



Department of Planning & Community & Economic Development
Office of the Director

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DATE: May 28, 2009
TO: Madison Common Council
FROM: Mark A. Olinger, Director
Department of Planning & Community & Economic Development
SUBJECT: East Wilson/Schley Pass/Dewey Court
Neighborhood Conservation District Report

An amendment to the Zoning Code providing for the creation of Neighborhood Conservation Districts (NCD) as one approach to protecting the established character of unique sub-areas within the city was adopted by the Common Council in the summer of 2007 (Section 28.108 MGO). The first request to consider creation of an NCD was submitted by a resident of the East Wilson Street/Schley Pass/Dewey Court area of the Marquette Neighborhood.

In the fall of 2008, the process of responding to this request began with a determination that the East Wilson Street/Schley Pass/Dewey Court area met the eligibility criteria established in the NCD ordinance. Based upon a review of the area, I have determined that the area meets the eligibility criteria in the Ordinance. A copy of the eligibility report is attached.

Following the required neighborhood informational meeting, a mail survey was sent to all residents, property owners, and businesses within the proposed NCD area exploring their interest in possible creation of a Neighborhood Conservation District. The Planning Division report on the results of that survey is attached for your review.

Section 28.108(4)(e) provides that, after considering the results of the interest survey, the Common Council may determine whether or not to introduce a resolution authorizing a Neighborhood Conservation Study to further explore the feasibility and potential benefits of creating an NCD. If the Common Council adopts the resolution, the Department of Planning & Community & Economic Development, working with residents, property owners and businesses in the proposed East Wilson/Schley Pass/Dewey Court NCD area, would prepare the Neighborhood Conservation Study. The study would identify the distinctive attributes of the area to be conserved and enhanced, evaluate the effectiveness of an NCD as the best way to achieve the objectives of the proposed District, and include a list of recommended design requirements for the District.

If recommended by the Neighborhood Conservation Study, an ordinance to create a NCD may be introduced. If adopted, the NCD ordinance would create an "overlay" zoning district with additional standards focused on conserving the special physical attributes of the area as defined by the Neighborhood Conservation Study. This would supplement the regulatory standards in the underlying zoning districts.

Based upon the analysis and recommendation contained in the survey results it is the Department's opinion that a Neighborhood Concentration Study for the East Wilson/Schley Pass/Dewey Court area be initiated. If the Plan Commission and Common Council recommend the study be undertaken, Department staff will work to have a resolution introduced no later than the Common Council meeting of July 21, 2009.

If you have any questions, please contact Michael Waidelich of my staff at 267-8735.

Thank you.

Enclosure

**EAST WILSON/SCHLEY PASS/DEWEY COURT NEIGHBORHOOD CONSERVATION DISTRICT
RESULTS OF INTEREST SURVEY**

Introduction

As part of the process established in Section 28.108 MGO for designation of a Neighborhood Conservation District (NCD), a survey was sent to all owners and occupants in the East Wilson Street/Schley Pass/Dewey Court area of the Marquette Neighborhood to explore their level of interest and support for creating an NCD. The request to establish a Neighborhood Conservation District was initiated by a resident of the proposed NCD area, and the area has been determined to be eligible by the Director of Planning and Community and Economic Development. Prior to conducting the survey, an informational meeting was held at Luke House on October 29, 2008, to explain the purposes of an NCD and the NCD designation process.

The NCD interest survey was a simple mail survey conducted by staff from the City of Madison Planning Division. Survey forms were mailed to property owners and occupants within the proposed NCD area (see attached map) on November 24, 2008, and responses returned by December 26 were included in the results. Due to an erroneous omission of Park Central Apartments residents in the initial mailing, a second mailing of the same survey was done on March 12, 2009, to only Park Central Apartments residents, and responses returned by April 6 were incorporated into the results. The results as a whole are summarized below.

Survey Response Rate

Surveys Mailed: **230** (160 initially mailed in Nov. 2008, 70 mailed to Park Central Apts. in Mar. 2009)
 Surveys Returned: **41** (32 initially returned in Dec. 2008; 9 returned from Mar. 2009 mailing)
 Response Rate: **17.8%**

Tabulated Responses to Specific Questions

1) Do you think that the proposed study area has unique physical characteristics worth conserving?

- Yes **25 (61%)**
- Unsure **2 (5%)**
- No **14 (34%)**

2) From your understanding of the concept, do you think creating a Neighborhood Conservation District would be a good way to identify and conserve the area's unique physical characteristics?

