

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT  
Of April 30, 2008**

**RE: ID # 10178, Demolition Permit – 1902 Tennyson Lane**

1. Requested Actions: Approval of a demolition permit to allow demolition of various former agricultural research and warehousing buildings and construction of 59 commercial condominium buildings. [Note: Some information contained in the project materials may reference 63 commercial condominium buildings; the proposal has been modified since its original submittal.]
2. Applicable Regulations: Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits.
3. Report Prepared By: Timothy M. Parks, Planner.

**GENERAL INFORMATION**

1. Applicants & Property Owners: Thomas J. Keller, Tennyson Terrace, LLC; 448 W. Washington Avenue; Madison.  
  
Agent: Michael R. Christopher, Dewitt Ross & Stevens, SC; 2 E. Mifflin Street, Suite 600; Madison.
2. Development Schedule: The applicant wishes to commence construction as soon as all regulatory approvals have been granted, with completion scheduled for October 2008.
3. Location: The demolition is proposed on the western 9.63 acres of a 19.5-acre property located at the northwest corner of Packers Avenue and Tennyson Lane, Aldermanic District 12; Madison Metropolitan School District.
4. Existing Conditions: The overall site is developed with between 9-11 industrial buildings located on the western half of the property, zoned M1 (Limited Manufacturing District).
5. Proposed Land Use: The applicant wishes to construct approximately 59 2,500 square-foot commercial buildings, each of which could be divided into two tenant spaces. The up to 118 units proposed would be used for a variety of business and personal uses as permitted in the M1 zoning district.
6. Surrounding Land Use and Zoning:  
North: Undeveloped lands in the Town of Burke;

South: Berkeley Oaks single-family subdivision, zoned R1 (Single-Family Residence District); multi-family residential south of Tennyson Lane between Kipling Drive and Packers Avenue, zoned R4 & R5 (General Residence Districts);

West: Lake View Elementary School, zoned R1;

East: Oak Park mobile home court, zoned PCD-MHP-SIP (Planned Community Development, Mobile Home Park, Specific Implementation Plan)

7. Adopted Land Use Plan: The Comprehensive Plan identifies the overall site for low-density residential development. The site is also within the boundaries of the Northport-Warner Neighborhood Plan (1992), which recognizes the site's existing M1 zoning as a potential conflict adjacent to the elementary school and across Tennyson Lane from a single-family neighborhood. The plan called for a subsequent neighborhood plan to be prepared that generally called for the development of single- and two-family housing in the area generally bounded by Wheeler Road and CTH CV on the north, the Soo Line Railroad on the east, Tennyson Lane and Government Road on the south and N. Sherman Avenue on the west, including the subject site.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor. The adjacent elementary school is identified as public lands on the corridor map.
9. Public Utilities & Services: The property is served by a full range of urban services.

### **STANDARDS FOR REVIEW**

This application is subject to the demolition standards of Section 28.04 (22).

**Note: This application was filed on March 5, 2008 before the recently adopted ordinance changing the demolition permit process and standards was adopted by the Common Council on March 18, 2008. As a result, this application shall be reviewed using the previous process and standards.**

### **PLAN REVIEW**

The applicant is requesting approval of a demolition permit to allow a former agricultural research and warehouse complex to be razed to accommodate the development of approximately 59 commercial condominium buildings to be built on two parcels containing approximately 19.5 acres of property, zoned M1 (Limited Manufacturing District). The overall site is located at the northwest corner of Packers Avenue (CTH CV) and Tennyson Lane.

The former research and warehousing complex was originally developed in the Town of Burke and was subsequently annexed to the City of Madison. According to City records, the site was granted M1 limited manufacturing zoning in 1971. The complex is located on the western of the two parcels comprising the 19.5-acre development site, an approximately 9.63-acre lot addressed as 1902 Tennyson Lane. A site plan submitted with the application appears to show 9 buildings on the site, though the letter of intent and a structural assessment of the buildings note that the complex includes 11 buildings. For the purposes of considering the demolition permit, staff has determined that the four inter-connected buildings located near the center of the 9.63-acre lot will require Plan Commission approval in order for the portion of the 59-building development proposed to commence. The five or so non inter-connected buildings primarily located on the western lot are considered accessory and would not require demolition permit approval by the Plan Commission to be removed. The use, size and construction of the buildings on the site vary and include masonry and concrete, steel and wood-framed structures that are identified formerly used as barns, laboratories, office, research and storage.

The overall 19.5-acre site also includes a 9.84-acre parcel addressed as 3802 Packers Avenue. The developer could begin development of the commercial condominium project on the eastern lot under the existing M1 zoning without Plan Commission approval. However, the applicant has chosen to include the development proposal for both lots with his application. Also, because the project materials address both sites and will be one zoning lot, the notices for the public hearing were sent based on the larger two-parcel site.

The 19.5-acre project site has approximately 1,434 feet of frontage along the north side of Tennyson Lane and 563 feet of frontage onto Packers Avenue (CTH CV). Access to the existing complex of buildings is provided from both of these streets, with an entrance 50 feet north of Tennyson off of Packers and a second entrance onto Tennyson, approximately 300 feet east of Eliot Lane. The building complex is generally surrounded by a number of asphalt parking lots of various sizes, with additional areas of gravel parking located generally north of the buildings. Aerial photographs of the property taken about a year ago also show a number of abandoned vehicles and open storage generally along the northern property line. A Certified Survey Map recorded in 1986, which divided the 19.5-acre site into the two lots noted, showed that about 70 small coops previously existed east of the building complex extending towards Packers Avenue. These structures have since been removed.

The site is characterized by a modest ridge in the northwest corner of the site that generally falls to the south and east across the site, with a steeper wooded ridge located parallel to and north of the northern property line on the adjacent Raemisch property, which is located in the Town of Burke. The northwestern corner of the subject site is populated by a stand of mature shade trees of varying size and quality. A row of mature ash trees and under-story shrubs is located along the southern property line along Tennyson Lane. Plans for the commercial condominium project call for both of these vegetative features to be preserved as part of the proposed development. A monopole wireless communications tower is currently located on the edge of the stand of trees in

the northwest corner of the site. The tower is not identified on the redevelopment plans for the site and is presumed to be being removed.

The subject site is located adjacent on the west to Lake View Elementary School, which occupies an 8-acre site located at the northeast corner of Tennyson Lane and N. Sherman Avenue. The area south of the site is primarily developed with single-family residences in the Berkeley Oaks neighborhood with the exception of a variety of R4 and R5-zoned multi-family uses located between Kipling Drive and Packers Avenue. The property east of Packers Avenue is developed with the northern edges of the Oak Park mobile home park, with undeveloped lands in the Town of Burke, including the Raemisch property, located to the north and northeast of the subject site.

The 59 commercial condominium buildings proposed to be developed on the 19.5-acre site will primarily be organized along a network of private streets extending from a new driveway off of Packers Avenue and from the extension of Eliot Lane as a public street north of Tennyson Lane. The proposed buildings will each be approximately 2,500 square feet in floor area, with the potential for each building to be divided into two units of approximately 1,250 square feet, with a total of 118 units possible. The applicant indicates that each unit will be provided off-street parking between the building and street, though a detailed site plan has not been submitted to determine if the project will have sufficient off-street parking to meet zoning requirements. Detailed plans for the buildings have also not been submitted, though the applicant has provided photos of other similar developments that show that each unit would be constructed with an overhead garage door. The applicant also indicates that each unit could be finished to suit tenant specifications to include interior rooms and/ or restrooms. In lieu of specific floorplans and building elevations, the applicant has provided marketing information for a similar project in Waukesha to give the Plan Commission an idea of the type of buildings the developer proposes to erect on the subject site.

As noted above, the development plans for the site propose to maintain most of the stand of trees in the northwestern portion of the property as well as the line of ash trees along Tennyson Lane. In addition, the applicant proposes to install nearly continuous lines of unspecified evergreen trees along most of the northern, southern and western property lines to screen the development from surrounding uses. The plans also show a future "neighborhood commercial" use to be developed in the southeastern corner of the overall site at the corner of Tennyson and Packers. Due to the limited retail uses possible in the existing M1 zoning of the site, it may be necessary for this corner of the property to be rezoned in the future to accommodate this portion of the development, which is not part of the demolition permit approval before the Plan Commission.

The applicant has also submitted a draft of the private condominium documents that will govern the operation of the 59-building development for informational purposes, including a list of uses that will be prohibited from the development. These prohibited uses, which are permitted in M1 zoning, include vehicle salvage, banks, restaurants and taverns and manufacturing uses. Highlights of the rest of the draft condominium restrictions include an overnight parking

prohibition, a prohibition against parking on the private drives, a restriction against exterior modification to buildings or units, restrictions against signage and a prohibition against sleeping overnight in any of the units (though the zoning would allow a night watchman's quarters as a permitted use). These provisions are all part of the condominium declaration and cannot be enforced by the City.

## **ANALYSIS**

The applicant is requesting that the Plan Commission find that the demolition permit provisions in the Zoning Ordinance are met to allow the demolition of a group of four inter-interconnected former industrial buildings on the western half of the 19.5-acre subject site and the construction of a 59-building commercial condominium development on the entire two-lot parcel. As noted earlier, the applicant can commence construction of the condominium project on the eastern portion of the overall site without the Plan Commission's approval, as there are no existing or proposed improvements on the site that require Commission approval given the existing M1 zoning. However, some of the conditions of approval the Plan Commission might place on the demolition request on the western lot could impact the development permitted on the eastern lot.

