

From: [Bill Connors](#)
To: [ledell.zellers@gmail.com](#); [bacantrell@charter.net](#); [Albouras, Christian](#); [ishagenow@yahoo.com](#); [Kathleen Spencer](#); [Lemmer, Lindsay](#); [nicole.solheim@gmail.com](#); [Heck, Patrick](#)
Cc: [Stouder, Heather](#); [Plan Commission Comments](#)
Subject: Comments re Proactive Rezoning Following Odana Area Plan
Date: Friday, June 4, 2021 4:42:05 PM
Attachments: [Odana Area Plan Postcard.pdf](#)

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Chair Zellers and Plan Commissioners:

I am writing to you regarding your upcoming discussion of the idea of proactive rezoning to encourage redevelopment in accordance with the Odana Area Plan, which is item 4 on your June 7 agenda (Legistar #64442).

Smart Growth Greater Madison strongly encourages you to refrain from allowing the city government to rezone a property in a way that makes the current use of the property a legal nonconforming use over the objection of the property owner. Legal nonconforming use status creates substantial disadvantages for property owners and business tenants that are operating the legal nonconforming uses. Avoiding creating more legal nonconforming uses should be the city government's policy going forward.

In contrast, if a property owner has been informed of the potential adverse impacts of rezoning his or her property to create a legal nonconforming use--keeping in mind that not all property owners are sophisticated enough to recognize the potential adverse impacts without meaningful information from city staff--and does not object, then it is fine for the city government to go forward with rezoning the property to create a legal nonconforming use.

When the current property owner does not object, proactive rezoning will remove a step in the redevelopment process for many parcels, saving developers time and money, which is a good thing for developers and for the city if redevelopment consistent with the plan is desired sooner rather than later. However, the Plan Commission should keep in mind that in most cases, there will be several zoning districts which are consistent with the recommended future land use in the plan regarding a particular parcel. The zoning district the city government selects for proactive rezoning will not always be the right one in terms of maximizing the probability of redevelopment occurring within a reasonable period of time. In some cases, the adopted new zoning district will make redevelopment of a particular parcel extremely unlikely due to unusual circumstances pertaining to the parcel.

Smart Growth strongly encourages the Plan Commission to keep an open mind if the city government proactively rezones a parcel to one zoning district and a developer later proposes to rezone the parcel to a different zoning district that also is consistent with the plan.

Finally, I will address the issue of notice. City planning staff mailed the attached postcard to the owners of all parcels in the planning area. Smart Growth appreciates

this effort. However, this postcard is not likely to cause property owners' objections to proactive rezoning to surface now rather than later. Many property owners will discard the postcard without even reading it and then later claim they never received it--people frequently receive "junk" postcards and discard them without carefully reading them, and many property owners will mistake this postcard for a "junk" postcard. Even if a property owner reads the postcard, it does not explicitly inform the property owner that the city government might seek to rezone the PROPERTY OWNER's parcel to match the plan as a result of the conversation on June 7, nor does it warn the property owner of the potential adverse impacts if the city government rezones his or her property. The postcard would need to include stronger warning language if the goal of the postcard is to cause property owners to sit up and take notice now.

Smart Growth recommends that the Plan Commission direct planning staff to work with stakeholders to develop more effective notices for similar situations in the future.

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From: [Aaron McGee](#)
To: [Plan Commission Comments](#)
Subject: ideas for Odana and E. Towne discussion
Date: Friday, June 4, 2021 10:51:54 AM

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Dear Odana/East Towne Plan Commission,

I'm not sure how to voice my opinions on long-term planning for the East Towne and Odana areas.

My main thoughts are:

1) To allow zoning for high-rise housing (40-plus stories) to maximize housing per acre, decrease pressures of urban sprawl, increase mass-transit usage, and increase quality of life (high-rises are great to live in and create community, regardless of income level).

High-rises can also have radio/TV antennas on top of them; so we could reduce the wasted space that huge radio towers take up by just placing them on top of high-rise buildings.

2) Please narrow existing streets and add more intersection bump-outs. These study areas are vast seas of cement and are hot to walk along and wait for buses at. They even suck for drivers. Narrow roads reduce speeds and crashes and allow for permeability of rainwater. Narrower streets also allow for more trees to be planted and for communities to use the roadways by foot and by bike rather than just being seas of cars.

3) Please widen the terraces and add shade trees everywhere. There are way too few shade producing trees planted along existing roadways. Pedestrians and people waiting for buses have to bake in the sun if they walk. It is not pleasant or fair to people who walk or bike. Wider terraces and more densely planted trees are essential for equity and quality of life.

4) Please reduce any light pollution. There are too many bright lights (street lighting, parking lighting, business lighting, etc.) The impacts of light pollution are huge. It harms insect populations, people's sleep, the ability to see stars, and tree health. Please work on reducing ambient light pollution with businesses in these areas.

Can you please add these to the conversation? I don't know how to do this (how to participate or add topics to the discussion). I notice in the notes on these projects that my concerns are not really mentioned. So if you could add them to the discussion, I'd appreciate it :)

Thank you for helping,

Aaron