

March 25, 2026

CITY OF MADISON SECRETARY OF THE PLAN COMMISSION

c/o City Clerk's Office

210 Martin Luther King Jr. Boulevard, Room 103
Madison, Wisconsin 53703

RE: APPEAL OF CONDITIONAL USE APPROVAL- FILE NO. 91512

5555 ODANA ROAD & 5534 MEDICAL CIRCLE

Dear Secretary of the Plan Commission:

The undersigned are property owners that received notice of the Plan Commission's public hearing on the above referenced conditional use application. File No. 91512 is the proposed mixed-use development at 5555 Odana Road and 5534 Medical Circle, Madison, Wisconsin (hereinafter referenced as the "The Project").

Pursuant to Madison General Ordinance §§28.183(5)(c), and the applicable appeal provisions located in Chapter 20 Madison General Ordinance, we the undersigned appeal the Plan Commission's Approval of the Conditional Use on the grounds that the Plan Commission failed to make the required findings of fact with respect to air quality and pollutant accumulation. There is well-established, objective and quantitative based evidence that documents the significant risks that the proposed building configurations will create a street-canyon effect that traps vehicle emissions and Beltline-sourced pollutants over the playground and classrooms of the adjacent Montessori Children's House (herein "MCH"). To provide context, MCH is an active licensed early childhood education facility serving children ages ranging from 18 months to 6 years old, located at the street location of 5534 Medical Circle, Madison, WI 53719

APPELLANTS

- **Montessori Children's House**, 5530 Medical Circle Madison, WI 53719
- **Keel Family LLC**, 5602 Medical Circle Madison, WI 53719
- **Keel Family LLC**, 5610 Medical Circle Madison, WI 53719
- **Northwestern St Paul- University**, 5606 Medical Circle Madison, WI 53719

Note that the above parties, with their signatures attached, represent twenty percent (20%) or more of the property owners entitled to receive notice who object to the establishment of the conditional use, pursuant to MGO §§28.183(5)(b).

DECISION APPEALED

Approval of Conditional Use Permit by the Plan Commission on March 16, 2026.

ATTACHED SUPPORTING MATERIALS:

1. Comments & Testimony from Victoria Williams, PHD, a professor at the University of Wisconsin-Madison.

Dr. Williams' testimony at the Plan Commission (3/16/2026) and Common Council (3/24/2026) meetings includes evidence and data that support the substantial public health concern raised by the undersigned appellants, regarding air quality, pollution accumulation due to possible street-canyon effects if The Project is to continue.

2. Letter submitted on behalf of the MCH's attorney Mitch Olson, Esq., of Axley, LLP. This letter discusses construction impacts from The Project on the existing playground use, and the Plan Commission's failure to neither address, nor reasonably impose, conditions to protect MCH during construction.

I. BASIS FOR APPEAL UNDER MGO §28.183(5)(c)2.c.

Madison General Ordinance §28.183(5)(c)2.c. provides that a person who received notice of the Plan Commission hearing and appeared at the hearing may appeal the Plan Commission's decision to the Common Council.

1. The appeal is timely filed.
2. Appellants received the required notice and appeared at the public hearing.

The grounds for this appeal are that the Plan Commission's findings of fact are legally insufficient as they fail to address a material, documented risk to public health: the creation of a street-canyon airflow obstruction between the two proposed buildings. Thus, the approval of the conditional use cannot stand under the applicable standards of MGO §28.183(6)(a).

II. STATEMENT OF FACTS

The Project consists of two multi-story mixed-use buildings:

Building A, a six-story structure fronting Odana Road with approximately 154 proposed dwelling units, and

Building B, a five-story structure fronting Medical Circle with approximately 73 proposed dwelling units.

The MCH facility at 5530 Medical Circle sits directly between and adjacent to both proposed structures. The MCH playground lies in the open corridor between the two buildings.

The proposed sites of Building A and Building B are in close proximity to the Beltline Highway (USH 12/14/18), one of the highest-volume roadway corridors in the Madison metropolitan area and a known continuous source of diesel particulate matter, nitrogen oxides (NO_x), and other traffic-related air pollutants (TRAPs). The Beltline runs parallel to Odana Road, and prevailing wind patterns, primarily from the south and southwest in this part of Madison, direct Beltline emissions toward the Project sites.

At the time of filing of the appeal, there has been no air quality study, dispersion modeling, or canyon-effect analysis located within the conditional use application. Additionally,

there has been no air quality study, dispersion modeling, or canyon-effect analysis submitted or provided to the affected neighbors prior (or after) to the Plan Commission vote on 3/16/2026.