The statement of purpose for the demolitions note that "the good maintenance and rehabilitation of existing buildings..." and "...the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people." In considering any request to demolish a principal building, the Plan Commission is asked to consider the structural soundness of a building, its economic productivity and its suitability for rehabilitation and repair or relocation. The Commission is also asked to evaluate the proposed alternative uses of a property before the existing buildings are razed or moved. When reviewing both the demolition of the existing building and proposed use of the site following the demolition, the Commission is asked to consider the effects the proposal would have on "the normal and orderly development and improvement of surrounding properties...after giving due consideration to the adopted master plan." Commission members are encouraged to consult the list of standards provided with their packets for reference.

The applicant has submitted a basic structural assessment of the buildings present on the site from a local engineering firm that suggests overall that the buildings present on the site have exceeded their useful life, that many are in poor condition due in part to deferred maintenance and that some of the buildings may not be structurally sound. The engineering report indicates that significant repair and modernization of the buildings would be required if their reuse was contemplated, though the report does not provide specific estimates of those costs that would aid the Commission in determining that preservation of the buildings was fiscally infeasible. The applicant has provided photos of some of the buildings that appear to support some of the concerns outlined in the engineering report. Staff has also visited the property and found the buildings to be in poor condition. The Plan Commission could find that the existing buildings meet the standards for demolition based on their reported structural soundness and the likely cost to renovate them for reuse.

However, in order for the Plan Commission to find the demolition standards met, they must also review the proposed alternative use of the property and its impact on the normal and orderly development of nearby properties in applying all the standards. The Planning Division believes that the proposed use of the site for commercial condominiums under the M1 limited manufacturing zoning may be fundamentally contrary to the land use recommendations for this site contained in the Comprehensive Plan and the Northport-Warner Park Neighborhood Plan. Both of those plans identify the subject site for future residential development.

The Northport-Warner Park Neighborhood Plan was adopted by the Common Council in 1992 as to guide future public investment and land use in the area generally bounded by Wheeler Road on the north, Packers Avenue on the east, Commercial Avenue on the south, and the Chicago and Northwestern Rail Corridor and School Road on the west. As part of the development of the plan, eight neighborhoods assessed the combined assets, threats and opportunities in the planning area and made a number of recommendations intended to guide future decision-making. The plan identified the site's existing M1 zoning as a potential conflict adjacent to the elementary school and across Tennyson Lane from a single-family neighborhood and called for a neighborhood plan to be prepared that generally called for the development of single- and two-family housing in the area generally bounded by Wheeler Road and CTH CV on the north, the Soo Line Railroad on the east, Tennyson Lane and Government Road on the south and N. Sherman Avenue on the west, including the subject site.

Staff notes that the Northport-Warner Park Neighborhood Plan is currently being updated through a new planning process that started earlier this year. However, the neighborhood plan steering committee has not yet formulated recommendations to be included in the updated plan, including recommendations for future land uses within the planning area. It is anticipated that the updated neighborhood plan will be completed later this year. One alternative for the Plan Commission to consider is refer consideration of the applicant's demolition permit until the updated plan has been developed, including the modification or reaffirmation of the earlier land use recommendations pertaining to the subject site. The Plan Commission could also choose to refer this project to the Northport-Warner Park Neighborhood Plan Steering Committee for an advisory recommendation on the land use question before rendering a decision.

The recommendations of the Comprehensive Plan largely reflect the Northport-Warner Park Plan and call for low-density residential uses up to 15 dwelling units an acre, including the largely undeveloped area extending north from Tennyson Lane to Cherokee Marsh between Packers Avenue and N. Sherman Avenue, which includes the subject site and the undeveloped Raemisch property to the north. The area east of Packers Avenue is identified for medium-density residential development in the general location of the Oak Park mobile home park, while other property east of the site is shown for future employment uses. This includes land purchased by Dane County for long-term aviation purposes, which may include land devoted to associated potential airport terminal operations to replace the facilities located further south at the end of

International Lane. Staff would note, however, that the plans for the new associated terminal facility operations have been identified as a 40-70 year development possibility by Dane County, which is well beyond the effective period of any of the land use plans in effect in this area.

The applicant is fully aware of the incongruity of his proposed commercial condominium development to the land use plans for this area and has made a concerted effort to address some of the concerns expressed about the development. Some of the provisions included in the application consist of the addition of the extension of Eliot Lane north from Tennyson Lane to provide a future connection through the Raemisch site to link up with one of three street stubs platted in the Whitetail Ridge single-family subdivision further to the north. The project also includes significant vegetative screening along the northern, western and southern property lines, an architectural style for the 59 condominium buildings intended to evoke a residential character and a self-imposed and enforced limitation on uses within the development intended to limit the future use of the site to small business, storage (business and personal) and hobbyist uses. However, despite these provisions, the Planning Division cannot recommend that the proposed use of the property follows the recommendations of the Comprehensive Plan and the Northport-Warner Park Neighborhood Plan.

In addition to the consideration of the plan recommendations applicable to the subject site and surrounding area, the Plan Commission should give due consideration to the impact the proposed commercial project could have on surrounding uses. In particular, the Commission should determine that the proposed condominium development would not have an adverse impact on the adjacent elementary school or the single-family neighborhood located south of Tennyson Lane if it is inclined to grant approval of the demolition permit for the western lot. The Commission should also consider the precedent approval of a non-residential use on the subject site could have on the future development of the Raemisch property to the north. While the site is located in the Town of Burke currently, the Planning Division is aware of the Raemisch family's long-term interest in developing the property, which will occur in the City. Approval of a non-residential use on the Keller property in contradiction to the recommendations of the Comprehensive Plan and the Northport-Warner Park Neighborhood Plan could influence the land uses proposed to the north, which like the subject site are recommended to be low-density residential in nature.

## **CONCLUSION**

The standards for approval of demolition permits require the Plan Commission to make a finding that both the requested demolition and the proposed use are compatible with the purpose of the demolition section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. When making this finding, the Plan Commission shall consider and may give decisive weight to any relevant facts including, but not limited to the effects the proposed demolition and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including, but not limited to the costs of relocation, the

structural soundness of the building, and limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing after giving due consideration to the adopted master plan. The purpose section of the demolition standards indicates, in part, that the purpose of the section is to foster and encourage the preservation of buildings which are structurally sound, economically productive, and suitable for rehabilitation and repair. The purpose section also requires the Plan Commission to evaluate the proposed alternative uses of the property before existing buildings are destroyed or moved.

The purview of the Plan Commission in this case applies to the demolition of the buildings on the western 9.63-acre lot that comprises the western half of the larger 19.5-acre parcel on which the applicant wishes to build a total of 59 commercial condominium buildings that will house a variety of small business and personal uses as permitted in the M1 zoning classification. Although much of the analysis in the section above speaks to the proposed use of the larger site, the Plan Commission's decision shall effectively be limited to the western portion on which the buildings requiring demolition approval are located. The eastern portion of the overall property is undeveloped with the exception of a portion of a building staff has determined to be accessory, and the developer could begin construction of the condominium development forthwith after site plans for that portion of the project were administratively approved by staff for conformance with City ordinances. Note however, that construction of the future neighborhood commercial development shown in the southeastern corner of the site adjacent to the Packers Avenue and Tennyson Lane intersection may require consideration of separate land use approvals based on the final design and proposed uses within that project.

The Planning Division does not object to the proposed demolition of the former industrial buildings present on the subject site. Staff largely concurs with the information that has been provided by the applicant regarding the condition of the existing buildings, which appear to be in poor condition and in likely need of significant investment in order for them to be reused in some capacity. It is likely that such investment would likely exceed the market value to sell or rent the industrial buildings and that, instead, clearance and redevelopment of the site would be more economically feasible. The proposed use is consistent with the existing M1 zoning of the site.

However, Planning Division staff cannot recommend that the alternative use of the site proposed can meet the provisions in the demolition standards regarding the impact of the new development on the normal and orderly development and improvement of surrounding properties given the recommendations of the adopted master plan. As noted previously, the Comprehensive Plan and the Northport-Warner Park Neighborhood Plan both recommend that the subject site as well as other nearby undeveloped properties for future low-density residential development with single- and two-family residential uses. Despite efforts by the applicant to provide concessions intended to limit the impact of the proposed commercial development on the existing and future residential and residentially complimentary institutional land uses surrounding the site, the proposal is significantly contrary to the land use recommendations in effect. Staff also believes



that the Commission could find the use to be incompatible with these adjacent residential and institutional uses in considering the clause regarding the normal and orderly development and improvement of surrounding properties, currently proposed for residential use.

### **RECOMMENDATION**

If the Plan Commission finds that the demolition standards **cannot** be met with this request, the Commission should place this application on file and should indicate the factors that it has considered and its findings in reaching this conclusion.

If the Plan Commission **can** find the proposed project is in conformance with the standards for approval for demolition permits, including the impacts the project will have on the normal and orderly development of surrounding properties given due consideration of the recommendations in the Comprehensive Plan and Northport-Warner Park Neighborhood Plan, the Commission should approve the demolition permit for 1902 Tennyson Lane subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant submit a site plan for review and approval by the Planning Division that includes the following:
  - a.) the typical dimensions of all of the commercial condominium buildings, internal drives, surface parking spaces and any other pertinent features included in the development;
  - b.) a detailed landscaping plan that includes the number, planting size and species of the various materials noted on the concept plan;
  - c.) if remaining, the location of the existing wireless communications tower present in the northwest corner of the site, with details to be provided on the screening of the base equipment of the tower as required in Section 28.04 (23) of the Zoning Ordinance;
3. That the applicant submit a fully dimensioned and detailed typical building elevation of the proposed commercial condominium buildings for approval by the Planning Division prior to the final approval of the demolition permit for 1902 Tennyson Lane.
4. That the applicant submit a Certified Survey Map for approval by the City and recording prior to the final approval of the demolition permit for 1902 Tennyson Lane that dedicates the right of way for the extension of Eliot Lane as shown on the approved plans.









Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dailey, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: April 28, 2008  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: *for* 1902 Tennyson Lane Demolition

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The interior street and alley intentions for this proposed development shall be confirmed either public or private. Regardless of whether they will be public or private, submittal of a list of proposed street/alley names shall accompany this development application, or coordinate with Engineering Mapping ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) for approval prior to application.
2. There is an existing circa 1952 eight (8) inch sanitary sewer main located on private property within this site on the northerly extension of Eliot Lane not identified on the plan. Identify this sewer on the plan and provide a copy of recorded easement of record for this public sanitary sewer. If an easement does not exist, one shall be granted to the City of Madison administered by the City Real Estate Unit. A Registered Land Surveyor shall field locate the sewer and prepare a legal description and map. Submit legal description, map and a \$500 fee (payable to City of Madison Treasurer) to Engineering Mapping, Attn: Eric Pederson, 1602 Emil Street, Madison, WI 53713-2362.
3. If the sanitary sewer, storm sewer or water main are to be public to serve this development, easements shall be required within any private streets.
4. Any damage to pavement or public infrastructure on Tennyson Lane will require restoration in accordance with the City's pavement patching criteria.

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## GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

### Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 1902 Tennyson Lane Demolition

#### General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Submit a PDF of all floor plans to Lori Zenchenko [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshall.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for the \_\_\_\_\_ Impact Fee District for Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ Plat/CSM. The current rate is \$ \_\_\_\_\_ /1000SF for a total of \$ \_\_\_\_\_. The Developer shall select one of the following two options for payment of these fees:
- 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
  - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
    - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision..
    - b) All information shall transmitted to Janet Dailey by e-mail at [Jdailey@cityofmadison.com](mailto:Jdailey@cityofmadison.com), or on a CD to:  
  
Janet Dailey  
City of Madison Engineering Division  
210 Martin Luther King Jr. Blvd  
Room 115  
Madison, WI 53703
    - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

**ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).**

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_,
- 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
  - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
  - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
  - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division. The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

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- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
  - a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
  - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
  - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
  - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
  - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

**Streets and Sidewalks**

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along \_\_\_\_\_.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along \_\_\_\_\_. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along \_\_\_\_\_ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to \_\_\_\_\_ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) \_\_\_\_\_
- 3.9 The Applicant shall make improvements to \_\_\_\_\_. The improvements shall consist of \_\_\_\_\_
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.



- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.

#### Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - Detain the 2 & 10-year storm events.
  - Detain the 2, 10, & 100-year storm events.
  - Control 40% TSS (20 micron particle) off of new paved surfaces
  - Control 80% TSS (5 micron particle) off of new paved surfaces
  - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
  - Provide substantial thermal control.
  - Provide oil & grease control from the first 1/2" of runoff from parking areas.
  - Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.

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- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for welland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.
 

PDF submittals shall contain the following information:

  - a) Building footprints.
  - b) Internal walkway areas.
  - c) Internal site parking areas.
  - d) Lot lines and right-of-way lines.
  - e) Street names.
  - f) Stormwater Management Facilities.
  - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files.
  - b) RECARGA files.
  - c) TR-55/HYDROCAD/Etc...
  - d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

#### Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

**Sanitary Sewer**

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**Date:** May 5, 2008

**To:** Plan Commission  
**From:** Matt Tucker, Zoning Administrator  
**Subject:** 1902 Tennyson Lane

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**Present Zoning District:** M-1

**Proposed Use:** Demolish manufacturing buildings and construct 63 two-unit and 2 single-unit contractor office/shop structures (up to 128 units).

**Plan Commission Review:** 28.04 (22) The demolition of principal buildings requires Plan Commission review and approval.

- 1) per the submittal, the proposed buildings will cater to land uses identified as *permitted uses* in the M1 Limited Manufacturing District. Each individual building or tenant space will require a separate certificate of occupancy for each individual land use proposed for each space in each building.
- 2) The required number of parking spaces will be determined at the time the specific land use/occupancy for the tenant spaces is requested. For example, the following requirements would apply:
  - a) Manufacturing and warehousing establishments, contractor shops, production and processing facilities, research and development and testing facilities: 1 space per 2 employees.
  - b) General commercial uses: 1 per 300 sq. ft. of gross floor area.
  - c) Office uses: 2 spaces per 1,000 sq. ft. of gross floor area.
- 3) Meet all applicable State accessible requirements, including but not limited to:
  - a) Show the accessible path from the stalls to the building.
  - b) Show accessible ramps that are not within the striped out area, curbs or wheel stops where needed.
- 4) Provide required bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike parking stall is two feet by six feet with a five-foot access area.
- 5) It appears the site will provide off-street parking facilities in excess of 20 parking stalls. For parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward thee landscape point total.)

- 6) Provide three 10' x 35' loading areas and one 10' x 50' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space.
- 7) If exterior lighting is provided, it must comply with City of Madison outdoor lighting standards.
- 8) There is a proposed building site shown on the southeast corner of the site. No detail has been provided for this building, it is assumed that this portion of the development will come forward at a later date, and be developed in consistency with the zoning requirements in place at the time of development.
- 9) The site shares a zoning district boundary with a residential development to the east. This development must provide effective 6' – 8' high screening along the lot line of this Manufacturing district adjoining a residential zoning district. Provided, however, that within ten (10) feet from any driveway crossing of a street lot line, any screening shall not exceed two (2) feet in height.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft. min.	Adequate
Lot width	50'	Adequate
Front yard	R1 setback buffer, 25' x 25' at SW corner of site	Adequate
Side yards	7'	Adequate
Rear yard	10'	Adequate
Floor area ratio	2.0	Less than 1.0
Building height	--	1 story

<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	TBD	TBD
Accessible stalls	TBD	TBD (1)
Loading	3- 10' x 35'; 1- 10' x 50'	0
Number bike parking stalls	TBD	0 (3)
Landscaping	Yes	(4)
Lighting	No	(5)

<b>Other Critical Zoning Items</b>	
Urban Design	No
Flood plain/Wetland	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.





## Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608 266 4761  
TTY 866-704-2315  
FAX 608 267 1158

April 24, 2008  
Rev: April 30, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **1902 Tennyson Lane – Demolition – Construct 59 Commercial Buildings**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The applicant shall modify vehicle access and connectivity to streets prior to submitting final site plans for approval as follows:
  - a. The applicant shall dedicate a 66 ft public right of way from Eliot Lane and Tennyson Lane northerly to the north property for future development to the north.
  - b. The Plan Commission may want to consider extending Kipling Drive through the site consistent with the neighborhood plan, however, grades and water detention facilities may prevent considering a public street to the northerly property line.
  - c. For the applicant's proposal of a private street or driveway with direct access to Packers Avenue or C.T.H. "CV," north of Tennyson Lane, the applicant shall be responsible for securing all proper permits and approvals from Dane County Highway and Transportation Department for access and grading along County Trunk Highway "CV" in the right-of-way. The contractor shall provide copies of all approved permits to Traffic Engineering prior to approval of plans. The applicant shall build a median and turn lanes on Packers Ave to accommodate this access and turning vehicles.
2. The applicant shall enter into a subdivision contract or developer's agreement to accommodate proposed street improvements.
3. The applicant shall provide walkways through the site from the private street system to the public streets.

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

4. The applicant shall indicate the type and location of bicycle racks to be installed in the proposal.

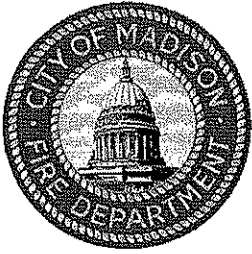
## GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

5. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 40'.
6. A "Stop" sign shall be installed at a height of seven (7) feet at the driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
7. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
8. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
9. The applicant shall design the surface parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
10. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
11. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
12. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Atty. Michael Christopher  
Fax: 608-252-9243  
Email: [mrc@dewittross.com](mailto:mrc@dewittross.com)



# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295  
Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: April 24, 2008  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **1902 Tennyson Ln.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. All portions of the exterior walls of newly constructed one- and two-family dwellings shall be within 500-feet of at least one fire hydrant. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.
2. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
  - a. Provide a fire lane with the minimum clear unobstructed width of 20-feet.
  - b. Provide a minimum unobstructed width of 26-feet for at least 20-feet on each side of the fire hydrant.

## **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

3. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:
  - a. The site plans shall clearly identify the location of all fire lanes.
  - b. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.
  - c. Per IFC 503.3 Show approved "fire lane, no parking" signs posted on the site plan. A max of 150- feet on center. Signs must be visual and easily read from any location on the fire lane. Fire lanes 20-27 feet wide will be posted as fire lane on both sides, 28-35 feet wide shall be posted fire lane on the appropriate side only.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan



## Office of the Common Council

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City-County Building, Room 417  
210 Martin Luther King, Jr. Blvd.  
Madison, Wisconsin 53703-3445  
Office: 608 266 4071  
FAX: 608 267 8669  
TTY: 608 267 8670  
council@cityofmadison.com

March 17, 2008

Attorney Michael Christopher  
DeWitt Ross & Stevens, SC  
2 E. Mifflin Street  
Madison, WI 53703

Thomas Keller  
Keller Development, LLC  
448 W. Washington Avenue  
Madison, WI 53703

Dear Michael and Tom:

Thank you for providing me with an "advance copy" of the letter of intent regarding a demolition permit for 1902 Tennyson Lane. I have also received a copy of your application from City staff. My comments here are based on the discussions we've had on the site, the neighborhood meeting, my conversations with staff, and my reading of your application.

