



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

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January 20, 2009

To: City of Madison Common Council  
From: Heather Stouder, AICP, Planner  
RE: Agenda Item 3, Rezoning request for a daycare facility at 8133 Mansion Hill Ave, 1<sup>st</sup>  
Aldermanic District

Dear Common Council Members:

Attached, please find additional materials related to the rezoning request for 8133 Mansion Hill Avenue, which was referred by the Common Council on January 6, 2009.

On December 15, 2008, the Plan Commission recommended by a 5-3 vote that the Council adopt the rezoning from PUD (GDP) Planned Unit Development (General Development Plan) District to PUD (SIP) Planned Unit Development (Specific Implementation Plan) District with conditions.

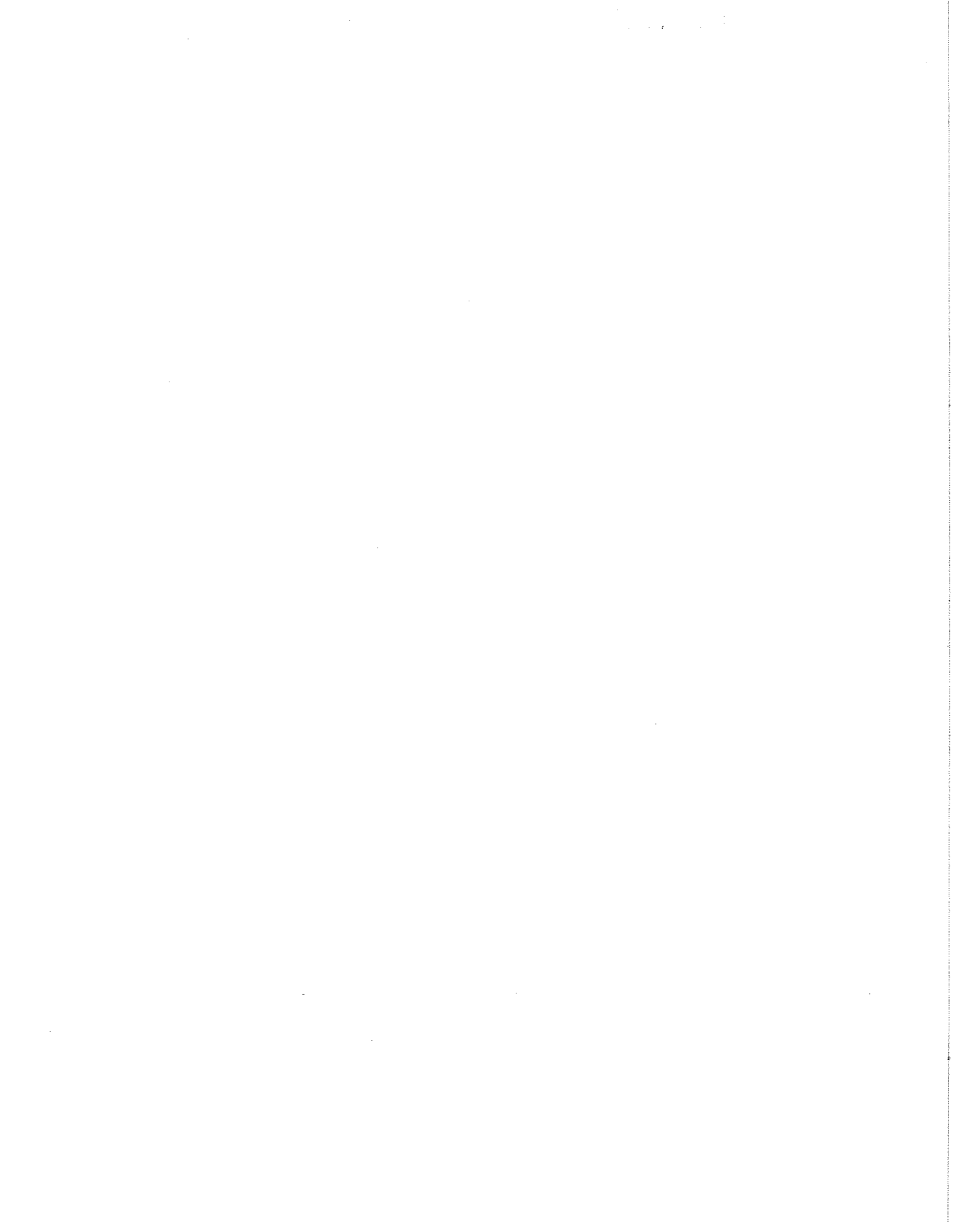
**Ayes:** Eric W. Sundquist, Tim Gruber, Lauren Cnare, Julia S Kerr, and Michael A. Basford

**Noes:** Judy Bowser, Judy K. Olson, and James C. Boll

On December 17, 2008, the Urban Design Commission recommended final approval for the project.

On January 15, 2009, a neighborhood meeting hosted by Alder Jed Sanborn was held at the Madison Police Department West District building, 1710 McKenna Blvd. Approximately 20 nearby residents attended, including residents of Rockery Pointe Condominiums to the west, Mansion Park Condominiums to the east, Stone Hill Manor Condominiums to the north, and others. A list of requests compiled by neighbors and distributed at the meeting and has been included for your review, along with a summary of the meeting prepared by Attorney Bill White.

Planning Division Staff understands that if the project is approved, the most recent site plans (included on Legistar and attached), which were submitted prior to the January 15 neighborhood meeting, will be slightly revised to include a 4-foot fence rather than a 3-foot fence, a specific location for the mailboxes of residents of Lot 88, and specific locations of additional stop and/or yield signs on the shared driveways.