- Yes **18 (44%)**
- Unsure, but I support proceeding with a Neighborhood Conservation Study to explore the idea further **10 (24%)**
- No **13 (32%)**

Explanations added to Question 2:

- (Yes) The part NE of Baldwin
- (Unsure) I marked "unsure" only because I am not familiar enough with planning and zoning laws to know the other options to conserve the area's physical characteristics.
- (No) With the neighborhood association, UDC, and Planning to contend with, one additional authority will likely bring development to a halt.
- (No) There is no benefit to commercial landowners- only more restrictions.

- (No) Yes it will conserve, but conserving is undesirable!
- (No) There are several chopped up areas divided by Baldwin Street. Really do not see most of this as a neighborhood except the 1300 block section of Schley Pass and Wilson St.
- (No) I don't feel there is anything unique inside proposed zone overlay. Also, having another board or process would slow down progress making local development unbearable and undesirable. The Common Council is probably more effective in city planning than development shy citizens.

3) Which best describes you? (please check all that apply) *

- I live in the proposed study area 22 (54%)
- I own residential property in the proposed study area 20 (49%)
- I own commercial property in the proposed study area 7 (17%)
- I work or have a business in the proposed study area 3 (7%)
- Other "I live adjacent to proposed area" 1 (2%)

** Since some respondents checked more than one category or provided more than one answer, the total is greater than 41.*

4) Where in the proposed study area do you live, work, and/or own property?

S Baldwin St	6 (15%)	S Ingersoll St	4 (10%)
Dewey Ct	4 (10%)	Schley Ps	3 (7%)
S Dickinson St	3 (7%)	E Wilson St	17 (41%)
S Few St	2 (5%)	No Answer	2 (5%)

5) Comments: (please see all Question 5 responses at the end of this report)

Analysis

Planning staff consider the overall response rate of 17.8 percent to be relatively low in view of the long-standing interest in establishing a Neighborhood Conservation District in this area, and the small sample makes interpretation of the results a bit less certain. The answers to Question 1 indicate that a majority of those who did respond believe that the East Wilson Street/Schley Pass/Dewey Court area does have unique physical characteristics worth conserving. However, the responses to Question 2 indicate a lack of consensus about whether a Neighborhood Conservation District would be a good way to identify and conserve those characteristics--although a strong majority supports proceeding with a Neighborhood Conservation Study to explore the idea further.

Because the responses to Questions 1 and 2, and the comments received in response to Question 5, indicate some basic differences in opinion, four simple cross-tabulations were done to explore the relationship between the type of respondent and where they lived, worked or owned property within the proposed study area, and their perceptions regarding possible creation of a Neighborhood Conservation District. Specifically, the answers to Questions 1 and 2 were each compared with the answers to Questions 3 and 4.

Cross-tabulation A: Compares the answer to Question 1: *“Do you think that the proposed study area has unique physical characteristics worth conserving?”* with the answer to Question 3: *“Which best describes you?”*

Q1/Q3	Resident	Own Residential Property	Own Commercial Property	Work or Have Business
Yes	19 (86%)	9 (45%)	2 (29%)	3 (100%)
Unsure	1 (5%)		1 (14%)	
No	2 (9%)	11 (55%)	4 (57%)	
Total	22 (100%)	20 (100%)	7 (100%)	3 (100%)

Cross-tabulation B: Compares the answer to Question 2: *“From your understanding of the concept, do you think creating a Neighborhood Conservation District would be a good way to identify and conserve the area’s unique physical characteristics?”* with the answer to Question 3: *“Which best describes you?”*

Q2/Q3	Resident	Own Residential Property	Own Commercial Property	Work or Have Business
Yes	14 (64%)	6 (30%)	1 (14%)	3 (100%)
Unsure	6 (27%)	4 (20%)	2 (29%)	
No	2 (9%)	10 (50%)	4 (57%)	
Total	22 (100%)	20 (100%)	7 (100%)	3 (100%)

The results of cross-tabulations A and B indicate that a strong majority of respondents who are residents, work or have a business in the area agree that the area has unique physical characteristics worth conserving, and either support creating a Neighborhood Conservation District or proceeding with a Neighborhood Conservation Study to explore the idea further. Conversely, a majority of respondents who indicated that they own residential or commercial property do not think that the proposed area has unique physical characteristics worth conserving, and do not support a creating a Neighborhood Conservation District or proceeding with a Neighborhood Conservation Study.

It is important to note that although Question 3 asked respondents to “check all that apply,” staff cannot determine whether this occurred in all cases, which may affect the apparent results. In particular, it is uncertain whether all owner-residents or all owner-business operators checked both applicable boxes.

Two cross-tabulations also were done to see if there was a relationship between respondents’ geographic location within the proposed study area and their general level of support for the Neighborhood Conservation District concept.

