

**Stouder, Heather**

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**From:** Suelarose@aol.com  
**Sent:** Sunday, January 04, 2009 2:14 PM  
**To:** Stouder, Heather  
**Subject:** Ordinance 21300 Rezoning of 8133 Mansion Hill Avenue

Heather,  
Please find the following comments for submission for the Common Council meeting for January 6, 2009 at 6:30pm. If I need to submit these to anyone else, except the aldermen, please let me know as soon as possible. Also if you could let me know that you have received this I would appreciate it. I have also included the following as an attachment.

Thank you,  
Susan LaRose  
President, Board of Directors  
Rockery Pointe Condominiums

#### Ordinance 21300 rezoning of 8133 Mansion Hill Avenue

The Board of Directors of Rockery Pointe Condominiums that represent the 48 property owners of Rockery Pointe Condominium Association, 8234 through 8281 Starr Grass Drive, respectfully request the Common Council to **deny** the rezoning of 8133 Mansion Hill Avenue to erect a Day Care Center. This Day Care center will reside directly in the front yard of 6 of our condos, in which 4 of them have windows only facing in that direction, and will use one of our current driveways as access into the center via Starr Grass Drive.

##### 1. Notification and Information to Rockery Pointe Condo Association

On receiving the notice of the public hearing concerning the rezoning of the property on Mansion Hill Ave, the president of the BOD of Rockery Pointe condos, Susan LaRose, requested information from the City Clerk concerning this ordinance. This request was made on November 23, 2008. The information was not e-mailed to her until December 15, 2008. This was the first time the BOD was aware of the direct impact the erection of the day care center would have on our property owners. This information arrived long after the December 1<sup>st</sup> public hearing that was sparsely attended due to inclement weather and long after the developer met with Midtown Commons residents on December 9<sup>th</sup>. Rockery Pointe Condo Association was not represented at this meeting due to the lack of information prior to it and also due to the meeting being held at 5pm.

The developers made no attempt to notify Rockery Pointe Condo Association of the plan to use their driveway to access the center.

Rockery Pointe condo owners had not been invited to the earlier meeting that the developers refer to that they had with the Midtown Common property owners.

##### 2. Driveway Access, Parking issues, Increased Traffic

The use of Rockery Pointe's current driveway will reduce parking spaces for those owners of that building and will decrease parking spaces on Starr Grass Drive, which are already at a premium.

The developer alluded to the use of yellow lines around the driveway access to eliminate parking near

drive to improve visibility for those entering and leaving the drives. Who will enforce the no parking restrictions? Also, in the winter months, the curbs will be covered in snow, which will obscure the yellow lines.

The driveway access on Mansion Hill Ave and Starr Grass Drive will act as a shortcut thoroughfare for those traveling to or from Mansion Hill Ave or Starr Grass Drive. Using this access is more advantageous than trying to navigate the roundabout at the intersection of Mansion Hill Ave and Starr Grass Drive, especially in the winter months. This will increase the traffic flow directly in front of and to the side of Rockery Pointe Condo's building.

With 160 children slated to be using this day care center, the amount of traffic that will be continually going in and out of the center will have a dramatic affect on the traffic flow on Starr Grass Drive and increasing the noise levels in the early morning hours.

### 3. Construction.

The developer has commented that the construction of the day care center will not impact the flow of traffic on Starr Grass Drive or impair the driveway access into our building. In the last 4 years, Rockery Pointe Condos have endured the construction of The Vue Condominiums on Starr Grass Drive built in 2004, Tiburon Condominiums at the intersection of Starr Grass Drive and Mayo Drive in 2005, and Promontory Condominiums at the intersection of Starr Grass Drive and Mayo Drive in 2006. These have all impacted parking on Starr Grass Drive, unending construction noise, construction equipment traffic with unrelenting noise, which included multiple parades of cement trucks on Saturday mornings blocking access to our street and into our buildings. These construction projects resulted in Rockery Pointe condo residents' continuous calls to the city and police for construction beginning prior to 7am and continuing into late at night, blocking of Starr Grass Drive and access to our buildings, and construction workers parking their cars end to end on Starr Grass Drive in front of our property.

### 4. Use of the day care center property after hours, weekends and holidays

Rockery Pointe Condo Association has concerns about the use of the day care center's parking lot during the times the day care center is closed.

The parking lot is hidden from the surrounding streets, access is easy via Mansion Hill Ave and Starr Grass Dr., children currently have no place to play, skateboard or ride bikes safely. This parking lot creates the perfect location and environment for children to gravitate to play in. Also, teens and young adults will have access to this parking lot to congregate in. This is an issue the developer has not addressed and will cause our residents undo stress in policing this.