AGENDA ITEM 3

**Stouder, Heather**

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**From:** Vishal [vishal@gmail.com]  
**Sent:** Monday, January 19, 2009 9:17 PM  
**To:** wfwhite@michaelbest.com  
**Cc:** Stouder, Heather  
**Subject:** Joint driveway easment - Parking stalls

William,

Attached is a page from the condo documents of Lot 85. As noted by this document there are 5 parking stalls. The day care documents show only 4 parking stalls. Obviously one of the document is not correct. Do let me know why there are only 4 stalls in the day care plans.

Thanks,  
Vishal

(CCing Heather so that this can be included in the meeting tomorrow)

1/20/2009



# Agenda Item No. 3

Michael Best & Friedrich LLP

Attorneys

at Law

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**William F. White**

Direct 608 283 2246

January 16, 2009

Mr. Tim Bruer, President  
City of Madison, Common Council  
c/o Common Council Office, Rm 417  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

Re: Day Care Center, 8133 Mansion Hill Avenue

Dear President Bruer:

We have been asked by W.C. Development Corp to assist in their application to rezone 8133 Mansion Hill Avenue to a specific implementation plan that would allow the construction and operation of a day care facility. This matter came before the Common Council on Tuesday, January 6, 2009 for final approval. At that time, it was deferred for two weeks in order to allow further conversation between the applicant and interested neighbors. A neighborhood meeting occurred on Thursday evening, January 15, 2009 and was hosted by Alder Jed Sanborn.

The meeting lasted for approximately 1 ½ hours and was deemed very successful by all concerned. Neighbors presented many questions and suggestions for the development of Lot 87 as a day care facility. Among the items which were agreed upon between the applicant and those who attended the meeting were the following:

1. Stop sign or Yield sign shall be placed at various locations within the driveway leading to Starr Grass Drive and Mansion Hill Avenue.
2. Speed bumps going in and out of the parking lot will be explored in the event unintended "cut throughs" develop.
3. Crosswalks by Rockery Pointe Condominium will be explored to ensure adequate egress from the condominium building.
4. The applicant's engineering firm will review and verify the adequacy of the retention basin to ensure that it will not overflow.
5. The applicant will explore the necessity of semi-permeable blacktop within the parking area for the day care center.
6. Vegetation on the outside of all fencing had already been changed based on a previous request from neighbors from deciduous to evergreens to provided greater visual buffer
7. The fence on the lot east of Lot 87 will be increased from 3 feet to 4 feet in height.

Mr. Tim Bruer  
January 16, 2009  
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8. The applicant and adjacent condominium communities will explore the use of a "shared" snowplowing and maintenance service which would be cost shared on a pro rata basis.
9. The applicant will assume all maintenance and repair responsibility for the shared driveway which provides ingress and egress to the day care facility.
10. Developer agreed to share in the design and expense of adding a landscape buffer between the sidewalks between Rockery Pointe Condominium and the day care center. A shared savings will likely be realized.
11. The hours of operation were confirmed from 6:00 a.m. to 6:00 p.m. with occasional use of the facility in the evening for parent conferences or, upon request, use of common rooms for the condominium communities to hold their meetings.

All in all, it was viewed to be an excellent meeting. Commitment was made by both the condominium communities as well as the applicant and operator of the day care center to continue their conversations and to ensure that this project is an amenity for the neighborhood to attract young families and to enhance the community feel.

We would ask for approval of the specific implementation plan at the Common Council meeting of January 20 2009. If there are any questions prior to that time, please do not hesitate to contact either me at 695-4946 or Karyl Rice at 219-1679. We look forward to seeing you on Inauguration day.

Sincerely,

**MICHAEL BEST & FRIEDRICH LLP**

William F. White

WFW:cmm

cc: Members of the City of Madison Common Council  
Geof Foster, Condominium Communities' Representative  
Heather Stouder, City of Madison Plan Department  
Bradley A. Murphy, Director of City of Madison, Department of Planning & Development  
Michael P. May, City Attorney  
Karyl Rice  
Richard Arneson  
Peter Frautchi

January 15, 2009

Midtown Commons residents' additional proposals and questions for new day care development

I. Safety proposals for new development

- a. Reducing the overall size of the building.
- b. One-way driveway for patrons from Mansion Hill to Starr Grass that begins past the shared easements.
- c. Stop sign location should be at end of development driveway leading to Starr Grass.
- d. Easement for development entrance and exit on Waldorf Boulevard.
- e. Speed bumps going in and out of development parking lot.
- f. Crosswalks on lot 88 and 89 positioned on the opposite side, away from exiting garage doors.
- g. After-hours gate to close off development driveway from becoming a through street or allowing cars to assemble in parking lot.

II. Landscaping & Property Design

- a. What assurances can be given that retention basin won't overflow?
- b. Bush and shrub landscaping around retention basin.
- c. Who would be spraying retention basin for mosquitoes?
- d. Prevention of water erosion to surrounding properties. Property 89 currently gets water erosion from development property.
- e. Installation of semi-permeable blacktop for development.
- f. Lighting shields for parking lot lamps to reduce amount of light pollution on residents' homes.
- g. Vegetation on the outside of all fencing to hide fences and block headlights from shining into homes.

III. Liability & Maintenance

- a. What are the easement liability costs? Are residents responsible for increased insurance costs?
- b. Residents need to be shielded from increased costs in liability and lawsuits due to new development.
- c. Owners agree that day care will pay for snow removal on easements. If no business is in operation, it is agreed that the development owner responsible for snow removal.
- d. How will shared easements' maintenance costs be covered?

IV. Other

- a. Clarification of operating hours and peak times.
- b. Accurate finished diagrams of proposed development.
- c. Binding modification to current development documents showing proposals we've agreed upon.

