



**DEWITT  
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May 2, 2008

**VIA EMAIL ONLY**

Berkley Oaks Neighborhood Association – [lydmaurer@yahoo.com](mailto:lydmaurer@yahoo.com)  
c/o Lydia Maurer  
1913 Shelley Lane  
Madison, WI 53704

Northside Planning Council – [tim@northsideplanningcouncil.org](mailto:tim@northsideplanningcouncil.org)  
c/o Tim Carlisle  
2702 International Lane, Suite 203  
Madison, WI 53704

RE: 1902 Tennyson Terrace

Dear Lydia and Tim:

The purpose of this letter is to summarize the commitments that my client has made to your organizations regarding the demolition permit for the above property.

1. All applicable City ordinances relating to the demolition of the existing buildings, the recycling of all materials and all subdivision requirements, including the new ordinance regulating condominiums, will be strictly complied with.
2. The developer will take all reasonable steps to complete the demolition before the beginning of the 2008-09 school year. If it is not possible to do so, the developer will attempt to coordinate the demolition taking into account the days that Lakeview Elementary School will be closed.
3. The development of the business bungalow project will include the following:
  - (a) A public street dedication which will connect the future development on the Raemisch property to Eliot Lane.
  - (b) Incorporating a private driveway off of Packers Avenue at a location approved by City Traffic Engineering.

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- (c) The internal streets would be private and maintained by the condominium association.
  - (d) No development of business bungalows on Lot 1.
  - (e) Preserving the existing trees and vegetation on Lot 1 and ensuring that the lot will be preserved for open space and conservation purposes.
  - (f) Preservation of the existing row of ash trees along the southern boundary of the property.
  - (g) Installation of a nearly continuous line of evergreen trees along the northern, southern and western property lines to screen the development from surrounding uses.
  - (h) Incorporating internal screening between the business bungalows.
  - (i) Incorporating six (6) rain gardens to promote alternative means of on-site infiltration.
  - (j) Each unit will be provided with off street parking between the buildings and street sufficient to meet zoning requirements.
  - (k) Private condominium documents will govern the operation of the business bungalow development. Those documents will prohibit many uses ordinarily permitted in the M-1 zoning, which would include vehicle salvage, banks, restaurants, taverns and other manufacturing uses.
  - (l) The condominium documents will also restrict overnight parking, a prohibition against parking on the private drives, a restriction against exterior modification to buildings, restrictions against signage, and a prohibition against sleeping overnight in any of the units.
4. The developer will work with the NPC, BONA, the neighborhood and the City to identify any potential concerns about the future use and maintenance of the property and of the condominium bylaws and covenants.

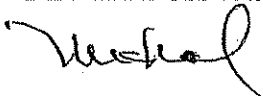
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5. The developer agrees to seek input from NPC, BONA, the neighborhood and the City to resolve future development of the property, assuming that the business bungalow concept is not feasible for Lot 2 as well as for Lot 3.
6. The developer agrees to jointly plan with NPC, BONA, the neighborhood and the City for any future neighborhood commercial use on Lot 4.

Please feel free to contact me if you have any questions regarding these conditions of approval. I intend to request that the Plan Commission add these conditions during their deliberations on May 5.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:dso

cc: Alderperson Satya Rhodes-Conway  
Alderperson Michael Schumacher  
Plan Commission  
Thomas Keller



## Office of the Common Council

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May 4, 2008

Dear Plan Commissioners,

At today's meeting you will take up a demolition permit for 1902 Tennyson Lane. In your packet is a letter from me to the developer, dated March 17, stating my opposition to the permit. Since that time, substantial progress has been made in improving the project. This progress is due in equal parts to the hard work of leaders in the Berkley Oaks Neighborhood and the willingness of the developer to listen to the neighborhood and adjust his proposal. The current proposal includes:

- A reduction in the number of units to 57
- An extension of Eliot Lane as a public street north through the property
- Agreement to permanently maintain the approximately one acre parcel between the Eliot Ln. extension and the property line adjacent to Lakewood Elementary as open space
- The addition of rain gardens
- Moving one of the vehicle access points into the property from Tennyson Ln to Packers Ave.
- Preservation of the trees in the northwest corner of the property
- Preservation of the row of trees along the southern border of the property
- Agreement to meet with the neighborhood as the project is phased in

All of these things indicate significant improvement in the project. However, the underlying issue of land use and conflict with existing plans remains. The neighborhood is clear in its desire to see a residential (preferably low density) use for this property, which would be consistent with both the comprehensive and neighborhood plans.

