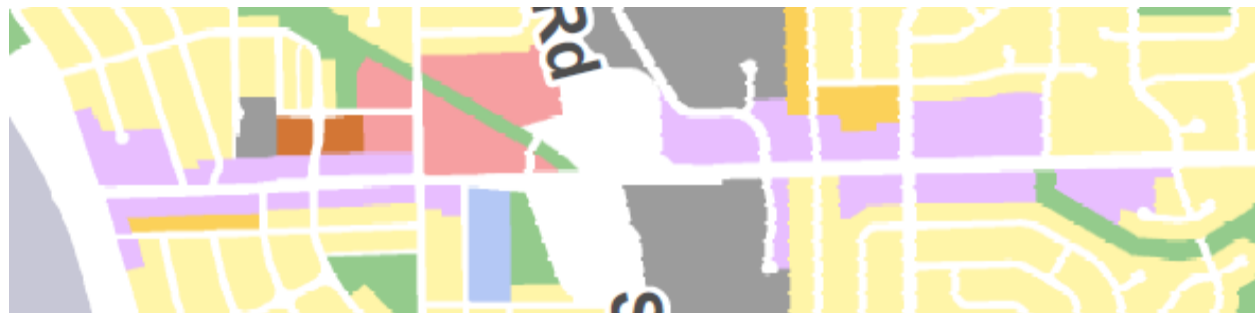
Generalized Future Land Use Map Comments Summary 6/20/18 items #40-52 were neighborhood requested changes. The Plan Commission adopted 8 of those changes. Of particular relevance to the proposed ordinance changes:

1. Reduce the intensity of Schenk's Corners from Community Mixed-Use (density up to 130 du/acre, 2-6 stories) to Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories).
2. Reduce the intensity of 2641-2649 Milwaukee Street from Community Mixed-Use (density up to 130 du/acre, 2-6 stories) to Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories).

#### Cottage Grove Road

I do not recall any specific changes made to the GFLU map for Cottage Grove Road. However, Cottage Grove Road illustrates the disconnect between the Comprehensive Plan and the proposed ordinance changes.

The GFLU map reflects Neighborhood Mixed-use (density up to 70 du/acre, 2-4 stories), with a section of Employment on the north side just west of Stoughton Road.



The zoning map reflects an array of mixed-use zoning: NMX abutting CC-T, a stretch of CC, and more CC-T. Toss in TR-U2 and TE.



Under the proposed ordinance, an area that currently can have 12-24 units by-right as mixed-use would go to one that can have 24-60 units by-right.

NMX: 24 units; height 3 stories/40 feet; 50% of the ground-floor frontage facing the primary street is non-residential, including all frontage at a corner

CC-T: 60 units; height 5 stories/78 feet; 25% of the ground-floor frontage facing the primary street is non-residential, including all frontage at a corner

CC: 60 units; height 5 stories/78 feet (I read the existing ordinance as only allowing a live-work unit as a permitted use, the staff memo says 8 units is currently permitted); maximum building size remains 25K SF for an individual establishment or 40K SF for a multi-tenant building; no requirement for ground floor non-residential use.

TE: all residential is CU; 5 stories/68 feet

TR-U2: 60 units; 6 stories/78 feet

How can all of these fit within the Comprehensive Plan's definition of Neighborhood Mixed-Use?

Neighborhood Mixed-Use is 2-4 stories, 70 du/acre or less. Four of the five above categories exceed the height limit. Per the staff memo, NMX and CC-T would have a density of about 86 du/acre; TR-U2 would have 124 du/acre (densities only apply to purely residential buildings). Perhaps at select locations along Cottage Grove Road such intensity may be acceptable, and the general density of Neighborhood Mixed-Use kept intact. However, with by-right development to the extent proposed under the ordinance amendments, the Comprehensive Plan designation of Neighborhood Mixed-Use would almost certainly be exceeded.

### **Zoning Code Rewrite**

At the March 1 meeting, Planning staff made a comment: "Let's question the system of the need for multi-family housing to meet a different standard than many of the other uses citywide and let's find the right balance moving forward."

Multi-family housing in mixed-use zoning categories needs to meet a different standard because that was the way the zoning code rewrite was designed.

The document "Zoning Code Rewrite CC briefing 2-22-10.pdf" explains the objectives of the zoning code rewrite. Objective #4 was:

The City desires a hybrid Zoning Code that incorporates land use-based (Euclidean) and form-based zoning provisions, where appropriate. The provisions shall address the design and land use recommendations of the City's various codes, ordinances and plans. The Code shall include urban design standards (text and graphics) as deemed necessary by the City.



A hybrid zoning code, as explained in City documents, is one in which form matters more than the particular use.

While Madison's 2006 Comprehensive Plan is grounded in smart growth principles, its zoning code still reflects a standard land-use classification system that emphasizes separation of uses into single districts with marginally different characteristics and requirements. ... To be effective, the rewrite effort needs to build upon the community interest generated by the plan, and clearly link the plan's policies to changes in the ordinance. The final product will be a hybrid zoning code that will be internally consistent, logical, graphically rich, and readily understandable for both print- and web-based users.

What is a "Hybrid Zoning Code"?

A hybrid code combines elements of form-based zoning and conventional zoning. *Form-based zoning is focused, as its name implies, on urban form, including the relationships of buildings to each other, to streets and to open spaces, rather than on land uses* (a primary focus of conventional zoning). Form-based codes are gaining support as a way to creatively combine diverse activities and building types within a walkable mixed-use environment.

In blending elements of form-based and conventional zoning codes, it is important to understand the strengths and weaknesses of each type of code, and where each can be successfully applied.

***The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text.*** *These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers.* By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts.

<http://legistar.cityofmadison.com/attachments/f7f9a14c-6169-4c81-8f9f-c09137a337e9.pdf>

(emphasis added)

This idea of building form, and that conditional use approval needed to exceed the building form limits, was built into the zoning code.

- The City desires a Zoning Code that includes provisions that will help the City achieve high-quality infill and redevelopment projects that are consistent with the context of existing development in the area. (Zoning Code Rewrite CC briefing 2-22-10.pdf)
- Design-related conditional uses (including dispersion of building types, excess height, excess building size), were recognized in a Planning Division Staff memorandum dated July 7, 2010. In that document, Planning staff recommended a height reduction in both NMX and TSS to 3 stories/40 feet ("As staff "tested" these heights, a four-story height limit did not appear compatible in some of the areas that are otherwise believed to be appropriate for NMX zoning." With respect to TSS: "...similar to the recommendation for the NMX district ...)

TSS provides an example of how all building form elements interrelate:

- Maximum building height: 3 stories/40 feet (more with CU)
- Maximum size: 25,000 square feet (more with CU)
- Maximum units: 24 (more with CU)
- Non-residential floor area: 75% of ground floor; 75% of street facing frontage (less with conditional use)
- There are also front, side and rear yard setbacks, with a height transition to residential districts.

The elements all fit together nicely. Historic plat lines were often (almost always?) 66' in width, and 132' in depth, for a lot size of 8,712 square feet. A 3-story building with 25,000 SF of floor area would have 8,333 SF per floor. A building footprint of 8,333 SF would allow for front, side and rear yard setbacks. 8,333 SF per floor would be enough for 8 units on each of 3 stories, with an area left over for commercial. (What has, at least sometimes, created a conditional use is inclusion of the underground parking garage in the calculation of the 25,000 square feet.)

Thus, the building floor area, the height, and the maximum number of units dovetailed. Under the proposed ordinance, the building floor area would be deleted and the number of units doubled. The form-based part of the Zoning Code would no longer work, and the focus would be on use rather than on form. Unless a TSS building is sited on two full lots (many are on 1/2 of a lot), the height must double (see example below under the TSS section). Otherwise, developers would need to buy double the land – and obtaining two full lots can be difficult, in addition to double the cost. A 6-story building, or a building 90+ feet in width, does not automatically fit into every TSS location. The Comprehensive Plan expects “context-sensitive design” which is defined as:

Context-Sensitive Design – Development that is well-integrated into the character of the surrounding neighborhood, and including considerations *such as height and bulk*, setback from the street, *width along the street frontage*, and site infrastructure, among others. (page 176, emphasis added)

This form-based idea was reinforced in the Comprehensive Plan’s Imagine Madison materials explaining density:

“Most people interact with the urban environment based on what buildings look like and how large they are. Dwelling unit density can be very misleading: two identically sized buildings could have very different densities based on the types of dwelling units, lot size. The height and form of the building better prescribes how it will interact with its surroundings.”

<https://cityofmadison.maps.arcgis.com/apps/Cascade/index.html?appid=c0a831d229484de7b65187dfaa438b76>

And reinforced in Comprehensive Plan language: “The general density range is intentionally broad for most categories because building form, not density, should be the primary consideration when determining whether a building fits appropriately within a given neighborhood, district, or corridor.” (CP, page 17)

Comprehensive Plan Action d. (explore the widespread replacement of residential density maximums with building height maximums outside of the downtown area) under Strategy 3 (increase the amount of available housing) runs counter to this proposed ordinance. At a minimum, it should be considered in conjunction with this proposal.