As you know, I am interested in ways to grow small businesses and bring jobs and economic activity to the Northside. I was initially optimistic that this project could help do that. However, I have quite a few concerns. I think it is clear to all involved that the existing buildings are not worth saving. Thus, the decision centers on the proposed use of the site. First and foremost, I am surprised that your application does not include more detail on the proposed future use of the land. As you know, that is an important part of the Plan Commission's decision-making process. I hope to see much more detail as an amendment to your application in the near future. Once I do, I will be able to comment more specifically. For now, let me outline the concerns I have.

1. Consistency with Comprehensive and Neighborhood Plans: The City's Comprehensive Plan lists this site as low-density residential, and the existing neighborhood plan, which is in the process of being updated, highlights this site in particular as having a land use and zoning inconsistent with surrounding use and suggests low- to medium-density residential use. This project is obviously inconsistent with both plans, even though it is consistent with current zoning.
2. Private streets and lack of connectivity: To date, the proposal has been to use private streets without curb, gutter and sidewalk in this project. The most recent drawing I have (received before you filed the application, and not included therein) shows connections to City streets at Eliot Lane and Kipling Drive. I am concerned about the lack of curb and gutter because of the implications for runoff and erosion when cars park along these streets (as they inevitably will). I am concerned about the lack of sidewalks and the safety hazard that poses, especially



with an elementary school so close. However, I am even more concerned with the lack of connectivity to any potential development to the north. We all know that the property immediately to the north of these parcels has a high potential for development and is suggested to be low- to medium-density residential. It seems shortsighted to not prepare for a public street connection from the Whitetail Ridge Neighborhood south to the Berkley Oaks Neighborhood.

3. Property access: As mentioned above, the proposal is currently to access this property via driveways on Tennyson Lane at Eliot Lane and Kipling Drive and not to have access off of Packers Avenue. The neighborhood, Traffic Engineering and I all agree that the property really needs access via Packers Avenue. There is less agreement about the access across from Eliot Lane – the neighborhood is concerned about this intersection, but it may be key in maintaining connectivity to the north. The question of where to put the entrances to this property hinge on what is decided about connectivity and including public streets.
4. Precedent: Although the proposed use is allowable under current zoning, I am concerned about the precedent set by allowing a large number of commercial bungalows in the middle of what is already on the southern side, and will most likely be on the northern side, a low- to medium-density residential neighborhood.
5. Proximity to School: The presence of Lakeview Elementary adjacent to this site makes it especially important to consider how the proposed land use will affect pedestrian traffic and whether or not this land use presents a hazard to young children. The sidewalk along Tennyson is a primary pedestrian route for students. I am concerned about students cutting through the property to get to school and walking along private streets with no sidewalks. The question has also been raised whether or not this is an appropriate land use next to a school.
6. Preserving existing trees: I very much appreciate the efforts to preserve the existing tree line along Tennyson Lane. I would like to explore preserving the trees along the west side of the property and along Packers Avenue as well.
7. Aesthetics: The pictures provided of similar projects are, at best, uninspiring. I realize that the buildings in adjacent neighborhoods are not exactly architectural gems, but I would hope that this project could provide a little more variety and visual interest, something that doesn't immediately evoke the Malvina Reynolds song "Little Boxes."
8. Neighborhood concerns: I know that you have received a letter from the Berkley Oaks Neighborhood Association stating their opposition to the proposal and outlining their reasons. While I do not share all of their concerns, they must be discussed and addressed. I suggest that, at minimum, we meet with neighborhood leadership and possibly hold another public meeting.

Because of the neighborhood's opposition and my above-listed concerns, I cannot at this time support your application for a demolition permit at 1902 Tennyson Lane. I would be happy to discuss with you other options for moving forward and will certainly review whatever additional material you may submit regarding the proposed use to see if it alleviates my concerns.

March 17, 2008

Page 3

I am well aware that under existing zoning, you have many options for moving forward on the property at 3802 Packers Avenue, regardless of what happens at 1902 Tennyson Lane. I hope that as you move forward with both this application and your plans for the site as a whole, you will continue to work with me, City staff and the neighborhood to address our concerns. I would hope that we can find a solution that meets all of our needs.

Sincerely,



Satya Rhodes-Conway  
Alder, District 12

cc: Ald. Michael Schumacher, District 18  
Lydia Maurer, Berkley Oaks Neighborhood Association  
Brad Murphy, Director, Planning Division  
✓ Tim Parks, Planning Division  
Matt Tucker, Zoning Administrator  
David Dryer, City Traffic Engineer  
Northside Planning Council



Berkley Oaks Neighborhood Association  
P.O. Box 70746  
Madison, Wisconsin 53707-0746

Tom Keller  
Keller Real Estate Group  
448 W. Washington Avenue  
Madison, Wisconsin 53703



March 5, 2008

Dear Tom Keller:

The Berkley Oaks Neighborhood Association opposes the proposal for a demolition permit at 1801 Tennyson Lane. This project would involve the destruction of the existing wooded areas and the sense of living in a residential neighborhood. Stripping the property's green spaces to build 126 units looking similarly to very large garages or storage sheds is not consistent land use next to an elementary school or in a residential neighborhood. At the neighborhood meeting Berkley Oaks residents found the proposal to be poorly written and the developer to be unprepared to satisfactorily answer questions or address concerns.

Please read the attached six sheets for an overview of the reasons why the Berkley Oaks Neighborhood Association is opposing the proposal for a demolition permit. These six sheets are titled: Ineffective Communication; Zoning Conflicts; Destruction of Green Spaces; Discontinuity of Neighborhood; Insecurity; Poor Proposal.

Please read the one attached sheet titled "What We Support" for an overview of what the Berkley Oaks Neighborhood Association would consider supporting for the property at 1801 Tennyson Lane.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Maurer".

Lydia Maurer  
Vice-President, Berkley Oaks Neighborhood Association  
1913 Shelley lane  
Madison, WI 53704

cc: Michael Christopher, Satya Rhodes-Conway, Michael Schumacher, City of Madison Planning, City of Madison Traffic, Northside Planning Council

City of Madison Planners,

Please attach this letter of opposition to all future development proposals for 1801  
Tennyson lane, Tennyson Terrace.

Thank you,  
Lydia Maurer

## **Ineffective Communication**

### **Unwritten Covenants and Condominium By-Laws**

In the proposal, it is mentioned the units are to be “governed by strict covenants and condominium bylaws.” The developer often referred to covenants and by-laws to answer questions and to address issues and concerns raised by neighborhood residents during the neighborhood meeting. When asked to share a copy of the covenants and by-laws with attendees, the developer said they were not yet written. BONA is opposed to the developers use of unwritten covenants and bylaws to answer our questions and concerns.

### **Lack of Representation**

Representation in the proposed condominium association would be reserved for owners, one vote for each unit owned making it possible for one owner to have majority rule. An owner would be permitted to rent or lease the space but the voting power would remain with the absent owner. BONA, other surrounding neighborhood associations, neighborhood residents and Lake View Elementary School would not be allowed representation or voting power in the proposed condominium association unless they purchase a \$100,000 unit. BONA is opposed to any proposal which does not include representation for the proposal’s neighbors and surrounding neighborhoods.

### **Questionable Interpretation of Local Media**

In the proposal’s last paragraph it reads, “As recently as the December, 2007 issue of the *Northside News*, this property was identified as a site that is greatly under-utilized and quite unattractive.” Actually, in the December, 2007 *Northside News*, on page 14, the property is referred to under the title, “Old Tennyson Warehouses and Industrial Park” and reads, “The low-slung buildings set back from Tennyson and Packers Avenues (behind Lake View Elementary) and adjacent undeveloped land is for sale. Tennyson Terrace LLC bought the 21-acre parcels in 2006.” The proposal clearly misinterprets what appeared in print. BONA is opposed to any proposal which suspiciously skews the news.

### **Residential Jargon Disguises Intent**

Throughout, the use of residential terms and phrases are used in the proposal to describe the plan’s product. The proposal begins with the title, “Tennyson Terrace Commercial Bungalow Proposal.” Terrace and bungalow are two terms commonly used to describe housing styles. In the proposal, it describes the product as looking “like residential bungalows” when, clearly, the product looks nothing like a residence but exactly like large garages or storage sheds. The proposal’s use of residential jargon has caused neighborhood residents, Madison Police Lieutenant Brian Ackeret and Lake View Elementary School Principal Kristi Kloos to initially believe the units would serve as owner-occupied residences. BONA is opposed to the use of residential jargon to describe Tennyson Terrace’s product and prefers the product be referred to as, “similar to very large two car garages” or, “large storage sheds.”

# Zoning Conflicts

## Residential Use of Units

During the neighborhood meeting, the developer disclosed the units would each have an address, a mailbox, a bathroom and most likely a kitchenette. Also disclosed was the units are sized to allow an interior second floor to be built for use as office space. The developer was asked what prevented someone from using the second floor as a residence. The developer referred to the unwritten condominium bylaws which would prevent the use of the second floor for residential purposes. The developer agreed it would be impossible to prevent tenants from sleeping or spending nights in their offices saying, to the effect of, it is very likely a tenant would furnish their office with a couch and sleep on the couch. Tennyson Terrace is not currently zoned for residential use. BONA is opposed to the "very likely" residential use of this Tennyson Terrace plan.

## Undesirable Zoning next door to an Elementary School

The 19 acre property is currently divided into two lots. The west lot borders Lake View Elementary School. M-1 Limited Manufacturing is not desirable zoning next door to an elementary school. The Berkley Oaks neighborhood is interested in and motivated to seek changing the zoning for the west lot of this 19 acre parcel.

