

From: [Joe Duperre](#)
To: [Finance Committee](#)
Cc: [Halverson, Gary](#)
Subject: Finance Committee Agenda Item # 19
Date: Monday, September 27, 2021 3:38:54 PM
Attachments: [image001.png](#)

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September 27, 2021



Finance Committee Meeting

Via email: financecommittee@cityofmadison.com

Re: East Towne Mall, surrounding campus and proposed men's homeless shelter

Dear Committee Members:

We felt it important to reiterate our concerns regarding the proposed men's homeless shelter adjacent to East Towne Mall. We recognize that a lack of affordable housing is a nationwide issue and a shelter is a community necessity, but the proposed location will be detrimental to the future development opportunities at East Towne Mall.

The proposed Paramount development on the JCPenney parcel is critical to the ongoing viability of the market. As was reported this weekend, if the relocation of the shelter to this proposed location is allowed to move forward, it will result in the loss of this multi-million-dollar project that could otherwise serve as a catalyst for future development. East Towne has had several setbacks in recent years with vacant anchor stores and this proposal will not assist our efforts to redevelop East Towne and attract new and different uses. We continue to have serious concerns about what the proposed location would do to the long-term value of and redevelopment prospects for East Towne Mall and the surrounding area.

East Towne Mall generates approximately \$1.4 million in property taxes annually for the city of Madison, serves as a large employment base, and a center of commerce. The retail industry is already under immense pressure, the effects of which can be seen at East Towne Mall and malls across the country. The construction of this shelter within 100 yards of East Towne Mall will drive current businesses away from the property and deter new businesses from locating there.

We'd respectfully ask that you reconsider the proposed location of the shelter in order to preserve the long-term viability of the East Towne Mall area.

Thank you for your consideration.

Sincerely,


Joe Duperre, General Manager
East Towne Mall

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From: [Jan Brickl](#)
To: [Finance Committee](#)
Subject: Items on Finance Meeting Monday, Sept 27th
Date: Monday, September 27, 2021 4:13:57 PM

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questions:

#18 Purchase of property at 1902 Bartillon Drive. What funds will be used to purchase this property with and how will it be supported? Will there be services in place for the homeless to assist them and account for them. Neighborhood does not need another Reindahl Park nor does the city. Will there be language put in place to determine long term use of this property if that is the case? I thought this property was proposed to be used as part of hwy 51 expansion, how would the city spend money on something that will be demolished?

#19 I read that this Zier Road Building was determined to be not a good choice and voted down. Investors have made statements they are building new housing in area and will assist in revitalization of area if homeless shelter not built there. They will pull out of area, this area needs to be revitalized and fact that I have seen no statement as to how this will be supported as "homeless shelter" much less any form of revenue to support it make me very angry. There needs to be a formal plan and nothing has been represented.

#21. The Imagination Station has been a long standing plan for Reindahl park area, do not delay this as this is neighbor solution to keeping juveniles involved and assisting to better the community. Time to do something positive for this community !!

From: [Patti O](#)
To: [Finance Committee](#)
Cc: [All Alders](#)
Subject: Temporary Men's Homeless Shelter
Date: Monday, September 27, 2021 3:35:25 PM

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I have a few questions regarding the purchase of the Zeier Road property for a temporary men's homeless shelter.

- 1) Is this in the best interest of the men currently using the First Street shelter? Have the residents, staff and resource providers been asked for their input?
- 2) Many who work with the homeless had indicated a location for the permanent shelter would need to be closer to city resources. What is the status on the those central locations? Where are they, and when could an offer be made on a permanent location?
- 3) What is the cost of repurposing the Zeier Road building and the logistics of transporting the men to and from The Beacon, and other downtown resources every day?
- 4) Can the temporary shelter on First Street continue to be used as a shelter until a permanent site is completed? Could the Public Market function temporarily at an alternate location? The possibilities for this temporary market could easily be modified for future use.
- 5) Was an economic study ever done regarding the impact on the EastTowne Mall?

Thank you for considering my concerns. Hopefully, in today's Finance Committee Meeting or the upcoming Common Council Meeting these questions will be addressed.

Respectfully,
Patricia O Day

Sent from my iPhone

From: [Mick Conrad](#)
To: [Finance Committee](#)
Cc: [Halverson, Gary](#)
Subject: Agenda Item 67422 - Purchase of 2002 Zeier Road
Date: Monday, September 27, 2021 4:34:11 PM

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Dear Finance Committee Members,

Please do not spend public funds to purchase a property encumbered by covenant restrictions prohibiting the City's now intended use. The 2002 Zeier Road property is subject to a Declaration of Covenants, Conditions and Restrictions. I respectfully request that you ask City staff for a copy of the official "Project Land Use Plan" and the official "Project Design Standards," referenced in the Declaration of Covenants, Conditions and Restrictions, before you decide to purchase 2002 Zeier Road. At the time 2002 Zeier Road was platted, the City made it a requirement that the land be developed and used exclusively for "Shopper's Retail." To ensure the property remained for this use, the City gave to itself, and to every land parcel owner and every business within the 227 acres that includes 2002 Zeier Road, the legal right to enforce the Declaration of Covenants, Conditions and Restrictions – a group that today includes over 100 parcel owners and businesses. The City of Madison's planning staff and the landowner worked together in creating these restrictions on use. Now the City wants to violate the very restrictions it had placed on the 2002 Zeier Road property.

1. **Property is Subject to Restrictive Covenants.** The Declaration of Covenants, Conditions and Restrictions states:

No improvement or Common Area shall be placed, altered or permitted to remain on any Lot of the Premises subject to the Declaration until such plans and specifications for such Improvement and site plan for any Common Area located on the Lot have been approved by the Design Committee. Article III, Section A.