Density and Height Maximums Most people interact with the urban environment based on what buildings look like and how large they are. Dwelling unit density alone can be very misleading: two buildings of a similar size could have very different densities based on the lot area, dwelling unit size, or bedroom count of the building. Regardless of its residential density, a new building could fit well within the fabric of nearby buildings. Height, form, placement of entrances, and the distance between buildings of different scales often best prescribe how new development will fit into the surrounding context. *Replacement of residential density maximums in plans and ordinances with building height or mass maximums could lead to more predictable outcomes as new housing is integrated within existing neighborhoods.* The provision of two- and three-bedroom units to accommodate families with children should remain a priority (see also pages 20, 22, and 56). (CP, page 51, emphasis added)

Yet, despite people interacting with the form and not the number of dwelling units, the number of dwelling units has become a prime focus of the proposed ordinance changes, particularly in the mixed-use districts.

## **Exploring adjustments to the number of dwelling units: Residential**

One of the four actions under the Comprehensive Plan's strategy of "increase the amount of available housing" is:

"Explore adjustments to the number of dwelling units, building size, and height thresholds between permitted and conditional uses to increase the allowable density for residential buildings in mixed-use zoning districts and select residential zoning districts."

This should be explored. It is not enough to assume that increasing density of the relatively denser zoning categories is a good thing. The following is a relatively cursory overview of the residential categories. The two main takeaways are: (1) relatively affordable housing, often built in the 1960's-1970's, could be at risk for redevelopment; and, (2) much of the acreage under these categories is not available for adding more missing-middle density in zoning districts that already classify as missing-middle.

Based on the Comprehensive Plan description (below), SR-V1 (going from 4 units to 8 units) and TR-V2 (going from 4 units to 12 units) qualify as missing-middle housing.

"LMR areas are largely characterized by what is sometimes referred to as the "Missing Middle" of housing development: the range of multi-unit or clustered housing types that fall between the extremes of detached single-family homes and large apartment buildings (see page 49 for more on Missing Middle housing). ... The more intense end of the Missing Middle type of housing discussed in the LMR section falls within the MR designation." (CP, page 21)

LMR, low-medium residential, has a general density of 7-30 DU/acre. (CP, page 20)

"Missing middle housing *is compatible in scale with most single-family residential areas*, and can help meet the growing demand for urban living. Missing middle housing types contribute to a walkable neighborhood, require simpler construction types than larger buildings, and contribute to higher residential densities than single-family homes. Despite the higher density, they have lower perceived density than other building types because the units are small and well designed. Housing types that should be considered as part of the missing middle include:

- Tiny homes
- Traditional small-lot single-family detached homes
- Side-by-side duplexes (two-family twin)
- Two-flat (over-under two-unit)
- Three-flat (three stacked units)
- Four-flat (2-up, 2-down)
- Rowhouses (single-family attached)
- Live-Work buildings (similar to rowhouses, but with small ground floor commercial spaces used by residents in the building)
- Accessory dwelling units
- Small apartment buildings"

(CP, page 49, emphasis added)

Zoning districts going up to 24 units (SR-V2, TR-U1, NMX) are not "compatible in scale with most single-family residential areas." Certainly 48 units (TSS) or 60 units (TR-U2, CC-T) are not compatible with any single family residential areas and are not missing middle housing.

In addition to promoting missing middle housing, a Comprehensive Plan statement on affordability is important to remember: "Further, in addition to adding new affordable housing, it is often more cost-efficient to preserve the existing affordable public and private housing stock." (page 52)

### SR-V1

SR-V1 has 366 acres, per the staff memo. But by the time one deducts condos (which almost certainly have restrictions, and would require the agreement of all owners), lots that already have 8 or more units, commercial exempt properties and vacant properties with no development potential (e.g, police station, parks, stormwater, WI DOT), the available acreage is down to 234 acres (and more could likely be deducted). What kind of properties are zoned SR-V1?

The list includes 34 lots in a cluster at Raymond, Cameron and Balsam. (These properties are in an area where a 2 bedroom rents for about \$1200 and a three bedroom for about \$1500.)

- 5817 Raymond, \$305,000 assessment, 4 unit, could go to 7 units, or 8 if rounded up.
- 5837 Raymond, \$352,000 assessment, 4 unit, could go to 7 units, or 8 if rounded up.
- 5822 Balsam, \$289,000 assessment, 4 unit, could go to 17 units.

There are a number of 4-units on W Badger Road. A few examples include, 1106, 1010, and 1022. All are assessed at \$256,000. All could increase to 6 units.



1022 W Badger Road, Google maps.

Other examples include:

- 6703 Jacobs Way, single family, assessment \$183,100, could go to 4 units.
- 6702 Tottenham Rd, 4 unit, assessment \$385,000, could go to 12.

Is it a good idea to take relatively affordable properties that are already missing middle housing, and create development potential for new, bigger, buildings that are likely to be more expensive?

## SR-V2

What could be lost in SR-V2? Take, for example, three 8-unit buildings on Raymond. Each is assessed at \$310,000. Each could have 12 units. Would a developer find that attractive? Certainly the full assessed value is not a value that precludes demolition.



6510 Raymond, Google Maps.

Or 1010 Moorland Rd, built in 1990, three buildings, each with 2 units of 3 bedrooms each. That could be replaced by a building with 18 more units. (Actually, with conditional use approval, it could go to 56 units). Or 6231 University Ave, a 10-unit built in 1970, could go from 10 to 22 units.

## TR-V2

Residential TR-V2 has 121 acres and 263 parcels (per the staff memo). Deduct: condominiums (since all owners would need to agree even if condo bylaws permitted); non-profits (e.g., CDA, Porchlight, Journey Mental Health); parcels on which there already exists 12 or more units; parcels which cannot support growth due the 1500 SF/unit requirement; and Landmarks. The result is 30 acres, 161 lots, which can support a total of 329 more units. Of those 329 units:

- 72 one additional unit
- 47 two additional units
- 17 three additional units
- 18 four additional units
- 3 five additional units
- 3 six additional units
- 1 seven additional units

In terms of where these units could be added:

- District 2 could add 117 units. Of those units, 58 would mean conversion of a single family dwelling. Of those total units, 33 units could be added to what likely are 2-flats.
- District 5 could add 5 units.
- District 6 could add 61 total units. Of those units, 53 are in the historic district.
- District 12 could add 58 units. For the most part, these units could be added on lots that already contain 5-8 units.
- District 13 could add 44 units, primarily on lots that contain 2-4 units.
- District 14 could add 41 units, primarily on Sunny Meade (on properties generally assessed at \$440,000-\$505,000), a TR-V2 street in the midst of TR-C1. This is generally a more affordable area - for example, 102 Sunny Meade, assessed at \$505K, has a 2-bedroom 1-bath available in August for \$1,075.

Often the TR-V2 districts are not “districts.” (Sunny Meade does have contiguous properties, as do some historic Williamson sections.) Often, these are properties that were zoned as a denser property just because the properties are larger/denser than neighbors. As part of the Zoning Code rewrite:

“The Zoning Map will be updated with the use of the City’s Geographic Information System (GIS) to compare proposed map changes to existing land uses, lot sizes and other conditions. A goal of the process is to minimize the creation of nonconformities (uses that would have been allowed under the previous standards but not under the new ones) and to match new or revised districts to existing or planned land use patterns, consistent with the Comprehensive Plan.”

<http://legistar.cityofmadison.com/attachments/f7f9a14c-6169-4c81-8f9f-c09137a337e9.pdf>

For an example, take District 2 from N. Paterson to the Yahara River, which has 21 TR-V2 properties. Most of these TR-V2 are single properties in the TR-V1 district. A few are sited next to TR-C2.



Of these 21 properties, 1 property could increase 1 unit (a 1907 2-unit), two properties could increase 2 units (a 1969 8-unit and a 1916 2-unit), and 1 property could increase 5 units (a 1946 18-unit, arranged as a 3-building courtyard – a rather nice example of missing middle housing).

### TR-U1

Does it make sense to have a single zoning district that permits by-right development of anywhere from single family to 24 units (currently a maximum of 8 units)? With a building that can range from one story to 4 stories/52 feet? On Brunette Downs (off Reiner Road) 11 lots were approved in 2017 for two-family twin homes dwellings (each a 2-unit “townhouse” condominium, with a lot between about 8,700 SF and 11,000 SF, with an assessed value at about \$350-400K per townhouse). Contrast 515 Pinney, approved as a 3-story, 88 unit apartment building in 2018, with 47.6 du/acre.

Almost 9 acres of TR-U1 is in the University Heights Historic District. In District 2 (excluding CDA owned properties), TR-U1 consists of the Norris Court Apartments.

An example on E Wilson illustrates what could happen under the proposed ordinance. 1207 and 1217 E Wilson are two lots, each with .25 acres and each with a 10-unit apartment building (with relatively affordable rents). At this time, the maximum number of units is 8. Under the proposed ordinance each could go to 14 units (at 750 SF/du) and 4 stories/52 feet. One might ask who is going to redevelop properties when each is already assessed at \$800K when only another 4 units could be added to each building by-right. But look at the location – right across from Central Park. And at least some units would be likely to have an almost forever guaranteed view of the Capitol. It could be a prime location for yet another luxury building in the Marquette neighborhood.

### TR-U2

TR-U2 does require more minimum density than TR-U1 – 3 units rather than single family. The proposed ordinance would raise the number of by-right dwelling units to 60 (from 8).