Cross-tabulation C: Compares the answer to Question 1: *“Do you think that the proposed study area has unique physical characteristics worth conserving?”* with the answer to Question 4: *“Where in the proposed study area do you live, work, and/or own property?”*

Q1/Q4	Baldwin	Dewey	Dickinson	Few	Ingersoll	Schley	Wilson	(blank)
Yes	3 (50%)	3 (75%)	1 (33%)	1 (50%)	1 (25%)	2 (66%)	13 (76%)	1 (50%)
Unsure					1 (25%)		1 (6%)	
No	3 (50%)	1 (25%)	2 (66%)	1 (50%)	2 (50%)	1 (33%)	3 (18%)	1 (50%)
Total	6 (100%)	4 (100%)	3 (100%)	2 (100%)	4 (100%)	3 (100%)	17 (100%)	2 (100%)

Cross-tabulation D: Compares the answer to Question 2: *“From your understanding of the concept, do you think creating a Neighborhood Conservation District would be a good way to identify and conserve the area’s unique physical characteristics?”* with the answer to Question 4: *“Where in the proposed study area do you live, work, and/or own property?”*

Q2/Q4	Baldwin	Dewey	Dickinson	Few	Ingersoll	Schley	Wilson	(blank)
Yes	2 (33%)	3 (75%)	1 (33%)			2 (66%)	9 (53%)	1 (50%)
Unsure	1 (17%)			1 (50%)	3 (75%)		5 (29%)	
No	3 (50%)	1 (25%)	2 (66%)	1 (50%)	1(25%)	1 (33%)	3 (18%)	1 (50%)
Total	6 (100%)	4 (100%)	3 (100%)	2 (100%)	4 (100%)	3 (100%)	17 (100%)	2 (100%)

Cross-tabulations C and D do not indicate a clear relationship between location and level of support for the Neighborhood Conservation District concept, but support generally appears slightly stronger on the primary streets within the proposed district (East Wilson, Schley Pass, Dewey Court) than on the shorter cross-street segments. The sample sizes by street address are very small in any case.

Conclusion

The results of the NCD Interest Survey indicate a general level of support for pursuing a Neighborhood Conservation District in the East Wilson Street/Schley Pass/Dewey Court area, particularly among residents. A strong majority of the respondents who lived, worked or had a business in the proposed NCD area felt the area had unique physical characteristics worth conserving, and either supported the Neighborhood Conservation District concept or were willing to study the idea further. However, slightly more than one-half of the respondents who owned residential or commercial property in the area did not support the idea of establishing an NCD. It is assumed that many (but not all) of these property owners may not live or work within the proposed study area, but this cannot be determined with certainty from the information in the survey.

Based on the comments submitted in response to Question 5, it appears that some owner-investors simply do not want new restrictions placed on future redevelopment of their properties; and that some owner-residents are similarly worried about potential over-regulation that might make even modest remodeling more difficult and time-consuming. On the other hand, many residents of the East Wilson Street/Schley Pass/Dewey Court area clearly believe the area does have unique characteristics that should be conserved even as appropriate rehabilitation and upgrading of property is encouraged. This tension between these opinions is not unexpected. In fact, a primary purpose of a Neighborhood Conservation District is to provide a reasonable regulatory framework that will not only facilitate individual property improvements, but to help ensure that the unique physical qualities that make an area special are identified, maintained and incorporated into future rehabilitation or development activities. Preparation of a Neighborhood Conservation Study provides a means to understand what things in the neighborhood are worth conserving and to establish a process for ensuring that those elements are maintained.

The Neighborhood Conservation District enabling ordinance requires that the results of the interest survey of all residents, owners and occupants in the proposed NCD study area be provided to the Plan Commission and Common Council for their consideration, but does not specify a threshold of support in order to proceed with a Neighborhood Conservation Study. If the Common Council wishes to proceed with the next step of conducting a Neighborhood Conservation Study to identify and define the characteristics of the East Wilson Street/Schley Pass/Dewey Court area and prepare specific recommendations regarding the potential creation of a Neighborhood Conservation District, a resolution authorizing the study may be introduced and referred to the Plan Commission.