Bike riders will also use the driveway accesses from Mansion Hill Ave and Starr Grass Dr. as a thoroughfare between these two streets. This is potentially hazardous and puts them at risk due to cars coming into and out of our building's garage.

There is also the potential to rent out the day care center building after hours for community use. This will also result in increased traffic during the day care centers off hours and increased noise levels in the evenings, nights and weekends.

Those in favor of the day care center do not have to live with the building on their front lawns and cope with the increased traffic next to and in front of their residence. Prior to purchasing property at Rockery Pointe Condominiums, the property surrounding our property was zoned as residential. Since

the total completion of our property in early 2004, the surrounding property has been rezoned to include multi-dwelling 3-4 story condo buildings, a 4 story condo building with retail space on the first floor that has all but one space vacant, and the construction of town home style condos on Waldorf and Mansion Hill Ave. that did not sell and are now being rented by the builder. The property owners of Rockery Pointe Condominiums have invested into owning property in the City of Madison and have watched the value of their investment dwindle due to the rezoning. All of the condos built in the surrounding property, to this day, still have vacancies, which resulted in the price of these condos being slashed by the builders. This has had a negative effect on the value of our own property which has been reflected in the decreased property assessments in the beginning of 2008.

In conclusion, the Board of Directors of Rockery Pointe Condominiums representing the 48 property owners of Rockery Pointe Condominium Association, 8234 through 8281 Starr Grass Drive, which is directly impacted by the construction of the day care center, respectfully request the Common Council to **deny** the rezoning of 8133 Mansion Hill Avenue which will **negatively** impact the value of our property and will have a **negative** impact on our quality of living in the City of Madison.

Submitted by Rockery Pointe Condominium Association

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**Stouder, Heather**

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**From:** Gretchen Baehr [gmbaehr@hotmail.com]  
**Sent:** Sunday, January 04, 2009 3:07 PM  
**To:** Stouder, Heather  
**Subject:** 8133 Mansion Hill Ave

**Hello Heather, I live at 8127 Mansion Hill Ave. I have attached some points for your review about the proposed building to be built at 8133 Mansion Hill Ave. I do plan to attend the City Council Meeting on Tues 1/6/09 and hope to present these points at the Meeting.**

**I am opposed to the plan for the daycare/nursery school building at 8133 Mansion Hill Ave. as it exists now.**

**I hope you are able to open the attachment.**

**Thank You.**

**Gretchen Baehr  
8127 Mansion Hill Ave  
848-5955**

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## **Points about 8133 Mansion Hill Ave Midtown Commons Neighborhood**

January 4, 2009

1. Things have changed since the conception and planning for Midtown Commons Neighborhood, 8133 Mansion Hill Ave property, since 1999
  - Real estate market has stalled
  - Properties are not selling
  - Buildings are not being built
  - People are not moving into Midtown Commons Neighborhood
  - Because of lack of people, new buildings, and vacant properties, there is not the support in the neighborhood for a 163 child daycare/nursery school at 8133 Mansion Hill Ave
  
2. The plan for the building (daycare) at 8133 Mansion Hill Ave is too large for the property and for the Midtown Commons Neighborhood development plans
  
3. The access driveway/road from Mansion Hill Ave to 8133 Mansion Hill Ave is barely big enough for 2 vehicles to pass, as it exists now.
  - What will happen if buses are coming and going on this narrow driveway?
  - Has there been a traffic study on the access road from Mansion Hill Ave to 8133 Mansion Hill Ave?
  
4. How is the planned “staggered drop-off/pick-up” to the daycare/nursery school at 8133 Mansion Hill Ave going to be enforced?

5. 1.01 General Purpose. The general purpose of this Declaration is to help assure that the Development will become and remain an attractive community; to preserve and maintain the natural beauty of the Development; to insure that the most appropriate development and improvement of each Lot; to guard against the erection thereon of poorly designed or proportioned structures; to obtain harmonious improvements and use of material and color schemes; to prevent traffic congestion, to promote more responsible consumption of natural resources; to avoid duplication of municipal services; to promote greater overall safety; to insure the highest and best development of the Development; to encourage and secure the construction of attractive structures thereon; and to provide a diversity of housing, civic, institutional, recreational, entertainment, retail, office and commercial uses in a cohesive, pedestrian-friendly neighborhood.”

(from the “Declaration of Protective Covenants for Lots 1 through 55, inclusive, plat of Midtown Commons, Lots 55 through 89, inclusive, first addition to Midtown Commons, and Lots 90 through 96, inclusive, proposed second addition to Mid Town Commons” document #3398890)