The staff memo has TR-U2 at about 74 acres. After deletion of properties containing 60+ units, TR-U2 consists of about 52 acres.

- 59% of that is in District 18, between Park Street and Camp Randall, with buildings ranging from single family to 19 units, and the only zoning category remaining in that area other than PD and CI.
- 31% is along the north side of Old University, between TR-U1 and TSS properties.
- 10% is in District 6, in an area specifically discussed during the Comprehensive Plan process, which was designated low-residential (discussed above)

The staff analysis states the density would be 124 units/acre (currently 86 units/acre). Yet, almost 18 acres on Mansion Hill Avenue was recently approved for 300 units in 15 buildings – for a density of 17 units/acre. Not that all TR-U2 needs to be as dense as possible, but this illustrates how former farmland is being developed at relatively low densities, while developed areas (particularly the isthmus) with a density at least equal to 17 units/acre, are being required to accept more density.

### **Exploring adjustments to the number of dwelling units: Mixed-Use**

### NMX

NMX is often a single property, such as 2040 E Washington built in 1930 on a lot with 4,125 SF, surrounded by TR-V1 zoning.



Google maps

At this time, the 2040 lot would support 4 units if purely residential (44 du/acre), 8 units if a mixed-use building (88 du/acre). Under the proposed ordinance, it would support 8 units if purely residential (88 du/acre), 24 if a mixed-use building (267 du/acre).

For the moment, maximum building heights remain, so this property could not go to 24 units. Approximately 2/3 of NMX lots are too small to support 24 units within a 3-story building.

A property such as 2013 N Sherman does have a lot large enough to support 24 units, whether as a purely residential building or a mixed-use building.



Google maps

Currently, 8 units (28 du/acre) would be permitted as a purely residential building or as a mixed-use building. Under the proposed ordinance, 24 units would be permitted (86 du/acre). As a three-story building with a footprint of about 9,000 square feet (after deducting setbacks), the building could have close to 27,000 square feet of space – which is a bit above the maximum currently permitted in a TSS mixed-use building. Plus, another 9,000 square feet could be added as underground parking.

The primary purpose of the NXM district is “to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods.” MGO28.064(1). Does allowing denser residential buildings on these single parcels, or small clusters of parcels, sustain the viability of these commercial nodes?

### TSS

To achieve 48 dwelling units in a purely residential TSS building would require a lot size of 16,800 square feet (350 square feet/unit). To achieve 48 dwellings in a mixed-use building does not require any minimum lot size. However, since the building heights are not being increased, the maximum number of dwelling units in a mixed-use building is about 24 units (see the earlier discussion about building forms under the zoning code rewrites).

TSS has about 461 parcels (including historic district parcels). Of those, about 59 are of a size that could support 48 dwellings in a purely residential building. Many of these are not available for redevelopment (e.g., recently redeveloped, a hotel, car wash, grocery store, gas station, buildings with dwelling units exceeding 48).

Thus, TSS will offer little opportunity for increased density unless building heights increase.



This is what 53 units on a TSS street looks like (48 is proposed as the permitted limit, which would result if the setback portion on Williamson was removed). 704 Williamson, .36 acres, density 147 du/acre, 134 feet of Williamson frontage, 6 stories, 72' in height along Williamson.



This is what 24 units, with first floor commercial along Williamson, on a TSS street looks like. 902 Williamson, .30 acres, density 80 du/acre, 99 feet of Williamson frontage, 4 stories (4<sup>th</sup> story set back 30' from Williamson), 56' in height ( 36' along Williamson plus a 2' parapet).



For 902 to have the proposed 48 units, one of two things would need to happen:

- (1) A developer would need to expand the building's footprint to be at 3 stories –rather than .3 acres, at least .6 acres would be needed – or 200 feet of frontage along Williamson.
- (2) The building would have to go to 6 full stories with no set back.

Are buildings of this size appropriate in every TSS location? Do such buildings “encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods?” MGO 28.065(1).

### Inclusivity

At the March 1 meeting, Planning staff said: “I think policymakers will need to be thinking about the need for more inclusive neighborhoods and what matters more – is it aesthetics, is it housing available in attractive neighborhoods with transit and other amenities.”

That issue was decided in the Comprehensive Plan – aesthetics matter.

Every infill and redevelopment site has an existing context. Designers must understand how a new building will fit into that existing environment when developing concepts for new buildings. *Context-sensitive design is particularly important in neighborhoods with an established character and where redevelopment or infill is occurring in close proximity to buildings of historic or architectural value.* (CP, page 75, emphasis added)

Madison will need to balance encouraging redevelopment and infill with *protecting the qualities that made existing neighborhoods appealing to begin with. Redeveloping existing auto-oriented commercial centers and other areas identified in the Growth Priority Areas Map, Generalized Future Land Use Map, and sub-area plans will help accommodate needed growth while respecting the historic character of older neighborhoods.* (CP, page 76, emphasis added)

Much of the infill over the last decade has occurred in the downtown and isthmus areas, and this will continue to some extent. Directing redevelopment and infill to existing auto-oriented commercial centers and other areas as identified in the Growth Priority Areas Map, Generalized Future Land Use Map and sub-area plans will help accommodate needed growth *while protecting the historic character of older neighborhoods.* (CP, page 50, emphasis added)

The city's growing economy, vibrant neighborhoods, cultural amenities, and natural landscape all attract people to the city and region. With all the reasons to live and work in Madison, this Element, combined with the Growth Framework, seeks to provide ways for the city to continue to accommodate new residents and jobs *while enhancing all the factors that attracted them to the city in the first place.* (CP, page 30, emphasis added)

Protecting neighborhood character and expanding inclusivity are not diametrically opposed concepts. “The City must strive to maintain the quality of life in existing neighborhoods while avoiding exclusionary housing practices that lead to segregation by income and race. Each development proposal should be judged on its merits, without regard for the income level of prospective residents.” (Comprehensive Plan, page 52)

The narrative supporting this proposed ordinance seems to be that adding more housing, in itself, will make neighborhoods more inclusive. Adding more housing *might* bring rents incrementally down. But going from a 1 bedroom at \$1300/month to a one bedroom at \$1200/month does not make a unit affordable. For example, Census Block Group 3 of Tract 19 (bounded by Blair, E Washington, S Ingersoll and Lake Monona) had 863 housing units in 2010. Since 2010 it has added 275 units, for a 45% increase (that is on top of 135 units added from 2004-2009). Has this area become more affordable? No.

Secondarily, the narrative is that there is “a hope” that that small developers will be encouraged to do smaller, more affordable projects. When a resident asked at the March 1 meeting how this has worked in other cities, the response was that this could be a good call to action and research.

Madison once had an inclusionary zoning ordinance. The oversimplified explanation is that the ordinance required a development with ten or more rental dwelling units to provide no less than 15% of its total number of dwelling units as inclusionary dwelling units (units for rent to a family with an annual median income at or below 60% of the Area Median Income) when the development required a zoning map amendment, subdivision or land division. The ordinance was declared void by the court in 2006 because it was pre-empted by state law. At the March 1 meeting, Planning staff said they would look at ways to incentivize affordable housing in the zoning code. This is what is needed, not just the hope that more housing will create more inclusionary housing.

Often certain neighborhoods are criticized for being privileged neighborhoods and the implication is that these neighborhoods are working to keep out certain classifications of residents. Even an MNA Board member went so far as to say to the Landmarks Commission: “I have come to see that the NIMBYism of the Marquette homeowner is an unfortunate tag to all residents of this district. ... They want to preserve “historic quality” and one of those district qualities is long-term homogenized whiteness.”

So it may be useful to look at the history of the Marquette neighborhood and how inclusive it once was. In 1970, Census Tract #19 (Marquette down to Division Street) housed 11.8% of the City’s African-American population, second only to Census Tract 14.01 (south Madison, bounded by Fish Hatchery, Wingra Creek, John Nolan, and the West Beltline). 26.7% of the working Marquette residents worked in blue collar jobs (City 19.3%) and 6.8% were on some form of public assistance (City 3%).

The Marquette neighborhood statistics have changed since that time. How much of that is due to City policies such as the “revitalization” of East Washington, and promotion of the area as an entertainment district? Fortunately, much of social service network remains, probably because these entities bought property back when it was inexpensive (e.g., Luke House, Tellurian, Social Justice Center, Commonwealth, St Vinnies, Port St Vincent, rooms for rent).

The Marquette neighborhood as long advocated for affordable housing. For example, see the Marquette-Schenk-Atwood Neighborhood Plan, 1994:

“Ensuring Affordable, Quality Housing Opportunities to Continue Throughout the Neighborhood. It is the goal of the neighborhood to continue to provide a range of housing choices. The rise of property values within the city and our neighborhood affects the availability of a wide range of affordable housing opportunities for renters, owners, and seniors. We want to continue to support organizations that provide housing options within our neighborhood for individuals and families of low and moderate income and promote housing ownership programs and renter programs for such individuals and families. We also support scattered-site low and moderate income housing throughout the neighborhood and want to encourage new multi-unit development units.”

Or see Design Guidelines & Criteria for Preservation, Williamson Street, 600-1100 Blocks, 2004:

“Redevelopment pressures up and down the Williamson Street corridor raise many concerns about affordable housing ...”