Comments in Response to Question 5

- My first week in Madison April 1981 I stumbled upon Dewey Ct. heading West. I was mesmerized. I returned to my friend's house and said "I found the coolest place! It looks like Peoria in the 40's" My friend said: "Cherie you can't do massage there, that's a BAD NEIGHBORHOOD." five years later. I bought my home @ 1318 E Wilson and began to work on lifting up the energy of the HOOD. This is now the MOST REMARKABLE place I have ever lived. The sense of community here is unsurpassed. The quality of communication and caring among neighbors is something I have never experienced. Cherie St Cyr.
- Dewey Court is a prime candidate for urban renewal and redevelopment. At least my properties are across the street from a park- nothing special there- what park?
- This area is unique. A great part is the railroad history represented within this neighborhood. This history is preserved within the homes and business structures still standing.
- A CD will take away owner property rights, in service to maintaining the status quo. This means owners will have to forego the natural appreciation that would normally support their retirements (I have written about this, and quantified the loss over time elsewhere.) It also ignores that natural course of change that produced this time bound set of desirable characteristics. If conditions change this natural process will be crippled with a CD in place. Even the best economists did not foresee the current financial system melt down. How do we think we can foresee what will be required in this CD to ensure its viability? It is wiser to enhance degrees of freedom rather than, as a CD does, reuse those adaptive options. To build conditions for a healthy future by creating a museum of the past has no success record I know of, and is a high-risk approach to managing our collective well-being.
- We have a significant investment in owning the commercial property and future plans regarding sale of said property down the road could be hindered by rezoning of this property now to NCD.
- I do not feel the buildings, my house included, are unusual or interesting from an architectural point of view. These are old homes, but I do not see how they are worth preserving - surely the beautiful mansions surrounding Orton Park are more deserving of a conservation/preservation effort? I respect and even applaud the desire to foster a sense of neighborhood and community, but I question whether zoning is the right way to do it, especially since the buildings and physical geography do not seem particularly outstanding (to me) when compared to other Isthmus neighborhoods, such as Orton Park, homes along the lakeshore, etc.
- The area north east of S Baldwin is unique. Central Park and getting rid of those storage sheds and the Wilson/Baldwin corner would be nice.
- I think the Schley Pass/Dewey Ct. area is especially unique with interesting architecture. Also, I think it is important to reduce vehicle traffic on E Wilson St. as much as possible because of the bike path. Thank you
- I do not want to be told what or how to deal with my property. The erosion of the "neighborhood character" has already started with tall construction of apartments at 301 E Wilson. No thanks.
- I appreciated the unique character of the neighborhood as a Madison resident before I lived in the neighborhood

- I am not sure these are the right questions to ask. When asked, most individuals will tend to believe their home or neighborhood possesses "unique" characteristics worthy of preservation. There is an emotional bond with one's home that has little to do with whether or not it possesses any attributes that set it apart from anywhere else in the world. Residents of newly developed subdivisions in Waunakee believe their homes possess unique characteristics, when in fact they are clearly built to comply with specific aesthetic standards that are widely adopted in communities around the country. I own two properties on the 1300 block of East Wilson. While I certainly do not think this is the right place to build a 13-story condominium or large-scale office complex, I do not think it is any more "unique" than any other neighborhood in the city. In reality, much of the housing stock in this area is in serious need of reinvestment in order for the neighborhood to remain vibrant by attracting families and young professionals, etc. My concern with this proposed conservation district is that it is designed to prevent exactly the type of investment needed. I am not clear on why the current zoning restrictions are inadequate for preventing the types of abuses some of my neighbors may be looking to prevent. As you deliberate on this, ask what the long-term impact will be on this area if we openly discourage thoughtful investment by putting restrictions on this particular area that exist nowhere else. Also, consider the need for this specific designation in light of the intermediate-term economic environment and the unlikelihood that any developer would be interested in consolidating multiple residential lots to pursue a large-scale development along the lines of what this policy aims to prevent. I recently tore down and rebuilt a single-family residence at 1331 E Wilson Street and struggled with getting the appropriate approvals to do so. The house is widely acknowledged by many in the near Eastside as being an excellent example of responsible development of residential properties that have been in decay for decades. My concern is that designating this street as a Conservation District will discourage this type of redevelopment, which would be detrimental to the long-term vitality of a neighborhood. Furthermore, I am not comfortable with the term of this designation. Who is to know what the needs of the area will be in 20 years and the extent to which present-day policy making will hobble appropriate development in the future. It hardly seems correct that a group of individuals should set standards today that will remain in force well beyond their likely involvement in the community. In conclusion, I believe existing zoning rules and neighborhood involvement in development decisions is more than adequate to ensure the area evolves appropriately.

- I do not completely understand the benefits of a NCD, but I do not object to further discussion and exploration.

- I am a poor student and I cannot afford these tickets! I need to be able to park where I live on 1115 E Wilson! I cannot move my car every 2 hours! Help!

- While I love this neighborhood, I'm not sure some of its "uniqueness" qualifies for conservation. Many of the homes appear run down, dark, unkempt, and contribute to an often "scary" feeling in the area, mostly at night. While I don't think razing all the homes is the answer, I'm not sure a study to judge their conservation potential is necessary.

- I want our green areas protected. I also love the Tues. Farmers Market on this spot! Thank You - Heather Woods

- We need to conserve our beautiful community!!