## Use of Outdated Northport-Warner Park Neighborhood Plan

In the proposal, it is stated, "This proposal is quite consistent with the *Northport--Warner Park Neighborhoods Plan*." It is important to distinguish, the proposal is referring to the 1992 Northport-Warner Park Neighborhood Plan and is not referring to the 2008 Plan. The 2008 Northport-Warner Park- Sherman-Neighborhoods-Plan is currently determining what is and what will most likely be consistent land use for this 19 acre parcel.

## Questionable Use of 1992 Northport Warner Park Plan

The proposal uses an outdated neighborhood plan to questionably justify itself. When reading the 1992 Northport-Warner Park Neighborhoods Plan, it is difficult to determine how it can be concluded "this proposal is quite consistent with the Northport-Warner Park Neighborhoods Plan." The 1992 neighborhood plan refers to this parcel as conflicting with current land use, a potentially great problem and declares that the parcel raises issues. Page 12, right column, under Highlights: "*There are several locations within the neighborhood where the current zoning is in conflict with actual land use.*" Page 12, right column, second checkmark: "*A potentially greater problem is found on Tennyson Lane where an M1, industrial site (an outdoor storage facility) is adjacent to a school and residential area.*" Page 14, right column, first sentence: "*The first two sites possibly raise issues of conflicting land uses... A partially-developed site of just 20 acres bounded on the south by Tennyson Lane and on the west and east by North Sherman and Packers Avenues. This is the site of a business incubator effort. It is zoned M1, limited manufacturing.*"

# **Destruction of Green Spaces**

## **Proposal Destroys Wooded Area**

The proposal calls for the destruction of the wooded area bordering Lake View Elementary School. For fifty years, Berkley Oaks residents have walked and played in this wooded area. Berkley Oaks residents are very fond of the wooded area calling it, "one of our most important neighborhood assets." BONA opposes any development plan which calls for the destruction of this wooded area. BONA strongly suggests future development plans act to preserve this wooded area and offer it to the neighborhood as a public right-of-way. BONA views the wooded area as park-like and would like to have it connect Berkley Oaks to the residential neighborhood planned to the north, the Raemish cornfield. BONA suggests the wooded area remains and becomes an outdoor classroom for school activities and for public recreational use such as, walking and jogging.

## **Ugly and Ugliest**

The proposal's two photographs picture the removal of acres of green space and replacing it with rows of black asphalt and concrete slabs for 126 structures looking similarly to very large garages or storage sheds. Neighborhood residents describe the proposal as, "an ugly use of space." In a recent committee meeting, City of Madison Planner Archie Nicolette described the proposal as, "the ugliest thing I have ever seen."

## **Elimination of Natural Habitats**

With the destruction of the wooded areas and green spaces, the proposal effectively eliminates the natural habitat for a wide range of wildlife. Lake View Elementary School Principal Kristi Kloos sees value in this wooded area near the grade school and shares stories of how school children learn about squirrels, rabbits and hawks from their observations made through classroom windows, "It's one thing to read about wildlife from a book but it's an even better learning experience for children to view wildlife in action." Neighborhood residents fondly recall when deer leave the wooded area and walk down Eliot lane. Many residents describe using the scenery for meditation and relaxation. BONA opposes the destruction of the wooded area and its natural wildlife habitat which is widely used for a variety of good purposes.

## **Hazardous Retention Pond**

The plan details the removal of greenspace for a retention pond to control run-off. Although BONA supports run-off being 100% infiltrated, we are opposed to the use of a retention pond so close to our residential neighborhood. BONA views the pond as a drowning hazard for our neighborhood's children. As soon as the retention pond has an inch of water in it, it is capable of drowning a child. As children are naturally curious and adventurous, BONA predicts children will explore the retention pond. Thus, the retention pond would possibly become a place for children to explore, congregate, play and drown. BONA would consider development plans which uses the existing greenspaces as rain gardens to control run-off.

# **Discontinuity of Neighborhood**

## **Traffic Troubles**

Neighborhood residents are highly opposed to the proposal's self-serving use of our neighborhood's residential streets. After expanding and privatizing two city streets, Kipling Drive and Eliot Lane, the proposal relies solely on Tennyson lane to access the development.

Recently, neighborhood residents successfully advocated to improve pedestrian safety while crossing Tennyson lane. Two traffic islands were installed on Tennyson Lane to offer school children and other pedestrians safer passage across Tennyson Lane. BONA is concerned the current proposal would create new hazardous conditions to pedestrians crossing Tennyson lane.

The proposal calls for the addition of two intersections on Tennyson Lane between N. Sherman and Packers Avenues. BONA is opposed to the current proposal's creation of two new accesses into the development from Tennyson lane. The two access points create new hazards for school children as they walk to and from Lake View Elementary School. BONA opposes the destruction of the lot's wooded area in order to create a roadway. BONA strongly suggests future development plans seriously consider the safety of our children and other pedestrians who use Tennyson Lane.

## **Stops Neighborhood Growth**

The proposal's use of private streets and 126 very large storage sheds creates a barrier to and effectively ends the growth of the Berkley Oaks neighborhood's residential growth.

## **Barrier to Connecting Northside Neighborhoods**

The proposal's use of private streets would not allow the City of Madison to use Eliot Lane and Kipling Drive to connect the Berkely Oaks neighborhood to White Tail Ridge and the upcoming neighborhoods planned for the Raemish farm and the neighborhood planned north of White Tail Ridge.

## **Empty Promises**

The proposal describes a "1.4 acre portion of the property...which is planned for future neighborhood commercial use." The developer offered no time-line when this future feature would be built. After reading the proposal it is left uncertain if this neighborhood feature would be built at all, "If and when this use is being seriously considered...there is no re-zoning or other land use approval being requested at this time..." The proposal uses an if..when statement and declares the developer is not seeking land use approval for this aspect of Tennyson Terrace. The proposal also declares this neighborhood feature isn't being seriously considered now but suggests it may be seriously consider it in the future. BONA is opposed to the developer's use of unplanned neighborhood features when determining the development of our neighborhood.



# **Insecurity**

## **Plan's Potential for Thefts**

The Tennyson Terrace plan is designed to build 126 units to be used for a wide range of purposes. In each unit will be items of value. This means there would be 126 units of valuable items only protected by a window and locked doors. BONA opposes the proposal as it provides a great potential for thefts and the attraction of criminals to the area. The development is isolated. The buildings would supposedly be unoccupied, set aside from residences and would have low traffic. There is no security plan for the development. There is no on-site security personnel planned for the development. To carry out theft, criminals would only have to break-in through a window and push a button to open the garage door. BONA believes vehicles will be left parked on the driveways in the development. In the vehicles will be items of value such as, tools. BONA predicts criminals will tour the development to break into vehicles and commit theft. This would have the effect of bringing even more criminals to our residential neighborhood where we are already experiencing automobile break-ins and burglaries.

## **False Sense of Security**

The proposal does not satisfactorily answer BONA's concern in regards to policing the development. The developer asked the neighborhood to look out for suspicious behavior in the development and report it to the police. BONA opposes the plan because we do not want or accept the responsibility of securing Tennyson Terrace. The developer also referred to relying on the "eyes and ears" of Tennyson Terrace tenants to report suspicious activity. The developer envisioned a hobbyist who was working alone in his shop at "two or three in the morning" reporting suspicious activity to the police. BONA does not accept this vision because we see the lone tenant as a target for crime, as a potential crime victim.

## **Kipling's Corridor of Crime**

Tennyson Terrace's plans are to build 126 units warehousing a wide range of valuable items from hobbyists tools to collectors automobiles. The plan relies on the architectural use of small windows and locked doors for security. The plan includes extending Kipling north of Tennyson lane into the development. Kipling is a troubled street in the Berkley Oaks neighborhood and BONA predicts the trouble would most likely drive itself into the development of easily accessible stored valuables and commit crimes. Parallel to Kipling is county highway CV which leads to interstate 90/94. It would be very easy for criminals to burglarize Tennyson Terrace and, within minutes, use CV to access an interstate creating a corridor of crime.

## **Graffiti**

Graffiti is already a problem in the Berkley Oaks neighborhood and BONA is opposed to the installation of 126 very large garage doors which graffiti experts commonly refer to as "blank canvasses." With the proposal's planned use of minimal security measures, there is great potential for graffiti to occur repeatedly in Tennyson Terrace. This graffiti would blemish our residential neighborhood.

# **Poor Proposal**

## **Proposal Declares Itself Undesirable**

The proposal is for a parcel which would sit between two residential neighborhoods, Berkley Oaks and the planned neighborhood for the Raemish cornfield. The proposal declares animal research and warehousing are not desirable land uses of the parcel. From the proposal, middle of first paragraph, "These low-slung buildings were at one time used for animal research and now are used for warehousing. Obviously, this is not a desirable land use." The developer declared the primary market of the Tennyson Terrace proposal would be to warehouse items of value such as, goods and collectible automobiles. The proposal's second market would be to sell or rent the units to hobbyists and small businesses such as, plumbers, photographers and, possibly, animal researchers. The developer did not include animal research on Tennyson Terrace's list of prohibited uses making it possible that animal research would be allowed to occur in a unit. BONA agrees with the proposal when it declares animal research and warehousing are undesirable uses of the parcel and opposes any development plan which includes animal research and warehousing on the property. BONA suggests animal research and warehousing be added to the developer supplied list of "Prohibited Uses Which Would Ordinarily Be Permitted Under The Current Zoning."