“The other major topic was how to keep housing affordable. The affordability issue emerged as a high priority for the community.”

(Or see the maps that allowed for an additional story if a project incorporated affordable housing.)

Or see various MNA comment letters to the City. For example, see the 2016 letter regarding 1801 East Washington (The Marling):

Before citing the Standards For Review in Section 28 MGO that this proposal does not meet, we would like to note that our city (and nation) is experiencing a housing crisis. More than a quarter of Americans are considered economically 'housing stressed'. This exacerbates our homelessness crisis.

The economic gentrification concerns we hold must also be viewed through a racial equity lens. We ask that the City Equity Liaison review this proposal and others of its size for its equity implications. The MNA neighborhood motto is "A Place For All People." That is a value that we take very seriously.

Despite repeated requests, the Campbell Capital Group (CCG) has refused to engage in even a cursory investigation to the availability of local, state, or federal affordable housing tax credits. Our own investigations have revealed that WHEDA has a variety of available financial instruments that are readily manageable, even for business models not typically geared towards seeking those credits.

### **Neighborhood Voice**

"It is not the intent of the GFLU Map to encourage more intense development in all MR, HR, and mixed-use areas without consideration for other adopted plans and regulations" (Comprehensive Plan, page 17) That is what neighbors try to accomplish, and have accomplished – due consideration of adopted neighborhood plans and neighborhood concerns.

The Comprehensive Plan recognizes that neighborhood voices have value: "Regardless of neighborhood association participation, the wide variety of neighborhood-based organizations in Madison should be involved in planning processes. This also underscores the importance of ensuring redevelopment can integrate well with its surroundings through context-sensitive design and scale." (CP, page 50)

"Participating in the Development Process," a 2005 City publication (still active on the City's website):

"The City understands the importance and benefit of having a healthy community dialogue about the future of our built environment. Our development review process recognizes that developers, policymakers, neighborhoods, and other interested parties all have important interests in development, and provides a venue for these perspectives to be considered."

The Plan Commission makes the ultimate decision on conditional uses (unless appealed to the Council). Does the Commission believe that residents come forward with information and perspectives helpful to their decision-making process? Has resident participation resulted in better projects (e.g., 1937-1949 Winnebago)? If so, that is yet another reason to not support wholesale density increases.

### **Statistics**

The Comprehensive Plan's Land Demand Analysis (page 128) estimated that there were 106,827 households in the City in 2015 and estimated a need for 139,007 households in 2040, for a growth of 32,180 households (housing units). The Comprehensive Plan used 40,000 new housing units. From 2016 through 2020, building permits were issued for 9,682 new housing units. One way to look at this is that the City has met 24% of its new housing needs (based on 40,000 units) in the past 5 years, and has 20 years to meet the other 76%.

Table 5 on page 128 reflects the need for 25,165 additional multi-family units in 2040 as compared to 2015. From 2016 through 2020, building permits were issued for 7,837 multi-family housing units. One

way to look at this is that the City has met 31% of its new housing needs in the past 5 years, and has 20 years to meet the other 69%.

Downtown Madison Inc.'s State of the Downtown Madison 2020 Report reflects that 4,741 units have been added in the greater downtown area (essentially zip code 53703) from 2010-2019, and that another 570 are approved/under construction (as of 12/31/19). This report also shows that the vacancy rate in 53703 has been 4.5% or higher in 2017 -2020. In 2014-2016, the vacancy rate was about 3%-3.7%. DMI's 2020 report said average rent downtown was \$1655 (City \$1272). In 2016, the average rent per DMI's 2016 report was \$1415 (City \$1302).

### **Summary**

The Comprehensive Plan calls for growth to be prioritized in designated activity centers and corridors. The proposed ordinance prioritizes density increases in areas where multiple family housing is already permitted, in areas scattered throughout the City – there is little overlap with the Comprehensive Plan's vision. The proposed ordinance would also provide for increased density in areas that were specifically downgraded in intensity on the GFLU map.

The Zoning Code focuses, and was intended to focus, on building form in mixed-use districts. The Comprehensive Plan reiterated that building form, not density, is the primary consideration in determining whether a building fits into its surroundings. The proposed ordinance removes building form factors such as floor area, and expands density. To reach that density, mixed-use buildings will need to be taller or wider.

Determining whether or not missing middle housing will be expanded by increasing density in some residential districts depends upon an analysis of the data (properties available for expansion and their location), not just the size of the districts. Also required is a review of what areas might be at risk for redevelopment.

Increasing density in mixed-use districts would take density beyond that envisioned under the Comprehensive Plan. Though the densities provided in the staff memo are close to Comprehensive Plan densities, those are densities for purely residential buildings. Developers rarely, if ever, build purely residential buildings. This is because a small commercial space can qualify a building as a mixed-use building, and for mixed-use buildings there is no minimum lot size per dwelling unit.

Inclusive neighborhoods have not been created through adding more housing units. The isthmus has added 2,774 housing units in buildings with 5+ units over the past 5 years, an increase of 22%, yet the isthmus is not generally regarded as having become more affordable. To make, or regain, inclusive neighborhoods, the focus needs to be specific (e.g., how to incentivize affordable housing).

Developers in mixed-use districts do not need more certainty. When developers come from outside the local area, and from as far away as Georgia, it is proof that Madison's conditional use system provides sufficient certainty to attract developers

Respectfully Submitted,  
Linda Lehnertz

**From:** [Jason Ilstrup](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** Downtown Madison, Inc. Position Statement - Conditional Use Thresholds - Plan Commission Meeting - 03/22/21  
**Date:** Monday, March 22, 2021 9:07:10 AM  
**Attachments:** [DMI Position Statement - Conditional Use Thresholds - Plan Commission - 032221.pdf](#)

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Morning Plan Commissioners:

I hope you all had a good weekend. Please find the attached position statement on file number 63902 (agenda item number 13 - tonight) from Downtown Madison, Inc. (DMI).

Thank you for all leadership. Have a great day.

Jason Ilstrup  
President  
Downtown Madison Inc.  
122 West Washington Avenue, Suite 250  
Madison, Wisconsin 53703  
608.512.1330  
[www.downtownmadison.org](http://www.downtownmadison.org)





March 22, 2021

Dear Plan Commissioners:

Downtown Madison, Inc. (DMI) strongly supports resolution file number 63902 (agenda item number 13), legislation seeking to amend various sections of Subchapters 28C and 28D of the Madison General Ordinance in order to moderately increase allowable densities and decrease conditional use thresholds in certain multi-family residential, mixed-use, and commercial districts.

As the current economic crises has clearly shown, Downtown Madison and the city have a severe dearth of affordable housing and a real lack of diversity amongst its developer ranks. The shortage of affordable housing and housing developers are having serious consequences on our workforce and our community. This proposed resolution deftly seeks to meet both challenges by creating opportunities to build additional housing units and lowering the barriers of entry to become a housing developer.

DMI is strongly committed to supporting greater downtown housing densities and diversity, including affordable and accessible housing to serve all socioeconomic groups. Allowing more housing units by right, either downtown or in the greater city, means more housing will be built. Without the conditional use permitting, the entitlement process will shorten and create more certainty for developers. These changes will mean developers and small housing operators will be able to produce more housing at a lower cost thereby helping both supply and costs to renters.

Madison has long suffered from a lack of diversity from within its developer ranks. This lack of diversity often stems from barriers placed in front of willing entrants. DMI and the City must identify, confront, and dismantle the structural and cultural barriers that deprive any individual of meaningful opportunities to fully participate within our economic system, including real estate development. By creating a more certain process, this resolution significantly lowers the barriers to entry for developers. Nearly all developers start by producing small buildings and then grow into larger projects. Allowing small projects to be built by right will help ensure more people are participating in developing housing.

DMI strongly urges you to support resolution 63902. This resolution will allow more affordable housing to be built while helping ensure our development community is diverse, inclusive, and equitable.

Sincerely,

A handwritten signature in blue ink that reads "Jason Ilstrup". The signature is written in a cursive, flowing style.