Because of the changes made, I am withdrawing my opposition to the demolition permit. If the underlying land use were not a question it would be much easier for me to support this project, as I think it has improved markedly from the initial proposal and has the potential to bring small businesses to the Northside. However, because of the underlying land use concerns and because the neighborhood remains neutral (rather than in support), I cannot at this time support granting the permit – I can only remain neutral.

I intend to be at the May 4<sup>th</sup> Plan Commission meeting and will be happy to answer your questions or discuss this matter further.

Sincerely,

Satya Rhodes-Conway  
Alder, District 12



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ROSS & STEVENS<sub>sc</sub>**  
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May 5, 2008

**VIA HAND-DELIVERY**

Nan Fey, Chair  
Madison Plan Commission  
Madison Municipal Building  
215 Martin Luther King Jr. Blvd.  
Madison, WI 53710

RE: 1902 Tennyson Lane

Dear Nan:

I represent Tom Keller who is the developer of the above property and a member of Tennyson Terrace, LLC that bought this property in 2006. You have received many materials on this item, so I will not repeat this information, but instead highlight a few key matters.

**Demolition Standard**

As they often say in baseball, keep your eye on the ball. This is not a PUD application nor a rezoning, not even a conditional use. This is simply a demolition application to demolish four inter-connected buildings on this property which everyone agrees are an eyesore and clearly meet the demolition standards. Obviously, the alternative use needs to be considered but it certainly is not **the** determining factor in deciding whether this application meets the standards of M.G.O. § 28.04(22). A close look at the totality of this ordinance is worth reviewing.

The first important fact to consider is that the applicable standard (as pointed out by your staff) is the version that was in effect before March 18, 2008. This fact is significant in that the present demolition ordinance contains standards of review which might lead you to a different conclusion.

Regarding the substance of the applicable demolition ordinance, it is important to consider the overall intent and purpose of it. The essence of the ordinance is that the Commission should focus on the physical and economic viability of the existing building(s). The second aspect of this ordinance that is critical to your decision is the following sentence:

Nan Fey, Chair  
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The Plan Commission finds that both the requested demolition and the proposed use **are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located.** § 28.04(22)(c)(2) [Emphasis added]

His application meets both of these tests. There is no disagreement that these buildings should be demolished. Second, the alternative use is clearly within the intent of the present zoning district which has been in effect since 1971.

The other significant fact about the substance of this ordinance is that in the same subsection quoted above, the ordinance lays out what factors should be considered by you in deciding whether a demolition permit should be granted or not. This subsection provides that "...the Commission shall consider and may give decisive weight to any relevant facts..." There are two relevant facts which I believe are decisive. The property has been zoned M1 since 1971. The neighborhood plan was adopted in 1992. If there was a desire to change the zoning classification for this property, the City had 16 years to do so but the zoning has remained the same. The other relevant fact is that the proposed use of the property could be developed without obtaining the demolition permit. If that were to occur, the dilapidated buildings would continue to exist, there would be no subdivision of the property nor would there be the numerous concessions which the developer has committed to in writing to the neighborhood and to the City.

The final matter that I want to point out to you regarding the applicable ordinance is that the same subsection refers to the impact the demolition and the proposed use would have on the normal and orderly development and improvement of surrounding properties. In considering this standard, the "proof of the pudding" is the position of the neighborhood and their elected officials. By inference, they would not be taking the position they are if they felt that the demolition and proposed use was incompatible with the "normal and orderly development" of their neighborhood.