## **Unattractive and Inconvenient Site**

Unattractive is the proposal's destruction of wooded areas and green space to build 126 very large garages. Inconvenient to thousands of north side residents is the proposal's plan to expand and privatize Eliot Lane and Kipling Drive. If Eliot Lane and Kipling Drive are expanded north of Tennyson Lane, then they should serve to connect north side communities by going through the Raemish cornfield and into the White Tail Ridge neighborhood. BONA opposes the proposal's description, "the requested demolition permit will begin the process of turning this site into an attractive and convenient neighborhood asset." The neighborhood finds the existing site's green spaces and wooded areas to be attractive and convenient neighborhood assets. The neighborhood places high value on the wooded areas and its wildlife next to Lake View Elementary School. Berkley Oaks residents view the permit as beginning a process of residential destruction.

## **Old Plan for New Development**

The proposal uses the outdated 1992 Northport Warner Park Neighborhood Plan to justify building 126 very large storage sheds next door to an elementary school. Berkley Oaks residents deserve to be presented proposals using up-to-date information. Currently in the works are many committees, commissions and plans which would better indicate what would be good land use of this property. BONA opposes any proposal which uses old information in an attempt to justify itself.

# What We Support

## **Not Granting a Demolition Permit**

The Berkley Oaks Neighborhood Association (BONA) supports not granting a demolition permit for the buildings on the property. Tom Keller described at least one building being currently rented and in use by a researcher. BONA does not support granting a demolition permit for usable buildings.

## **Combining the Parcel's Sections**

The Berkley Oaks Neighborhood Association supports combining the parcel's two sections into one section.

## **Changing Zoning**

BONA supports re-zoning the parcel to residential which is a better fit next door to an elementary school.

## **Building Senior Housing/Assisted Living/Nursing Home Facilities**

BONA supports the residential development of senior housing, a senior assisted living facility and/or a nursing home facility.

## **Preserving Green Spaces**

BONA supports preserving the row of trees on Tennyson Lane.

BONA supports preserving the wooded area bordering the west with Lake View Elementary School.

BONA supports the use of rain gardens to control run-off.

## **Traffic**

BONA supports vehicular access of Packers Avenue into Tennyson Terrace with improvements made for traffic control and safer pedestrian crossings.

**Parks, Timothy**

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**From:** Paul Rusk [paul.rusk@alz.org]  
**Sent:** Thursday, March 27, 2008 10:11 AM  
**To:** Parks, Timothy  
**Subject:** 1802 Tennyson Lane Proposal

County Supervisor Paul Rusk  
1501 Pleasure Drive  
Madison, Wisconsin 53704

March 27, 2008

Dear Mr. Tim Parks,

I understand the Plan Commission will soon be dealing with a proposed demolition permit to allow construction of small business condominiums adjacent to Lakeview School. Although this is a matter before City government rather than County government, I have been contacted by several concerned neighbors and I want to take a few minutes to offer my perspective. I was able to attend the neighborhood meeting on the issue and was quite impressed with the well thought out perspectives of many of the neighbors who know this area very well.

It always causes me grave concern when the underlying zoning of property does not coordinate with the City's Comprehensive Plan or local neighborhood plans. I was part of the CDBG neighborhood planning process in the early 1990's that envisioned residential use in this area. This plan is now in the process of being updated. I would be very surprised if the neighborhood vision of residential use for this parcel were to change. To me this is an ideal infill location for low to medium use residential use because so many essential services are already there. I was also excited by the proposal a number of years back to offer multiple levels of senior housing on this parcel.

Please keep in mind that this parcel is adjacent to Lakeview School. I don't believe the proposed development makes sense next to an elementary school. Many students walk to Lakeview, and children cutting through a business development that currently does not have sidewalks is likely to create safety problems. Furthermore, without curb, gutter, and sidewalks, it will likely give the new project a less than ideal look. Many of the recommendations of the last neighborhood plan concerned aesthetics which have been gradually improving since the 1990's plan. When I picture the repetitive garage like buildings without curb, gutter and sidewalks it seems like a step backwards.

This is an especially difficult decision as one of the goals of the Northside is to enhance economic development opportunities. However, on balance the project has a number of challenges that don't mesh well with neighborhood safety, existing land use in the area or the city and neighborhood plans we should be relying on to make decisions.

Thank you for the opportunity to comment.

Sincerely,

Paul Rusk  
County Board Supervisor  
District 12  
232-3405 daytime direct

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**Parks, Timothy**

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**To:** Rhodes-Conway, Satya**Subject:** RE: My Recommendations for the Tennyson Terrace Development**From:** BJMetcalf@aol.com [mailto:BJMetcalf@aol.com]**Sent:** Tuesday, April 15, 2008 7:50 PM**To:** Rhodes-Conway, Satya; valwilly@charter.net**Subject:** My Recommendations for the Tennyson Terrace Development**DATE:** April 15, 2008**TO:** Satya Rhodes-Conway  
Willie Holden  
Lydia Maurer**FROM:** Bev Metcalfe  
Resident of Berkeley Oaks Neighborhood**SUBJECT:** Plan C for Tennyson Terrace Development

After talking with Lydia Maurer today, I have decided to write this letter to all of you to express my concern for Tom Keller's development plans for Tennyson Terrace. I have many concerns about any of his development plans and concerns about my neighborhood. I am not good at speaking in a public situation so this is the main reason I am writing this letter.

I moved to 3506 Eliot Lane in April 1984. I have lived here for the last 24 years and raised my three children in this neighborhood. Over the past 24 years, I have seen my neighborhood change and not for the better.

I will ONLY support single family homes and nothing else for the Tennyson Terrace area. My reasons are many because of what I've seen happen to my neighborhood over the years. Here are just some of the reasons:

- 1) John Fox is a slum landlord who used to own 20-25 single-family homes in the Berkeley Oaks Neighborhood. He lives in Cherokee. He allowed anyone to rent these homes in my neighborhood and most of time they were people that didn't care for the property, the house or the neighbors. I know. I lived across the street from one of his rentals and saw people come and go, saw it used as a drug house, as a "teen" hang out and much more. He finally sold that house about 4-5 years ago. However, one of my backyard neighbors is still a rental property owned by Fox. He continues to rent it to people that do not mow their back yard or shovel their sidewalk as well as make lots of noise at all hours of the day and night. It has also been used as a drug house at times over the years. Fox finally sold most of the other houses he used to own but that was only after much grief from many neighbors living in this area and the fact that some "trust" he held over these properties finally ended. We don't need more "John Fox-like properties in our neighborhood.
- 2) This neighborhood has ENOUGH low-income housing buildings and we DON'T need any more. AND THAT IS WHAT TENNYSON TERRACE WILL BECOME IF TOM KELLER'S development plan is approved in any form other than single-family residences.

4/28/2008

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Packers Townhouses and Northport Apartments **USED** to be nice buildings but then the city allowed them to become low-income housing. The same goes for the apartment complex behind the PDQ on Northport Drive and the same goes for the other large apartment complex at the end of Northport Drive across from Kennedy Heights. Tom Keller is talking about inexpensive **COMMERCIAL CONDOS/BUNGALOWS** which basically mean cheap living quarters. It doesn't matter what he wants to call them. People **WILL** move into them and use these buildings as their home because they'll be cheaper than renting or owning a residential condo.

The definition of **CONDOMINIUM** is "individual ownership of a unit in a multi-unit structure (as an apartment building) or on land owned in common (as a town house complex)." **ALL TERMS USED FOR RESIDENTIAL, NOT COMMERCIAL DWELLINGS.**

The definition of **BUNGALOW** is "a one-storied house with a low-pitched roof." **AGAIN, THIS IS NOT WHAT TOM KELLER IS PROPOSING TO BUILD ON THIS PROPERTY.**

- 3) All the apartment buildings along Kipling **USED** to be nice buildings until new management took over and didn't manage the property or who lived there. Now its run-down and not a save area to walk in. The Tennyson Terrace proposal **WILL** become another Kipling problem if allowed to be built.
- 4) The city permitted a male half-way house (for prisoners) to be opened in one of the Kipling Street apartment buildings without the knowledge of the neighbors in this neighborhood until after the fact. We **DON'T** need anymore types of these dwellings in our neighborhood either.
- 5) We also have several senior living apartment complexes in our neighborhood, too. The neighborhood that **BONA** serves seems to have its share of every type of living situation. Let other neighborhoods take the burden that has been thrust on the Berkley Oaks Neighborhood just one too many times. **WE DON'T NEED ANY OTHER TYPE OF LOW-INCOME PROPERTY WHETHER IT'S ZONED COMMERCIAL OR RESIDENTIAL.**
- 6) The Progressive Dane people in the City-County Building always want more Green Space in the City of Madison. Why not make this property into more green space – into another city park? It's a great idea and will preserve the great wooded area next to LakeView Elementary School.
- 7) Tom Keller currently owns this property. He doesn't take care of this property now. The grass was not regularly mowed and the sidewalks were rarely shoveled. During the summers, the grass would get over 12 inches tall before it was mowed. The sidewalk was usually glare ice of packed snow. He doesn't take care of this property now. I know this because I've walked my dogs along Tennyson every day for the last 15 years. Why should I believe anything he says now? Why should I believe that his so-called "condo association" will take care of this property if his proposed development is actually built?

Most of my neighbors are retired people or young couples starting a family. Leave us alone. **ONLY** develop more single-family homes for **FAMILIES**. **PLEASE!!!**

I don't care how much money Keller spent on this property and I don't care how much money he "thinks" he needs to make on this property. This is my neighborhood and I don't want to see it

deteriorate any more than it already has over the last 24 years (but mostly in the last 10-12 years).

If the property north of Tennyson Terrace and south of White Tail Ridge is targeted for more single-family homes, than why not do the same for the Tennyson Terrace property? It only makes sense. Make my neighborhood one of single-family homes, as it should be.