Jason Ilstrup  
President  
Downtown Madison, Inc. (DMI)

**From:** [Michael J. Lawton](#)  
**To:** [Planning](#); [Plan Commission Comments](#); [ajstatz2@madison.k12.wi.us](mailto:ajstatz2@madison.k12.wi.us); [bacantrell@charter.net](mailto:bacantrell@charter.net); [erics@cows.org](mailto:erics@cows.org); [jsahgenow@yahoo.com](mailto:jsahgenow@yahoo.com); [kianespencer@uwalumni.com](mailto:kianespencer@uwalumni.com); [ledell.zellers@gmail.com](mailto:ledell.zellers@gmail.com); [Lemmer, Lindsay](#); [Rummel, Marsha](#); [nicole.solheim@gmail.com](mailto:nicole.solheim@gmail.com); [Heck, Patrick](#)  
**Cc:** [Martin, Arvina](#); [Keyes, Joe R.](#); [Lawton, Jacki](#); [Gary Peterson \(plannergary@sustainablegary.com\)](mailto:Gary.Peterson@plannergary.com); [njschweitzer@gmail.com](mailto:njschweitzer@gmail.com); [Diana Penkiunas](#); [Catherine Auger](#); [Brian Ohm](#); [Russ Kowalski](#); [Furman, Keith](#)  
**Subject:** Hill Farms Association Planning Committee Comments on Agenda Item #13, Legistar #63902, March 22, 2021 Plan Commission Meeting, Amending Subchapters 28C & 28D, MGO  
**Date:** Saturday, March 20, 2021 8:02:24 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

**To: Chair and Members of the City of Madison Plan Commission**

**From: Chair, Hill Farms Neighborhood Association Planning Committee**

**Date: March 20, 2021**

**Subject: Agenda Item #13 (3/22/2021 Meeting), Legistar #63902 - Amending Subchapters 28C and 28D, MGO**

The Hill Farms Neighborhood Association Planning Committee ("Committee") has reviewed the proposed amendments to the Madison Zoning Ordinances that will change zoning provisions regarding certain types of multi-family zoned parcels in the City of Madison. While many of these changes will have little or no impact in the Hill Farms Neighborhood, there are a few provisions that do make changes in Hill Farms that our Committee believes should be deferred and dealt with when specific development proposals are made for these parcels by using the existing rezoning and CUP process and ordinance standards. In fact, certain of these proposed changes are in conflict with the adopted University Hill Farms Neighborhood Plan, which was adopted by the City Council on January 5, 2016, File No. 39335, by RES-16-00035, and became part of the City Comprehensive Plan (see page 69, adopted Hill Farms Plan). As a consequence of this City Council action in 2016, future zoning changes must be consistent with the adopted Hill Farms plan under Wis. Stats. section 66.1001.

We also want to note that our Committee has supported a large number of multi-family projects in recent years in our neighborhood, some with considerable density, so we are not opposed to multi-family projects in the neighborhood, and we feel that our Association has made positive contributions in prior rezoning and CUP approval processes, as we have done with Madison Yards, and as we did with the project currently under construction at the NE corner of Segoe and Regent. We believe there is much to be said for having a full rezoning and/or CUP process.

**The following is a list of the provisions that we are opposed to in the current draft of the ordinance:**

1. **Changes to SR-V2 Classification.**
2. **Changes to TR-U2 Classification.**
3. **Changes to TR-V2 Classification.**
4. **Changes to NMX Classification.**



**Reasons for opposition to changes to SR-V2 Classification:** The Hill Farms neighborhood has some very significant existing parcels, in terms of land area and numbers of housing units, that are in the SR-V2 Classification, including the Karen Arms Apartments at the NW corner of Segoe Road and Regent Street, and the apartments which include the Chapel Hill Apartments (5002 Sheboygan Ave.) in the block bounded by North Eau Claire Avenue, Old Middleton Road and Sheboygan Avenue, which are potentially aging out and could be developed at some time in the future. We object to changing the permitted density from the currently permitted 22 units per acre to 29 units per acre, particularly for the Karen Arms Apartments which consists of 16 acres and has its long (2 blocks) street frontage along Regent Street fronting single family homes for these two blocks. In the interest of making sure that any redevelopment of these sites is appropriately sized and designed for the locations involved, and will not adversely affect neighboring properties, the changes to the SR-V2 classification should be dropped as these changes are not appropriate for these large properties. Should a proposed redevelopment arise for these locations, we look forward to working with the developer as we have done in the past on a rezoning or CUP process.

We also point out that pages 43-45 of the adopted Hill Farms plan contains a special section on the treatment of the Karen Arms property should it be redeveloped. Options include new housing, additional park space for Renebohm Park and improved access to Renebohm Park. Given that the proposed changes in the pending ordinance amendment may weaken the City's and the neighborhood's ability to influence the future redevelopment of the site and have such redevelopment conform to the adopted neighborhood plan, which is part of the City comprehensive plan, this is a further ground for removing this property from any zoning ordinance amendment.

**Reasons for opposition to changes to TR-U2 Classification:** This proposed change applies to the current, high density apartment developments on the south side of Sheboygan Avenue running from North Eau Claire Ave. east to Segoe Road, which includes such projects at the Carolina Apartments, Hilldale Towers and the Normandy Apartments. These are not the "small" and "mid-scale" properties to which the staff report was presumably referring in justifying this ordinance amendment, as we are talking about large acreage and hundreds of apartment units in this area. The proposed change will change the CUP threshold to 60 units from 8, and the minimum land area will go to 350 SF per unit from 500 SF per unit (which means up to 124 units per acre instead of 86). Usable open space will go to a required 40 SF per unit from 140 SF per unit. (A) As these very large properties and changes of this type are beyond the stated scope of this ordinance revision project by its own terms (they are not small or mid-scale), (b) as changes to these parcels some day in the future could have a significant impact on the neighborhood if not fully reviewed given the density that will be allowed, and (C) given that Madison Yards has had to go through the full GDP/SIP process on the north side of Sheboygan Avenue for its apartments with positive contributions from the neighborhood, City staff and the Plan Commission, we oppose these changes to the TR-U2 Classification.

Further, as stated above, there is a problem with compliance with Wis. Stats. sec. 66.1001, making the proposed amendment both a statutory compliance issue and a poor policy choice for the City. Pages 33-36 of the Hill Farms plan contains lengthy provisions concerning the future treatment of the land on the south side of Sheboygan Avenue. These recommendations include the possibility of creating new streets and blocks on the south side of Sheboygan Avenue with large buildings on Sheboygan and smaller buildings along the boundary of Renebohm Park, among other items. Given this level of complexity, redevelopment at a

future date should be subject to full review by the neighborhood and the City, and the City should not give up any of its powers prematurely.

Lastly with respect to this classification, we note that these properties on the south side of Sheboygan Avenue are identified as high density residential in the City Comprehensive Plan (see page 96 of the Hill Farms Plan), but according to the adopted Hill Farms plan the limit on density in the high-density classification is 41-60 units per acre, not the 124 units per acre proposed by this zoning ordinance amendment. Give this, the amendment for TR-U2 for these properties should be dropped from the proposed amendment.

**Reasons for opposition to changes to TR-V2 Classification:** There are 2 existing, small multi-family parcels, with small multifamily structures, located on the west side of Hillcrest Drive, just north of Mineral Point Road. in our neighborhood. These small apartment parcels are surrounded by existing, single family housing in a very stable neighborhood of long-standing single-family homes. A change to the zoning at locations of this type is not appropriate without going through the full City rezoning process. The City proposes to increase the CUP requirement on these parcels to 12 units each and to lower the minimum lot area per unit to 1,500 SF, as well as reducing the usable open space requirement. This would allow someone to tear the existing buildings down and significantly increase the density, without any review by the Plan Commission or City Council. Hence, we are opposed to this change to the TR-V2 Classification in a neighborhood location of this type.

**Reasons for opposition to changes to NMX Classification:** The changes to the NMX Classification affect some significant parcels in the Hill Farms neighborhood. However, only certain of the parcels to which these changes apply are of concern to us as an Association Planning Committee; others are not a concern. The City is proposing that a CUP will be required for 24 or more units, instead of 8, that the land area per unit drop to 500 SF from 1000, which could allow 86 units per acre instead of 43 units per acre now. Usable open space would also be reduced. There are other technical changes as well. In our view, these changes are not appropriate for the two small parcels located south of Old Middleton Road on the east side of Whitney Way and north of Sheboygan Avenue, particularly given the potential for redevelopment of these properties and the fact that the Hill Farms plan shows these parcels to be in the Neighborhood Mixed Use classification. Eighty-six units per acre is too high for neighborhood mixed use.

On the other hand, we don't have a problem with these changes for the old Fitzpatrick lumber yard property in the Whitney Way, University Ave. and Old Middleton Road triangle or for the existing condo property at the NE corner of Segoe Road and Sawyer Terrace, across from the Post Office, as we agree that the old lumberyard property is appropriately in the Community Mixed-Use category in the Hill Farms plan which anticipates more dense development when re-developed. Same for the condo building at the NE corner of Segoe Road and Sawyer Terrace, which is very dense and is next to high-rise apartments, City-owned housing and the Post Office in the CMU category in the Hill Farms plan. Given that the NMX classification includes such a wide variety of parcels (modern, high rise condo project, old lumberyard site and small parcels), it will be better to leave the NMX classification as is and talk to the landowners individually about putting these properties into more appropriate classifications for the long run.

We do not have any objections to the changes that are proposed for the SR-C3, SR-V1, TR-V1 and CC-T classifications.

Mike Lawton  
Chair, Hill Farm Neighborhood Association Planning Committee

**From:** [ulrike dieterle](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [ulrike dieterle](#); [Mayor](#); [Dean Mosiman](#); [Martin, Arvina](#)  
**Subject:** Item 63902 Amending various sections of Subchapters 28C and 28D of Madison General Ordinances  
**Date:** Sunday, March 21, 2021 5:54:13 PM

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## Removing neighborhood voices from proposed zoning changes

First and foremost, let me stress that I understand and support the need for more affordable housing across Madison. I believe everyone should have the opportunity to live in the city in which they work, if they so choose. What I do not support, however, is the City's attempt to silence neighborhood input on any future developments, whether large or small. To allow designated development to be approved administratively without a discretionary review, eliminates neighborhood input and discussions between concerned parties. This goes against everything Madison has nurtured for decades. The City of Madison has long supported neighborhood input in multiple ways, including participation on citywide committees, commissions, planning groups, advisory groups and through neighborhood grants. Substantial financial support has been provided to formulate neighborhood plans that involved countless hours of neighborhood participation. Neighbors have always had the opportunity to provide input on neighborhood developments. That input has, in many cases, actually improved the final products. Neighborhood participation and input should continue to be encouraged and welcomed. Often neighbors have the clearest perspective of what would work best in their closest surroundings. Why does the City want to suppress neighborhood voices at any level? Yes, broader input and discussion often lead to more time spent, but that is not always a bad thing. Participation is and should remain a cornerstone of our democracy. Neighborhood voices should not become collateral damage on the road to a worthy end.