No use shall be established or maintained on any Lot unless such use has been approved by the Design Committee or unless the Lot contains an Improvement and for a period of more than five years prior to the time any new use is established, such Lot and Improvement actually have been devoted to a use previously approved by the Design Committee for such Lot. Article III, Section A.

All construction on any Lot forming part of the Premises subject to this Declaration shall be done within a reasonable time and in a manner consistent with the uses, plans and specifications, and site plans approved by the Design Committee pursuant to this Declaration. Article III, Section D.

There is no evidence the Design Committee ever approved of Gander Mountain's retail use or site plan for 2002 Zeier Road. Thus, the City of Madison's proposed "Mission House" would be the first use and site plan for 2002 Zeier Road submitted to the Design Committee for review.

The Design Committee consists of three members. One member is a City staff person. The other two members are affiliated with the landowner who platted the entire 227 acres that includes the 2002 Zeier Road property. The Declaration lays out the standards that must be met for approval by the Design Committee. For example, the standards for approval of the use are:

1. The Conformity and consistency of the proposed land use with the objectives and recommendations of the Project Land Use Plan maintained by the Design Committee.
2. The compatibility of the proposed use with the use of any adjoining or neighboring Lot.

The neighboring lots are required to be "compatible with first class, quality shopping centers, such as East Towne, West Towne and Hilldale...." The City's member of the Design Committee gave approval for restricting the lots in this way, as did the City's Director of Planning and Development. First Amendment to Declaration of Covenants, Conditions and Restrictions, page 5.

2. **Project Land Use Plan.** According to the Declaration, the purpose of the Project Land Use Plan is to provide a long-range development plan. 2002 Zeier Road is subject to the Project Land Use Plan and the companion Project Design Standards. The Declaration of Covenants, Conditions and Restrictions specifies that the Design Committee shall use the Project Land Use Plan as a guideline in reviewing an applicant's proposed land use. The City of Madison's planning staff and the landowner worked together to develop and refine these use conditions and restrictions. The East Towne – Burke Heights Neighborhood Development Plan provides, in detail, the reasoning behind the City of Madison's use of the Project Land Use Plan to exercise and retain considerable control over use, location, and design within the 227 acres that includes 2002 Zeier Road. East Towne – Burke Heights Neighborhood Development Plan, pages 33 to 42.

The objectives of the Project Land Use Plan are to:

- a. Realize the long-term benefits of an arrangement of land uses that promote compatibility of uses of Lots;
- b. Promote retail market linkages between Lots and the neighboring area;
- c. Generate the mutual attraction of Permittees (e.g., customers) to the activities and usages of the Occupants and other similar uses in the neighboring area; and
- d. Create broad groupings of uses whose locational needs, use characteristics, or size and scale of improvements are similar. Article IV, Section B.

Lands in the 2002 Zeier Road area are required to be compatible with first class, quality shopping centers. First Amendment to Declaration of Covenants, Conditions and Restrictions, page 5.

3. **City's Adopted Neighborhood Plan.** The City's intended use for 2002 Zeier Road does not conform to its own adopted neighborhood plan. The East Towne – Burke Heights Neighborhood Development Plan is an official document published by the City of Madison to provide guidance for land use, development and redevelopment of the land that includes 2002 Zeier Road and the surrounding area. "Shopper's Retail" is recommended by the City of Madison as the exclusive use for the East Towne Mall area and for the 59 acres east of Zeier Road. This area includes the 2002 Zeier Road property. Shopper's Retail supports development of compatible retail uses that are mutually supporting, and which reinforce the physical design by encouraging multi-purpose shopping visits, according to the East Towne – Burke Heights Neighborhood Development Plan. Consistent with the intent of this category are establishments selling various types of goods, including food, apparel and accessories, furniture, home furnishings and equipment, hardware, general merchandise, and eating and drinking establishments. The East Towne – Burke Heights Neighborhood Development Plan encourages a development pattern that creates relatively few major groupings of compatible uses. Building siting and design of improvements should also reinforce the market linkages created by these groupings by developing compact, pedestrian-oriented shopping and business environments that permitted patrons to visit a large number of establishments with a single trip, according to the adopted neighborhood plan. East Towne – Burke Heights Neighborhood Development Plan, pages 25, 26 & 34.

Regional Mixed Use. The City's intended design and residential use for 2002 Zeier Road does not meet its own Regional Mixed Use zoning requirements and recommendations. The East Towne Mall area has been mapped by the City of Madison as an area for future Regional

Mixed Use. According to the City of Madison, Regional Mixed Use areas should be the most intensively developed areas in the city outside of the downtown. This area includes the 2002 Zeier Road property. The City of Madison recommends large-scale sites with multistory buildings of two to twelve stories in height. Per the City of Madison's Comprehensive Plan, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential "gaps" along streets that otherwise have commercial tenants at ground level. The addition of dwelling units to the sites will necessitate the provision of residential amenities, such as parkland, within easy walking distance of the new units, according to the City of Madison. The City of Madison's Comprehensive Plan maintains that such considerations must be addressed in a detailed city plan or developer master plan before widespread redevelopment occurs within the East Towne Mall area. Madison Comprehensive Plan, pages 22 and 23.

Sincerely,

Mick Conrad

From: [Bonnie Roe](#)
To: [Finance Committee](#)
Subject: Zeier Road...again?!
Date: Monday, September 27, 2021 5:39:06 PM

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Dear Mayor and Members of the Finance Committee,

What has changed that you are bringing up purchasing Zeier Road for the men's shelter again? All of the reasons mentioned at Common Council when this was voted down are still in effect. It's too from job opportunities and day services and too far from regular transportation.

Disappointing,

Bonnie Roe
District 10