If you have any questions or concerns, please contact me using any method listed below. Thanks.

Bev Metcalfe

Full Name: Beverly J. Metcalfe  
3506 Eliot Lane  
Madison, WI 53704  
Home Phone: 249-8479  
Home Email: BJMetcalfe@aol.com

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**Parks, Timothy**

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**From:** Rita Baldacchino [bilena\_baldacchino@yahoo.com]  
**Sent:** Tuesday, March 25, 2008 4:00 PM  
**To:** Parks, Timothy  
**Subject:** Tennyson Park Terrace Plan

Dear Mr. Parks,

I reside at 1622 Lake View Avenue, and I am opposed to the proposed development of Tennyson Park Terrace.

Having that many micro-businesses next to a school would increase traffic considerably, posing safety risks to elementary school age children. Also, even if the plan were to be implemented - and I hope it is not - there doesn't seem to be adequate parking space within the plan. Would that mean that we would see a multitude of cars parked on the adjacent residential streets?

And what would happen if the plan were not successful? Would those sheds revert to being storage sheds (an eye sore for a residential area)?

That tract of land is definitely more suited to being maintained as a green area, or developed as beautiful gardens connected with Lake View Elementary.

Rita Cairns  
1622 Lake View Avenue  
Madison, WI 53704

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**Parks, Timothy**

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**To:** Satya Rhodes-Conway  
**Subject:** RE: Tennyson Park Terrace Plan

----- Forwarded message -----

**From:** Rita Baldacchino <[bilena\\_baldacchino@yahoo.com](mailto:bilena_baldacchino@yahoo.com)>  
**Date:** Tue, Mar 25, 2008 at 4:20 PM  
**Subject:** Tennyson Park Terrace Plan  
**To:** [satya.vadia@gmail.com](mailto:satya.vadia@gmail.com)

Dear Ms. Rhodes-Conway,

I reside at 1622 Lake View Avenue, and I too am opposed to the proposed development of Tennyson Park Terrace.

Because of the proximity to an elementary school, safety issues arise whenever traffic in a residential area increases because of a business venture being developed right next to the school.

Furthermore, from what I can see, there is inadequate parking within the "micro-businesses" lot, which will result in more cars being parked in the adjacent neighborhood streets.

And should the plan fail, this residential area would be left with a bunch of storage sheds. So much for additional employment and for residential esthetics!

The area would be much more suited to remain a green area, and perhaps to be developed as beautiful gardens connected with Lake View Elementary.

Thank you for listening.

Rita Cairns  
1622 Lake View Avenue  
Madison, WI 63704

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4/28/2008

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## Parks, Timothy

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**From:** Ellen Barnard [cherokeemarsh@gmail.com]  
**Sent:** Tuesday, March 25, 2008 6:49 AM  
**To:** Parks, Timothy  
**Subject:** Tennyson Terrace Development

Dear Mr. Parks:

I am writing regarding the work that the Berkeley Oaks Neighborhood Association (BONA) has been doing regarding the proposed Tennyson Terrace development. I want to applaud their excellent efforts to inform their neighbors and get a consensus on what those neighbors want for development adjacent to their neighborhood. As a northsider, I also agree with them. Either residential or mixed residential/commercial would be a preferable use, with the commercial development being that which would focus on job creation and services to the community, rather than spaces for hobbyists to utilized.

I hope that you will support the BONA efforts and encourage a more appropriate development plan for that area.

Thank you.

Sincerely,

Ellen Barnard  
925 Burning Wood Way  
Madison, WI 53704

**Parks, Timothy**

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**From:** Lydia Maurer [lydmaurer@gmail.com]  
**Sent:** Thursday, May 01, 2008 1:06 PM  
**To:** Michael R. Christopher; tim@northsideplanningcouncil.org; The Holdens; Rhodes-Conway, Satya; Schumacher, Michael; thomas@kellerrealestategroup.com; Parks, Timothy; Murphy, Brad; Ethington, Ruth  
**Cc:** Kristi Kloos; Don Drott  
**Subject:** Berkley Oaks Neighborhood Association and 1902 Tennyson lane, Tennyson Terrace

To Whom It May Concern:

On behalf of the Berkley Oaks Neighborhood Association (BONA), I am writing this letter of neutrality in regards to granting the demolition permit for 1902 Tennyson lane, Tennyson Terrace.

At a recent neighborhood meeting, Berkley Oaks residents voted to offer a neutral position for the following reasons:

- 1) The developer, Tom Keller has met with BONA's leadership team and addressed many of the concerns raised in our initial letter of opposition to the demolition proposal.
- 2) The neighborhood appreciates the time Tom Keller has spent communicating effectively with the neighborhood in addressing our concerns.
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- 4) Tom Keller has expressed an intent to keep open effective lines of communication with BONA in regards to future development of Tennyson Terrace.
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- 6) Although the neighborhood would offer support for residential land use for this property, the neighborhood understands the current housing market and recessed economy may not allow this to happen at this time. The neighborhood continues to hope this would occur in the future.

Recently addressed concerns BONA has shared with Tom Keller are:

- 1) That the demolition be carried out in a manner that ensures the health and safety of the children and staff at Lakeview Elementary School and of nearby residents.
- 2) That the narrow strip of land at the west of the property be preserved in some permanent fashion as an open space buffer between the development and the school (ie, with no buildings on it), perhaps through a long-term lease with MMSD.

Sincerely,  
 Lydia Maurer  
 Berkley Oaks Neighborhood Association, Vice-President  
 1913 Shelley lane  
 Madison, WI 53704  
 608-206-7588  
[lydmaurer@gmail.com](mailto:lydmaurer@gmail.com)

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No problem can withstand the assault of sustained thinking. Voltaire

5/1/2008

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Improving the quality of life for all Northside residents by increasing citizen participation and voice in issues and decision-making processes affecting the community, and building community by linking people and organizations

## Proud Winners of the National Neighborhood of the Year Award

NORTHSIDE PLANNING COUNCIL & NORTHSIDE NEWS

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May 2, 2008

City of Madison Plan Commission  
c/o Tim Parks, Planning Division  
210 Martin Luther King Jr. Blvd  
Madison, WI 53701

### RE: 1902 Tennyson Lane Demolition Permit

Dear Plan Commissioners:

Speaking on behalf of the Northside Planning Council -- the coalition of 28 Northside neighborhood, business, and community organizations -- NPC leadership offers the following comments and recommendations to the Plan Commission and staff regarding the demolition permit application for 1902 Tennyson Lane submitted by owner Thomas Keller & Tennyson Terrace, LLC.

#### Summary Comments

Given that many of the concerns raised by the immediate neighborhood about the demolition permit and the proposed use of the property have been addressed, **NPC does not oppose the demolition of the existing structures on the property**, provided the demolition is accomplished in a manner that meets the appropriate environmental and other standards, and respects the property's proximity to an elementary school and residential neighborhood. **NPC leadership agrees with the developer and Planning staff that the removal of the existing structures would likely improve the property regardless of its future use.**

On balance, if the Plan Commission determines that the proposed development meets all other applicable standards other than the conflict with the existing neighborhood and comprehensive plan, and if the developer agrees to the additional conditions outlined in the pages attached, **NPC leadership offers its qualified support to the proposed use as described in the revised proposal.**

The background memorandum following this letter outlines the rationale for our comments, and describes NPC's role in facilitating community participation in the significant revisions that have occurred to the developer's original proposal.

#### Additional Conditions Recommended

NPC leadership recommend and request that the Plan Commission and City require, where possible, and/or that the developer provide written assurance where the City cannot require, that the following conditions be placed on Plan Commission action on the demolition permit, and on future City review of the proposed use:

#### Board of Directors

Janet Adams  
Lakeview Lutheran Church (Alt.)  
Terrie Anderson  
Northside Timebank (Alt.)  
Ellen Barnard, Secretary  
Cherokee Park (Alt.)  
Jon Becker  
Friends of Lake View Hill Park  
Vernon Blackwell  
At Large  
Patricia Brinkman  
Cherokee Townhouses  
David Carpenter  
Cherokee II Condos  
Mo Cleland  
Brentwood Village (Alt.)  
Helen Marks Dicks, Co-Chair,  
NESCO  
Carolyn Gantner  
Cherokee Garden  
Sue Gilbertson  
Cherokee Park  
Peng Her  
Friends of Troy Gardens (Alt.)  
Willy Holden  
Berkley Oaks  
Missy Johnson  
Whitetail Ridge  
Rebecca Kemble  
East Area PTO Coalition (Alt.)  
Sterling Lynk  
Lakeview Lutheran Church  
Peggy Lucey  
East Bluff (Alt.)  
Leon Miller  
Vera Court Neighb. Center  
Nikki Moriarity  
East Bluff  
Pat Morgan  
Sherman (Alt.)  
Benito Olivas  
Vera Court  
Bob Paolino  
Mendota Hills  
Marge Pitts  
Friends of Troy Gardens  
Cheryl Redman  
Troy Gardens Community (Alt.)  
Sataro Sato  
Troy Gardens Community  
Wendy Sauvé  
East Area PTO Coalition  
Michael Shinnars  
Brentwood Village  
Jeff Shokler, Vice Chair  
Sheridan Triangle  
Muriel Simms  
Friends of Cherokee Marsh  
Dean Smith  
Whitetail Ridge (Alt.)  
Pat Steele  
Northport Apartments  
Karen Thompson  
Northside Business Association  
Laura Vogel  
Maple Bluff  
Lisa Wiese, Co-Chair  
Northside Timebank  
Cyndi Wood  
Nobel Park

- That the developer agree in writing to work with the neighborhood, NPC, Northside alders, and the City to identify and resolve any potential concerns about the future use and maintenance of the property, and of the condominium bylaws and/or similar use restrictions and regulations;
- That the developer agree in writing to seek neighborhood, NPC, and aldermanic input into future plans for; and to work with the neighborhood, NPC, Northside alders, and the City to identify and resolve any potential concerns about; any portion of the property where construction of commercial condos turns out not to be feasible as proposed;
- That the developer agree in writing to implement an appropriate mechanism that would persist through any future change in ownership, to ensure that the narrow lot at the western boundary of the property adjacent to Lakeview Elementary (designed as Lot 1 in the proposed subdivision of the property) remain undeveloped open space with appropriate trees and vegetation. Such mechanisms might include a conservation easement or other legally binding restriction, or a long-term lease with the Madison Metropolitan School District.
- That the developer agree in writing to jointly plan with BONA, NPC, Northside alders, other Northside stakeholders, and the City for any development on the southeast portion of the property proposed for future neighborhood commercial use (designated as Lot 4 in the proposed subdivision of the property).
- That the developer agree in writing to voluntarily comply with the provisions of the condominium subdivision ordinance in effect as of May 1, 2008, if that ordinance would not ordinarily apply to this proposal due to the initial application date of the proposal.

