



August 26, 2013

Regent Neighborhood Association
c/o Jon Miskowski
PO Box 5655
Madison, WI 53705

**RE: Goldleaf Development LLC Comments – Aug. 2013 Draft University
Corridor Plan**

Dear Officers/Directors of the Regent Neighborhood Association:

We represent Goldleaf Development LLC (“Goldleaf”), which directly or through its affiliated companies, owns residential rental properties in the 2300 block (in the “Highland node”) and 2500 block (in the “Walnut node”) of University Avenue, Madison. These properties are located in the area subject to the August 2013 Draft University Avenue Corridor Plan (“the Plan”), on which the Regent Neighborhood Association (“Association”) is presently working. Goldleaf has reviewed the Plan and wishes to make several comments concerning the Plan from the point of view of an existing landowner, as a firm with a lot of experience in owning rental properties in Madison and other urban areas, and as a party who may wish to redevelop properties in the University Avenue Corridor in the future.

Goldleaf appreciates very much the long hours that you have put in on the Plan, but we have several concerns that we want you to know about before this Plan is adopted, in the hope that you will revise the Plan to deal with these questions before you send it on to the City for their extensive review.

Building Height

The 2300 and 2500 blocks of University Avenue are in the TSS-Traditional Shopping District under the City of Madison zoning code, with the exception of parcels zoned PUD (planned unit development). The TSS zoning district allows buildings to be 3 stories in height, with more stories allowed if a conditional use permit (CUP) is approved allowing the additional height.



Our concerns regarding the Plan in relation to the issue of building height are the following:

1. The Plan preemptively states, without regard to the quality, design or need for the project, that the lands on the north side of the 2300 block on University Avenue must be limited to a maximum of three (3) stories or 40 feet on the street side along University, and to a maximum of five (5) stores or 55 feet on the Campus Drive side of this block.
2. The Plan preemptively states, again without regard to the quality, design or need for the project, that the lands on the south side of both the 2300 and 2500 blocks on University Avenue must be limited to a maximum of three (3) stories or 40 feet in height.

While we don't have any immediate plans for redeveloping any of our properties on these blocks, Goldleaf is opposed to imposing such strict height limits in this corridor, which may affect its properties, given the following facts:

- Attractive residential buildings have been built in this general area of University Avenue which exceeds the three (3) story height limit, without adversely impacting the neighborhood. Hence, these preemptive limitations are unnecessary and conflict with recent experience in this neighborhood.
- This corridor is next to one of the major employment centers in the region, if not the state, the University of Wisconsin-Madison, and in particular, the UW Hospitals and Clinics. These institutions are constantly growing, which is good for all of us, as owners of houses and other real estate in the area, and as people generally sharing in the prosperity of this part of the City. Consequently, there may be demand for more housing along the University Avenue corridor in the future. It is better for the economy of the City, the environment and for reduction of traffic congestion, if housing is provided closer to the University and UW Hospitals than further away.
- In addition, these blocks are on or near the well-traveled arterial routes of University Avenue and Campus Drive, and the rail line along the north side of these streets. These blocks fit the definition of a transit corridor by anyone's definition. If transit is to be successful, additional density along the transit corridor should not be preemptively stopped by the Plan. In particular, additional density on parcels of land which either directly abut, or which are practically adjacent to Campus Drive, such as the north side of the 2300 block and the south side of the 2500 block, should be allowed, given that the future residents in these buildings will be well aware of the proximity of their location to Campus Drive, in regard to traffic, noise and light. With good quality design, residential



buildings with more height than permitted in the Plan can be developed and approved through the conditional use process, without adversely impacting the neighborhood, provided that they are not preemptively cut off by the Plan.

- Preemptively trying to block CUP's in this way will cause owners to go back to PUD zoning to get their projects approved, which the City consciously has tried to get away from with the new zoning code.

Accordingly, we respectfully ask that you reconsider the preemptive height limitations in the Plan and remove them.