### **The Alternative Use**

*The Northport – Warner Park Neighborhood's Plan ("Neighborhood Plan")* places a high priority on the goals of "new business development" and "creating employment opportunities within a close proximity of residents' homes." Mr. Keller's business bungalow proposal is almost the "poster child project" to implement these goals. Based on the written comments from NPC and BONA, the neighborhood agrees. The Northside census tract has one of the highest proportion of home-based businesses in the City. Since the target market for this commercial condominium space is the small business person or entrepreneur that needs an affordable, well-maintained and pleasant space, this proposal is

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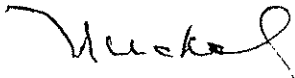
a perfect fit. One of the strengths of the Northside is the availability of diverse, affordable housing options. At the same time, it is very important to provide affordable small business opportunities. The Neighborhood Plan notes that 76% of the land in the neighborhood is used for residential purposes but only 1.2% is used for manufacturing and 4.2% for commercial uses. It is very important for any neighborhood to have a diversity of land uses in order to have a balanced tax base to avoid the over-reliance on the residential property tax. This alternative use is a step in the direction of providing that balance.

### Conclusion

To say that the neighborhood response to the demolition and the proposed alternative use has evolved is an understatement. A comparison of the initial comments received as compared to the present is proof of that. Mr. Keller has proposed a very well thought out plan with a great emphasis on good neighborhood communication. I am convinced that this project will be a significant asset for the immediate neighborhood and for the Northside in general.

Sincerely,

DEWITT ROSS & STEVENS S.C.



Michael R. Christopher

MRC:jjj

cc: Plan Commission Members  
Mayor Dave Cieslewicz  
Aldersperson Satya Rhodes-Conway  
Aldersperson Michael Schumacher  
Brad Murphy  
Tim Parks  
Bill Fruhling  
Joel Plant  
Tim Carlisle  
Lydia Maurer  
Willy Holden  
Thomas Keller

George H. Francis & John Wiley  
617 Post Rd.  
Madison, WI

5 May 2008

1902 Tennyson Lane  
Madison, WI

To whom it may concern:

As you know, Madison is an exceptional community in myriad and unique ways. Our University is par none, our cultural centers as good if not better than any in the Midwest, our diverse culinary opportunities as fine as any metropolis in Europe, our technical facilities for business and development of national renown, our housing and neighborhood potential beyond the pale...speaking for myself (G.F.)if I sound excited about the place we have chosen to live out our retirement lives after 23 years in Spain, that would be a most precise interpretation of my experience since moving here in the year 2,000. I think my partner, John Wiley, in his capacity as UW Chancellor, has more than proven his respect for this marvelous community.

We are amateur welders, direct metal sculptors, enthusiastic albeit non-commercial hobbyists if you will. At first we were at a loss as to where we could find decent shop space to practice our enthusiasm. We found a rental space, barely adequate, and on the verge of condemnation by the city to make way for a huge commercial project. We could not believe that in Madison there would not be a space suited to our needs. Only a month before condemnation we found one.

I am not sure that the technical description of what we were so fortunate to find is legalistic. But plainly it is pleasing for such folks as we. The property consists of fourteen structures, in brick and attractive siding, 50 x50 feet, heated, with office space and bathroom, communal mailboxes, lawn and garden areas between the structures, sewage and waste disposal, parking areas, ceilings 16 ft tall, windows, ample lighting...in short, a dream come true.

This sort of property for lease or purchase is truly needed in Madison. One need only to ask our neighbors, who, for example, include carpenters by hobby or in retirement, ball room dance clubs, antique collectors wanting safe, secure and attractive storage space, artists of all stripes: painters, print makers, faux wall experts and simply people who wish to store large boats or antique automobiles. These spaces are a boon to our community. Even an attraction to our neighborhoods.

We have had many visitors to our shop unit, many of them from out of town. They have expressed amazement a-t how lucky we have been to encounter such an area within Madison and have wondered are there, or will there be more such ideal areas soon in construction.



2.

To whom it may concern  
1902 Tennyson Lane  
Madison, WI

John and I would hope so. This type of construction is both attractive and attracting as benefits our community.

Truly,

George H. Francis