Ulrike Dieterle, 323 N Blackhawk Ave, Madison WI 53705

**From:** [Brad Hinkfuss](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** March 22, 2021 PC Meeting, Item #13, Density and Conditional Use Changes  
**Date:** Sunday, March 21, 2021 6:49:44 PM  
**Attachments:** [Plan Commission Ltr, Density and CU.pdf](#)

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Hello Plan Commission members,

I offer the attached letter detailing my opposition to the proposed changes in density and conditional use thresholds, as found in Item #13 on the agenda for your 3/22 meeting. I will also register to speak.

Thank you for your time and service,

Brad Hinkfuss

March 20, 2021

To: Madison Plan Commission Members

From: Brad Hinkfuss

RE: Legistar #63902, Housing Densities and Conditional Use Thresholds

Dear Plan Commission Members,

As a neighborhood leader, mid-sized housing developer and advocate for the low-income and homeless, I submit this letter strongly encouraging you to oppose Legistar #63902, the proposed increase in housing densities and changes in conditional use thresholds. It is a deeply flawed proposal. It has noble ambitions but it contains critical problems that will prevent it from reaching its goals. What is more, its provisions will have negative effects and unintended consequences for many properties throughout Madison and, by extension, all the people in and around those areas.

This is not just an exhortation to vote, no. This is a sincere request to send this proposal back to the drawing board. Our community has engaged in some intense meetings and civic dialogue about these proposals and the larger implications of the problems that they attempt to address. It has become clear that the core issues that people really care about are not just more units. They care about the affordability of those units. They care about the impact of expansive development on marginalized communities. They care about democratic citizen input as part of the process. No proposal should move forward prematurely that sabotages good process or exacerbates existing problems. Rather, the proposal should be reworked in a way that addresses the core concerns that so many of us share - alders, city staff and citizens alike.

It is important to communicate the reasons that this proposal is so problematic. Dismantling the proposal is not a simple matter because this is not a simple issue. The following topical headings break it into core areas of concern.

### **Speculation**

A dramatic increase in allowable densities effectively adds value - a lot of value - to the affected areas. Consider the TSS district, which would move from the current status of requiring conditional use approval for anything more than 8 units, to development by right for anything up to 48 units. This effectively increases the development potential and therefore the monetary value of every parcel affected. This in turn makes it all but certain that wealthy developers will pay high prices to purchase and raze existing buildings with the goal of building far more lucrative residential developments.

### **Disruption**

The speculation mentioned above will undoubtedly incite new developments that are radically out of proportion with the existing homes and buildings around them. This will have a disruptive effect on the surrounding residents and businesses. Very suddenly - and without any process for meaningful feedback - widely disparate developments could radically change the function and feel of long-established areas that currently work quite well.

## **Sensitive Areas**

Some of the targeted areas of change, such as TSS and NMX, are particularly sensitive. They represent exclusive areas in which certain activities thrive, such as local businesses and public amenities. If a higher value and capacity for residential development is suddenly overlaid on these areas the commercial activity could quite literally disappear. Entire areas could see local business districts be redeveloped for more lucrative housing units. Staff have stated repeatedly that all of the affected 9 districts represent only 7.3% of the land area in the city. This is like suggesting that your liver represents only about 2% of your body by weight, so don't be worried about significant changes to it. We all know that the liver plays an outsized role in our bodies' function. So too, do the TSS and NMX districts in Madison.

## **Certainty vs. Convenience**

A common refrain in all the discussions to date has been that prospective developers need more "certainty" that their projects will succeed. Time is money in the world of development and pesky city processes are burdensome, they are time-consuming and they erode certainty. However, the reality of the past 20 years is that developers are building a great deal of housing. Many mid-sized residential developments have been built throughout the city, the near east side in particular.

It is more accurate to say that "certainty" is synonymous with "convenience" in this setting. Established developers do occasionally bemoan process in Madison. To them it represents not a project-stopper, but an inconvenience. Removing some of the process from mid-sized developments is an unneeded gift to well-established developers who would have built their projects anyway.

## **Democracy**

The convenience granted by right to prospective developers comes at the expense of a process that has historically placed a higher value on careful review and citizen input. This is inherently democratic; the ability to have some voice in the things that impact you. To frame it in terms of certainty, as mentioned above, the certainty granted to developers would result in other, less savory, strains of certainty:

- It is *certain* that all community members - regardless of social, economic or racial standing - will lose a voice in what gets built in their community.
- It is *certain* the all alders will lose a tool of influence and review for significant projects that are proposed in their districts.
- It is *certain* that the role and the strength of the Plan Commission itself will diminish as it abdicates its role for an entire class of projects.

## **Affordability**

City staff have been quick and accurate to point out that no portion of the proposed changes carry any provision, incentive or plan for the affordability of the units that these changes would foster. If capacities are increased and conditional use thresholds relaxed, the private market will build to the high end (market rate) of the market. That is what the market does; it maximizes profit. And yet, participate in any community meeting and you will hear that what virtually everyone cares about most is the creation of affordable housing. It is not just about the creation

of luxury residential units - which, incidentally, is almost all of what we have seen on the near east side for mid-size developments in the past 20 years.

### **Equity**

At the same time that you hear people talk about affordability, you will hear them talk about equity. The two are integrally intertwined. Because of historic patterns of racism and economic marginalization, many BIPOC communities do not have the wealth to rent any new market rate unit that would result from the current proposed changes. Effectively, the separation of neighborhoods by affordability perpetuates the segregation of people by race.

In conclusion, I sincerely hope that you realize the serious shortcomings and unintended consequences of the changes proposed in Legistar #63902. However, the path forward is not just one of saying, no. The path forward is to pause, recalibrate and create a new proposal that reflects our goals as a community. The many meetings and conversations borne of this proposal have helped us realize our priorities. It includes adding many more units, but it is a path that should be realized by more of us working together to realize changes that we can all support.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Brad Hinkfuss". The signature is stylized and cursive, with a large, sweeping flourish at the end.

Brad Hinkfuss



**From:** [Andy Miller](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Rummel, Marsha](#)  
**Subject:** Oppose File ID 62902 Zoning changes  
**Date:** Saturday, March 20, 2021 10:02:05 AM

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Dear Plan Commission,

As a resident of the east side and home owner in the Marquette Neighborhood, I do not support the zoning changes as proposed in File ID # 62902.

I am in favor of reasonable increases in density, having truly affordable housing options for all who wish to live here, and supporting small-to-mid sized developers, but there must be a provision to allow local residents to have input on new projects. Please vote to keep neighborhood input in the development process.

Thank you,  
Andrew Miller



To: Members of the Plan Commission at [pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com)

From: Rocky Bluff Neighborhood Association

Re: File # 63902, Conditional Use Thresholds

Date: March 19, 2021

We are writing in regard to the proposal that would change city ordinances to allow automatic approval of developments of up to 60 residential units, if the projects meet basic requirements. While the neighborhood has not yet had the opportunity to discuss the proposed changes, they appear to eliminate the process of neighborhood meetings with developers of such projects, a process that Rocky Bluff has valued in the past.

Given the potentially significant impact of the changes, we were hoping that this item could be postponed to a later date that would allow residents and neighborhoods sufficient time to consider the proposal's implications.

Thank you for your consideration.

Sincerely,

Rocky Bluff Neighborhood Association

**From:** [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com)  
**To:** [Rummel, Marsha](#); [Plan Commission Comments](#)  
**Cc:** [Brian Benford](#)  
**Subject:** RE: Proposed zoning changes-- image for UW isthmus flooding projection if giant rainstorm hits  
**Date:** Saturday, March 20, 2021 9:45:37 AM  
**Attachments:** [- Flooding map.pdf](#)

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Alder Rummel, Plan Commission Members,

Is this really the area we, as a forward thinking city, are considering adding more infill?  
How quickly we have forgotten.

Attached,

And a link

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_www.climate.gov\\_news-2Dfeatures\\_climate-2Dcase-2Dstudies\\_what-2Dif-2Dit-2Dhappen&d=DwICAg&c=byefhD2ZumMFFQYPZBagUCDuBiM9Q9twmxaBM0hCgII&r=EQgg7uY6gX1lmVjf-bnHVDCc8f-JggwxtZapC762N-w&m=AMDyiTQs2M3gOa9J4OtPSM59KtR08S82IyovCFjhwoo&s=uzPI-NHHDr3sPgsRyHuQP1ekhwLeQXzJ4GbZCosy6Nc&e=ed-here](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.climate.gov_news-2Dfeatures_climate-2Dcase-2Dstudies_what-2Dif-2Dit-2Dhappen&d=DwICAg&c=byefhD2ZumMFFQYPZBagUCDuBiM9Q9twmxaBM0hCgII&r=EQgg7uY6gX1lmVjf-bnHVDCc8f-JggwxtZapC762N-w&m=AMDyiTQs2M3gOa9J4OtPSM59KtR08S82IyovCFjhwoo&s=uzPI-NHHDr3sPgsRyHuQP1ekhwLeQXzJ4GbZCosy6Nc&e=ed-here)



Lake Mendota water levels for (a) a normal summer, (b) a 100-year flood, or (c) if the June 2008 storm system over the Baraboo River watershed had instead occurred over the Yahara River watershed. Map courtesy the U.S. Climate Resilience Toolkit.