NPC is willing to help facilitate further communication and negotiation between the developer, City officials and the Northside community in support of further revisions to the proposal, and/or in support of implementation of the proposal as revised and approved.

On behalf of the Northside Planning Council, we thank the Plan Commission in advance for your consideration of our input regarding this application and proposal. Please contact us if the Commission or City staff have any additional questions regarding our comments and recommendations.

Sincerely,

Helen Marks Dicks  
NPC Co-Chair

Lisa Wiese  
NPC Co-Chair

Tim Carlisle  
NPC Lead Organizer

cc: Tom Keller, Keller Development, LLC; Michael Christopher, DeWitt Ross & Stevens, LLC; Lydia Maurer & Willy Holden, Berkley Oaks Neighborhood Association; Ald. Satya Rhodes-Conway, District 12; Ald. Michael Schumacher, District 18; Brad Murphy, Director, Planning Division; Tim Parks, Planning Division; County Supv. Paul Rusk.

## **BACKGROUND MEMORANDUM**

As noted by Planning staff, there are two major components to the Plan Commission's consideration of the demolition permit. One is whether the buildings Mr. Keller & Tennyson Terrace (hereinafter referred to as "the developer") meet the City standards for demolition. The second is whether the alternative use and development being proposed by the developer subsequent to the demolition of existing structures meet City standards and are compatible with the current and potential future use and development of surrounding properties. In our comments we are addressing both questions.

### **Information on NPC Involvement**

The Northside Planning Council (NPC) originally became involved in the proposal process when the Berkley Oaks Neighborhood Association (BONA), one of NPC's member organizations, requested NPC's assistance in assessing neighborhood reaction to the initial proposal for the property as presented by the developer at a neighborhood meeting on January 30, 2008.

To our knowledge, BONA officers made extensive efforts to inform neighborhood residents about the proposal and solicited neighborhood feedback by mail, email, phone, and door to door contact. The neighborhood's initial feedback and many concerns about the proposal was summarized in BONA's original March 5 letter to the Plan Commission opposing the demolition permit and the proposed use.

BONA leaders subsequently made a presentation of BONA's concerns to NPC's board of directors on March 23. The NPC Board agreed that many of the concerns raised by BONA were legitimate, and that a number of the issues raised were also of concern to the greater Northside community.

Specifically, NPC leadership felt that issues related to increased traffic on Tennyson near Lakeview Elementary, maintaining a buffer between the proposed development and the school, (lack of) connectivity to potential development to the north, and the overall aesthetics of both the proposed structures and of the property, were of concern to the greater Northside community in addition to the immediate neighborhood.

The NPC board directed NPC staff to contact the developer to learn more about the proposal. To raise neighborhood awareness and increase opportunities for neighborhood involvement in the proposed development, NPC also published an extensive article on the proposed project in the April/May issue of the *Northside News*, distributed to 13,000 Northside households & businesses.

After meeting with the developer's agent and reviewing the proposal, and learning of the developer's interest in working with NPC and BONA to address neighborhood and City concerns, NPC offered to facilitate a meeting between the developer, NPC, BONA, and the 2 Northside alders; a meeting subsequently held on April 7 with representatives of all parties in attendance. The developer reviewed a revised proposal for the property with meeting participants and provided a variety of additional information in response to requests from the

City, alders, and neighborhood. Subsequent discussions between NPC, BONA, the alders, and the developer have resulted in a significant number of further revisions to the proposal.

Because of these revisions, and because of the change in BONA's position on the proposal as communicated in their May 1, NPC leadership feels that the developer's current proposal is substantially improved from its initial presentation, and does substantially address many of the concerns raised by neighborhood residents. It is to this revised proposal, along with additional assurances provided by the developer, that we address the following comments.

#### **Demolition Permit Comments & Rationale**

BONA's letter of May 1 states that the developer has "addressed many of the concerns raised in our initial letter of opposition to the demolition proposal". Given that many of the concerns raised by the immediate neighborhood have been addressed, **NPC does not oppose the demolition of the existing structures on the property**, provided the demolition is accomplished in a manner that meets the appropriate environmental and other standards, and respects the property's proximity to an elementary school and residential neighborhood.

The existing buildings, particularly the accessory structures, are unattractive at best, and the structures and surrounding property have not always been well-maintained in recent years. **NPC leadership agrees with the developer and Planning staff that the removal of the existing structures would likely improve the property regardless of its future use.**

#### **Proposed Alternative Use Comments & Rationale**

Now that the majority of concerns expressed by BONA about the proposed alternative use appear to have been substantially addressed by the developer, **NPC leadership offers its qualified support for the proposed use as revised, subject to the additional conditions outlined in the preceding letter.** A summary of our analysis leading to our qualified support is provided below.

NPC and the Northside neighborhoods it serves have a strong interest in development that provides much-needed economic opportunities for Northside residents and businesses. Although the "commercial condominium" concept proposed by the developer is a relatively new and thus largely untested one, we believe that the concept has merit and could be of potential benefit to the Northside community, particularly in providing workshop and storage space for small businesses and entrepreneurs. We would note, for example, that the Northside has a high number of home-based businesses for which this type of facility might serve as an expansion option. For these reasons, and because of the potential benefit provided by the future neighborhood commercial use proposed for the southeast corner of the property, NPC has been interested to work with the developer in further refinements to the proposed use of the property.

NPC leadership and members continue to have a number of questions and concerns about the proposed "commercial condos." These include the extent and nature of the market (short and long-term) for this type of facility; the long-term maintenance of the condo development; and, if the market for the condos is not as strong as anticipated, the potential impact that the

construction of only a portion of the proposed condo units might have on the use and value of the remaining portion of the property and on surrounding properties. We do note that the developer has indicated that there will be detailed condominium restrictions and covenants to ensure that the condos and property will be maintained, and has provided a draft of those restrictions, including prohibited uses. We also note that the developer has provided information on the sales, value, and ownership of similar condominium units elsewhere in the State.

Planning staff, and the neighborhood, have noted that current neighborhood and comprehensive plans designate this and the adjacent properties to the north and east for low-density residential use. NPC leadership agrees that some form of residential use is likely, and probably desirable, for a majority of the surrounding properties. However, the long-term plans of the airport to construct an entrance on CTH CV to the northeast of this property, and other potential development around the airport, may well result in a mix of residential and commercial development in this general area, as it has along most of Packers Avenue and CTH CV.

The uncertainties of the timing and nature of development on adjacent properties make it difficult to evaluate whether the current proposal is, in fact, the "best" use of the property. However, we would note that several proposals have been made over the past decade for residential or other development of this property; none have made it past the proposal stage. We would also note that this property has undergone several changes of ownership in the past two decades, and that the purchase price in the most recent sale in 2006 exceeds the current assessment of the property. This fact and the current unfavorable market conditions makes low density residential development, preferred by some neighborhood residents, seem less likely in the near future. Higher density residential development has not been supported by the Planning Unit to date, and neighborhood reaction to higher density residential use is uncertain, particularly if the proposal called for rental housing.

Finally, we would note, as does Planning staff, that because the property is currently zoned M-1, the developer could proceed with construction of commercial condominiums on the eastern half of the property without Plan Commission approval. If the requested demolition permit is not approved, the developer has communicated his intent to proceed with construction of commercial condominiums on the eastern half of the property.

Based on the developer's actions to date, NPC leadership has some confidence that the developer will continue to respond to neighborhood suggestions and concerns, and will work collaboratively with the City and neighborhood to address future issues. We would note, for example, the developer's stated willingness to designate the western-most strip of the property, between the proposed street right of way and the adjacent school property, as long-term open space to provide a buffer between the development for the school property. We would also note the developer's stated willingness to work with the neighborhood and NPC to ensure that the proposed commercial condos are not only well-maintained, but are also of greatest benefit to potential business users and their clientele.

We commend the developer for his responsiveness to neighborhood and aldermanic concerns and suggestions that have resulted in these and other improvements to the proposal.



**Parks, Timothy**

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**From:** Lydia Maurer [lydmaurer@gmail.com]  
**Sent:** Thursday, May 01, 2008 1:06 PM  
**To:** Michael R. Christopher; tim@northsideplanningcouncil.org; The Holdens; Rhodes-Conway, Satya; Schumacher, Michael; thomas@kellerrealestategroup.com; Parks, Timothy; Murphy, Brad; Ethington, Ruth  
**Cc:** Kristi Kloos; Don Drott  
**Subject:** Berkley Oaks Neighborhood Association and 1902 Tennyson lane, Tennyson Terrace

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