Setbacks

The TSS zoning classification allows for either limited or no setbacks, which is typical of urban commercial districts. However, the Plan is proposing to impose more strict setback requirements, particularly with respect to residential uses, than the zoning code requires, and we ask that the Association look further at this issue and stay with the requirements of the zoning code.

In particular, the Plan is proposing that on the parcels on the 2300 and 2500 blocks that there be a front yard setback of at least 15 feet on residential parcels, except that this would be 20 feet on residential parcels on the south side of the 2300 block, whereas the zoning code has a maximum front yard setback but no minimum setback. Also, with respect to rear yard setbacks, the Plan is proposing a minimum rear yard setback of 20% of lot depth, with a 30' minimum, on the north side of these blocks, and 20% of lot depth with a 25' minimum, on the south side of these blocks, whereas the zoning code only requires the lesser of 20% of lot depth or 20 feet. Goldleaf believes that the Plan should not go beyond the setbacks that are required by the zoning code, for the following reasons:

1. This is an urban area, and placing buildings at or near the front property line on major streets is consistent with the design of urban commercial districts traditionally, including in Madison. The trend in urban planning has been to bring the buildings to the street to create an urban feel along major streets, like University Avenue.
2. There is really no point in having a wider setback area for a multifamily residential building, as compared with commercial buildings along University Avenue, as the setback areas will not be used by the residents along a busy street anyway, these areas are unlikely to develop significant or healthy landscaping given their small size, and they will just be a maintenance issue.



3. University Avenue, as the Plan states, was a commercial business area, so having buildings up to the street right-of-way went with the territory in this area historically.
4. Pedestrians will not be adversely affected by having little or no front yard setbacks on residential buildings. We don't think there is evidence that shows that pedestrians are deterred from walking on streets with little or no front yard setback. People walk on State Street and the outside of the Capitol Square all the time even though there are no front yard setbacks. Some of the most famous pedestrian streets in America have buildings without front yard setbacks.
5. As for rear yard setbacks, the Plan should not require more than 20 feet, particularly along Campus Drive. We fail to see how the rear yard setback of 20 feet v. 30 feet along Campus Drive adversely affects the Regent Neighborhood. It won't. If the architect and owner of the property in question can propose an attractive building and site plan with a 20' setback, on either side of University Avenue, this should be allowed under the Plan, as permitted in the TSS zoning district.

Comprehensive Plan Treatment

The Plan is also proposing that the City of Madison Comprehensive Plan ("Comp. Plan") treatment of the 2300 and 2500 blocks be changed, in effect a kind of "down zoning" of these blocks in our opinion. In particular, the Plan is proposing that the 2300 block be changed from HDR (High Density Residential), as the Comp. Plan provides, to NMU (Neighborhood Mixed Use), and that the 2500 block be changed from CMU (Community Mixed Use), as the Comp. Plan provides, to NMU (Neighborhood Mixed Use). We do not think these changes are appropriate, for many of the reasons discussed above with regard to height and setback, and we ask that the Plan be amended to stay with the existing Comp. Plan classifications. A lot of thought went into the Comp. Plan classifications that were placed on these blocks, and they reflect the types of buildings that have been constructed before and after the adoption of the Comp. Plan in 2006.

Switching to a different Comp. Plan treatment for these blocks at this point, seven (7) years from adoption, would deny reality based on the uses that exist in this area now, i.e. high or moderate density residential development, and will be a rejection of the important planning concepts discussed above for this area. Before preemptively rejecting buildings that would be suitable in the Community Mixed Use or High Density Residential categories, and forcing everything into the Neighborhood Mixed Use category, let's keep the door open to quality projects that involve some measure of additional density and judge them on their individual merits for the 2300 and 2500 blocks of University Avenue.



We would be happy to discuss these matters with you, or if you need further information, please let me know. Thank you for your consideration of this matter.

Sincerely,

BOARDMAN & CLARK LLP

Michael J. Lawton

MJL/tt

Cc: Ald. Shiva Bidar-Sielaff, District 5 (by email)
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