<https://www.climate.gov/news-features/climate-case-studies/what-if-it-happened-here>

**From:** [Karolyn Beebe](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** re-zoning?  
**Date:** Friday, March 19, 2021 4:26:43 PM

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For the sake of the watershed, our 2 lakes and Madison's historic family and business neighborhoods, please limit plans to increase density to places like East Town, and the many acres of lawn dotted with few houses beyond Madison's isthmus. And be sure that new designs are Zero runoff.

For low income building, I hope this award-winning example inspires Madison designers:  
[https://www.theguardian.com/artanddesign/2019/oct/08/stirling-prize-architecture-goldsmith-street-norwich-council-houses?CMP=share\\_btn\\_link](https://www.theguardian.com/artanddesign/2019/oct/08/stirling-prize-architecture-goldsmith-street-norwich-council-houses?CMP=share_btn_link)

Thank you,  
Karolyn Beebe  
220 Merry Street - since the early 1980s

**From:** [dmollenhoff@charter.net](mailto:dmollenhoff@charter.net)  
**To:** [Plan Commission Comments](#)  
**Subject:** Seven reasons why the "missing middle" concept should not be adopted in its current form  
**Date:** Sunday, March 21, 2021 10:16:03 AM  
**Attachments:** [Seven reasons why the missing middle concept should not be adopted in its current form.docx](#)

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Plan commissioners and staff,

Please distribute this document to members and staff.

Thank you,

David and Leigh Mollenhoff

## SEVEN REASONS WHY THE “MISSING MIDDLE” CONCEPT SHOULD NOT BE ADOPTED IN ITS CURRENT FORM

David and Leigh Mollenhoff, March 21, 2021

We agree that Madison needs more affordable housing, but the proposed ‘missing middle’ concept should not be adopted until the following problems can be corrected:

### **Problem #1. People do not understand its highly technical and complex details.**

What the mayor breezily calls a “zoning update” (Legistar 63902) is extraordinarily technical and complex—and, as we will later note, is full of unintended consequences.

#### **A. People must understand the following 13 zoning categories:**

SR-C1, SR-V1, SR-V2, TR-C4, TR-V1, TR-V2, TR-U1, TR-U2, NMX, TSS, CC-T, MXC, and CC

This alphabetical and numerical soup flummoxes nearly all who try to understand its complexities.

**B. The many changes that planners are making to the standards *within* these zoning categories substantially change the meaning and operation of each category.** We argue in Problem 2 below that these changes are tantamount to creating new zoning categories.

**C. In older neighborhoods such as Marquette, Tenney-Lapham, and SASY, zoning maps resemble a veritable crazy quilt.** These maps are a reminder that existing zoning patterns are anything but cohesive, a reminder that spot zoning is alive and well.

**D. The devil in is the blocks and lots.** Zoning patters get even crazier when you inspect blocks and lots in East Isthmus neighborhoods. Linda Lehnertz, an astute resident of the Sixth District, found an example where the new redefined missing middle zoning categories would encourage a 60 unit building to be erected in single-family neighborhood (222 Merry Street). The key point is that the *only* way to discover such inappropriate development is to look for situations where different zoning categories are contiguous and then calculate what is possible.

We’ve talked to several *veteran* citizen activists who have tried to understand the complexities of the missing middle concept and they throw up their arms in despair. And if its technicalities and complexities escape veteran civic activists, what about rank and file property owners and residents?

### **Problem #2. The City’s efforts to explain and notify the missing middle concept to property owners and residents have been misleading, insufficient, and inaccurate.**

**A. Misleading marketing: a tiny area, few affected properties, and an imperceptible impact.** In the City’s video briefing and written documents, the mayor and staff assured everyone that missing middle zoning would only affect 7.3% of the City’s area. Yes, but 7.3% amounts to 4745 acres (65,000 x .073), so if you live in this swatch of Madison about half the size of Lake Mendota, beware.

The mayor and staff also said that of the 10,000 units the City approved in the last 5 years, only 400 (4%) will have been by right. But if you live next to one of these examples or have one in your neighborhood, beware.

Proponents also argued that even if you lived in one of the missing middle zoning categories the changes caused by new zoning definitions would be “imperceptible.” Really? As noted in Problem 3, our research revealed a very different story.

**B. Insufficient notification** Efforts to explain the missing middle to the public include a video featuring the mayor, the plan director, and the zoning administrator, a staff memo, several proponent blogs, and alder-sponsored informational meetings. Unfortunately, these methods have failed to reach more than a few property owners and residents who live in the missing middle target areas.

The City argues that they have no obligation to *directly* notify property owners and residents because it is not changing zoning *categories*. Whoa! The City is making such substantial changes to key standards and definitions *within* zoning categories that it is functionally equivalent to making a zoning category change.

We believe that when the City proposes a zoning change as substantive and impactful as the missing middle that it has an obligation to officially notify all who are affected by the change and to fully disclose what current and proposed zoning allows. This is the type of information that citizens can readily understand. It clearly answers their big question: What does this change mean for my property and my neighborhood? This is what transparency is all about.

**C. Today’s system does not deter developers.** Proponents argue that decision makers should approve the missing middle concept because it would eliminate systemic obstacles that make it hard for developers to develop. This is not accurate. Developers are submitting proposals for the East Isthmus neighborhoods at an *unprecedented* rate.

### **Problem #3. The missing middle concept will have a profound impact on targeted neighborhoods.**

#### **A. Substantive nature of changes**

Anyone who reads the draft ordinance will quickly realize that planners will achieve new missing middle goals by:

- increasing density
- increasing height
- increasing the number units on lots
- increasing lot coverage
- decreasing the amount of open space on lots
- sacrificing many currently affordable living units for new luxury units

These changes can and will transform neighborhoods.

#### **B. The dangers of densification**

Planners tell us that we must build housing for 70,000 more people in 19 years, by 2040. To achieve this goal, we must implement concepts developed during the Imagine Madison process, Madison’s comprehensive plan, and more recently by the missing middle plan. Planners also say that to accommodate all of these people, we must cause more people to live in the central city and along major transportation corridors. Both Imagine Madison and the missing middle program are based on the principle that cities should not destroy class A farmland. So far so good. But if one tries to prevent sprawl by forcing the central city to accommodate most of this growth, casualties are easy to predict. The



truth is, there are limits on how much additional density East Isthmus neighborhoods can take. Today, these neighborhoods boast a wonderful community feeling, old but good housing stock, parks, stores and shops. But developers are eager build big densifying buildings in these neighborhoods that can easily damage the delicate amenity mix these neighborhoods now enjoy.

The great irony of City efforts to densify East Isthmus neighborhoods is that *actual existing densities* are often *under* what current zoning allows! So wouldn't it be better to let densities achieve what current zoning allows *before* we ratchet up density to missing middle levels?

**C. Examples of inappropriate density caused by new missing middle zoning.**

Linda Lehnertz in a separate paper submitted to the Plan Commission has provided many examples where missing middle zoning would increase density inappropriately. For example, 1155 Williamson, a two-unit, could be replaced by 48 units. We urge you to read her deep-dig research!

**D. The adverse impact of missing middle zoning would be greatest in East Isthmus neighborhoods.** This is because these neighborhoods hold disproportionate amounts of missing middle zoning categories.

**E. The missing middle concept would destroy the Third Lake Ridge Historic District (TLRHD).** Here's why. The TLRHD is under siege by developers, but because it was one of the first districts established (1978), it suffers from weak standards. Therefore, developers try to use zoning standards instead of historic district standards and all too often they persuade staff and Landmarks Commissioners that zoning standards are OK. This logic produces new inappropriately sized buildings. In theory the more specific historic district standards are supposed to trump the more general zoning standards, but it doesn't always happen that way. Developers insist, "Hey, my building meets all of the zoning standards." In this sense zoning is all too often the elephant in the room.

**Problem 4. The missing middle concept eliminates the long Madison tradition of public participation in development decisions.**

For the last 40 years neighborhood associations have been touted by Madison leaders as superb examples of grassroots democracy. In fact, almost everyone agrees that neighborhood input has consistently produced better buildings. And almost everyone agrees that good initial design is good public policy because we must live with whatever is built for at least 100 years.

Much credit for better buildings must go to the preservation and development (P&D) committees of Madison's older neighborhoods. The members of these committees deserve salvos of bravos for their hours of productive work with developers. Drive around their neighborhoods and you will see their successes: better looking, more amenity-rich, and more appropriately-sized buildings, deeper setbacks for landscaping and big canopy trees, more appropriate lighting, quieter locations for noisy compressors, and more affordable units. Key fact: if development by right is implemented, this work will *not* be done by City employees. Or anyone.

Make no mistake. P&D review of multi-family projects is *not* done to thwart inclusivity, racial equity, and social justice. It is done because nearly all developers want to optimize their profit by constructing buildings that are as large as possible, consist mostly of efficiencies and one-bedroom apartments, and suffer from skimpy landscaping.

Please don't forget that the East Isthmus Neighborhoods still have elementary schools that *require* family housing. This is why P&D committees push developers to provide family-friendly housing.

If the missing middle concept becomes law, this era of constructive neighborhood review will close and all projects will be done *by right*. All power will reside with a handful of city employees. Minimal standards will become the rule. Ugly will be common. And the message to neighborhood associations, alders, and citizens will be: Stay out of our sandbox.

And if someone says that neighborhood participation in development decisions is a huge problem, remind them that developers are building projects in East Isthmus neighborhoods at an unprecedented pace.

Public participation in missing middle projects is good public policy and should be continued.

**Problem 5 . The missing middle concept will NOT do what its proponents say. More specifically,**

**A. The proposal will not stop or even slow suburban sprawl.** How come Madison’s cornfield suburbs are so predictably and predominately single family? Cannot planners insist on multi-family housing in these locations and take the pressure off the central city?

**B. The proposal will not produce affordable housing.** Experience shows that nearly all missing middle housing will be new, will be built by the private sector, and in the absence of subsidies, will be tailored for the luxury market.

**C. The proposal will not empower “new developers of small scale projects.”** In fact, established developers with skills, experience, and money will be the principal beneficiaries of the missing middle concept. They will swoop in, buy up parcels that allow them to go from 4 to 12 units, 8 to 24 units, and even 8 to 60 units, and erect the largest possible buildings. And the vaunted new generation of small developers that planners hoped to empower will be left in the dust. And so will Madison’s non-profit developers.

**D. The proposal will not produce the full spectrum of “missing middle” housing as proponents claim.** This is because developers will naturally gravitate to the large end of the missing middle—projects with 12 to 60 units—because economies of scale are greater and profits are higher there.

**Problem 6. The missing middle concept will have several adverse *unintended* consequences. More specifically:**

**A. It will reduce the amount of affordable housing.** This is because the missing middle concept provides incentives for razing *relatively affordable existing single and multi-family homes* so that more expensive new unaffordable housing can be built.

**B. It will cause the greatest reduction in affordable housing in East Isthmus neighborhoods.** This is because these neighborhoods probably have the most missing middle housing stock in the entire city—two and three flats, fourplexes, and several larger buildings.

**C. It will unleash a surge of speculation and lot assembly by developers who will be eager to profit from missing middle density increases and the absence of neighborhood scrutiny.** The day after the Common Council passes the missing middle concept, developers will be contacting owners with cash offers in hand. The character of most neighborhoods will suffer.

**D. It will trigger additional incremental zoning changes that will adversely affect neighborhoods.** The most likely *next* change will be to *increase allowable building heights*. This is

virtually certain because new missing middle standards substantially increase the maximum number of allowable units by right. Confronting by these tantalizing numbers, developers will do everything they can to achieve these maximums. However, the only way to do this is to buy more adjoining land or add stories. We are betting that the City will come to their rescue and authorize taller buildings on smaller lots. This means that the character of most neighborhoods will suffer.

**E. It will reduce family housing stock.** Three neighborhood elementary schools constitute the heart of the three East Isthmus neighborhoods: Marquette, Tenney-Lapham, and SASY. Therefore, these districts must continue to provide attractive family housing, but the missing middle ordinance could jeopardize this goal by razing *existing* family-friendly housing for larger non-family friendly apartment buildings. The cumulative effect of these changes will be the decline of the child population and the closing of central city schools. This will profoundly change the character of these neighborhoods. Earlier generations worked hard to save these schools so they could continue to be the beating heart of the these neighborhoods.

### **Problem 7. The missing middle concept runs counter to key recommendations in the Comprehensive Plan.**

**A. Densification of Williamson Street.** In 2018 several dozen Marquette residents urged the Plan Commission to reject an attempt by planning staff to put five story buildings up and down Williamson as called for by Imagine Madison, the city's new comprehensive plan. The Association argued that this would destroy the character of the Third Lake Ridge Neighborhood Association and the Plan Commission directed staff to remove this section from the plan and to replace it with a category that only allows buildings from 1-3 stories. (The Plan Commission also reversed several staff recommendations to densify other parts of the neighborhood.)

Now planners have come back with a missing middle scheme to densify Williamson Street by doubling the maximum number of allowable units in the TSS zoning category—a dominant category along the street. Predictably, developers will do just about anything to achieve these densities even it means trashing Third Lake Ridge Historic District standards. Recent experience with 817 Williamson, a project that came to the Plan Commission twice, illustrates the problem. Here was a building that violated nearly all of the Third Lake Ridge standards and yet it passed. (It was 350% bigger in gross volume than nearby buildings!) Bottom line: this demonstrates that when zoning standards trump historic district standards, bad things happen. If the new proposed standards for TSS are approved, this pattern will be repeated, and the historic character of Third Lake Ridge will be degraded.

How many times does a neighborhood have to fight this battle?

### **CONCLUSION:**

The missing middle concept should be sent back to City officials for reconsideration because the concept suffers from too many problems to allow it go forward in its current form.

**From:** [Tim Anderson](#)  
**To:** [Plan Commission Comments](#); [Furman, Keith](#); [Heck, Patrick](#); [Rummel, Marsha](#); [Lemmer, Lindsay](#); [Evers, Tag](#); [Prestigiacomio, Max](#); [Foster, Grant](#)  
**Cc:** [Brad Hinkfuss](#); [Host-Jablonski, Lou](#); [Dave Mollenhoff](#)  
**Subject:** Written testimony - Plan Commission Agenda Item #63902  
**Date:** Saturday, March 20, 2021 3:13:47 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good evening. I want to thank you for this opportunity to speak to you about the proposed ordinance. My name is Tim Anderson. I am an architect and urban planner and a resident of the SASY Neighborhood since 1988. I have been actively involved in neighborhood initiatives such as the Schenk Atwood Business District Master Plan and the redevelopment of Schenks Corners. Most recently, I testified on the potential neighborhood impacts of the zoning changes that were proposed in the city's Imagine Madison Plan.

Tonight, I would like to offer a few observations about the SASY Neighborhood and the proposed ordinance.

1. One of the goals of the proposed ordinance is to increase density. However, the current zoning for the neighborhood already allows for significant density. I question whether the need for greater density and I am concerned about the adverse impact of increased density on neighborhood character and affordability, especially if development is allowed by right. In my opinion, the city has not adequately explained the potential impacts of allowing greater density in promoting the proposed ordinance change.
2. I question whether there is need to change the existing zoning to allow development by right. The SASY Neighborhood continues to see significant development interest in spite of "burdensome" government and neighborhood review processes because it is a great place to invest. While development scrutiny may be inconvenient, it has not discouraged developer interest because the return on investment more than outweighs the inconvenience and additional cost of the approval process. In fact, developers have said that increased scrutiny has made their projects better. I would agree.
3. Developers in the SASY Neighborhood have been willing to add affordable housing units to gain neighborhood acceptance. In my opinion, this would no longer happen if development is allowed by right and public engagement is eliminated.

4. As an alternative to development by right, the city should consider a voluntary density bonus approach to achieve their goals for greater affordability and increased density. More intensive development proposed in the city's TSS zoning change would be allowed as a conditional use in exchange for meeting an affordability threshold. Development review with robust public input would be maintained.

5. Finally, as an alternative to the broad brush approach proposed in the new ordinance, I believe that a more productive and less intrusive approach to creating missing middle housing would be to selectively target vacant sites throughout the city, such as parking lots, and incentivize property owners and affordable housing developers to partner on the development of those sites.

In closing, I cannot support the ordinance as proposed and I agree with many of my neighbors that the proposed ordinance is not ready for adoption. Thank you.

Tim Anderson

**From:** [christopher burant](#)  
**To:** [Rummel, Marsha](#); [Plan Commission Comments](#)  
**Subject:** Zoning Changes?  
**Date:** Sunday, March 21, 2021 10:53:00 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Plan Commission and Marsha Rummel,

I'm dismayed to learn of proposed zoning changes to Madison's Isthmus.

I concur completely with Anne Walker's assessment of the situation which you have recently received.

A few years ago, I attended an open discussion of the effects of global climate change on Dane County.

During the presentation we were shown a map of estimated water levels on Madison's isthmus in 2050.

I was dismayed to see that all of Tenny Park, all of James Madison Park and wide areas on either

side of the Yahara River and many more acres of low lying land on the borders of the Madison lakes

will all be permanently under 3 to 5 ft. of water by 2050. These were the predictions of water rise should global warming continue at its current pace

My house, at 212 Merry, will have its basement filled with water and eastern side of the shoreline of the Yahara River would be at the top of the Merry St. just south and east of East Washington St.

I do not think it wise to be increasing housing density on Madison's isthmus.

Please slow down on expanding housing density on the isthmus. Let's wait to see if predictions of global climate change will be disrupting housing patterns.

Sincerely,

Christopher X. Burant

608 616-2221