MCH has provided both written notice and oral testimony of the above concerns about children’s health being harmfully impacted due to diminishing outdoor air quality, both during construction and after, due to a direct result of Building A and Building B’s proposed design.

The Commission approved the Project without requiring any conditions regarding construction impacts, requiring the above referenced air quality/pollutant studies or analyses, and without making findings on the air quality impacts of the proposed building configuration.

III. THE STREET-CANYON EFFECT: THE UNADDRESSED HARM

A. WHAT IS THE CANYON EFFECT?

A “street canyon” or “building canyon” effect occurs when tall buildings on both sides of a relatively narrow open space impede the natural dispersion of air pollutants. Rather than dispersing vertically and horizontally, vehicle emissions and other airborne pollutants become trapped in vortices within the canyon corridor, recirculating and concentrating at ground level and in adjacent outdoor spaces. The effect is well-documented in urban air quality literature and is a recognized design and public health consideration in planning practice.

The proposed development creates precisely this condition. Building A (six stories, adjacent to Odana Road) and Building B (five stories, adjacent to Medical Circle) together form a paired building mass flanking a narrow corridor in which the MCH playground is located.

The height, mass, and proximity of these two buildings to each other and to the playground, combined with the site’s location downwind of the Beltline, creates the physical geometry necessary to generate persistent pollutant accumulation at child height in the outdoor play area.

B. WHY THIS SITE IS PARTICULARLY VULNERABLE TO THE CANYON-EFFECT.

Several site-specific factors compound the canyon-effect risk at this location:

- **Proximity to the Beltline:**

The site lies within the zone of elevated TRAP (*traffic-related air pollutants*) concentrations associated with the Beltline, where ambient diesel particulate matter, ultrafine particles, and NO_x levels are measurably higher than background levels. Research consistently documents elevated TRAP exposure within 300–500 meters of high-volume highways.

- **Prevailing Wind Direction:**

Prevailing southwesterly winds in this corridor channel Beltline emissions directly toward the proposed building mass, where the canyon geometry would trap and concentrate them in the playground area rather than allowing dispersion.

- **Building Height Asymmetry:**

The submitted shadow studies, prepared by JLA Architects on behalf of the developer, confirm the scale and mass of both buildings relative to the playground. The same geometry that produces the documented shadow impacts across all four seasons also creates the aerodynamic conditions for canyon-effect pollutant trapping.

- Underground Parking Garage Emissions:

The proposed two-story underground parking garage will introduce vehicle idling emissions and exhaust at the base of the development, directly adjacent to the MCH property. Garage ventilation systems, if directed toward the playground corridor, will add to the ground-level pollutant load within the canyon.

- Construction-Phase Diesel Emissions:

The 18+ month construction phase, which will involve heavy diesel excavation equipment operating within feet of the playground, will independently expose children to sustained elevated TRAP concentrations before the canyon effect even begins. The Planning Committee on 3/16/2026 did not require a The Project to have a construction air quality management plan.

C. WHO IS HARMED

The population most directly harmed is also the most vulnerable: children ages 18 months to 6 years old who spend daily outdoor time in the playground that would be trapped within the canyon.

Young children are disproportionately susceptible to TRAP exposure for the following reasons:

- their lung development is ongoing,
- they breathe more air per unit of body weight than adults,
- they are physically closer to ground level where pollutant concentrations are highest,
- and they lack the physiological capacity to mitigate exposure through behavior modification.

The Wisconsin Department of Health Services, the EPA, and the American Academy of Pediatrics all recognize proximity to high-volume roadways and traffic-related air pollution as significant pediatric health risks. Chronic or repeated exposure to elevated TRAP concentrations in young children is associated with impaired lung development, increased asthma incidence, and adverse neurodevelopmental outcomes.

It is to be noted that as per Wisconsin state licensing requirements, enrolled children at MCH must spend time outdoors, weather permitting.

IV. THE PLAN COMMISSION'S FINDINGS ARE LEGALLY INSUFFICIENT

A. STANDARD-1 WAS NOT MET

MGO §28.183(6)(a)1. requires the Commission to find that the conditional use: “*will not be detrimental to or endanger the public health, safety, or general welfare.*”

Axiomatically, the Commission cannot make this finding without first examining whether the proposed building configuration will create a canyon effect that concentrates Beltline and traffic-sourced pollutants over the MCH playground. To reiterate, at the time of this appeal, there has been no air quality analysis submitted. There has been no dispersion modeling conducted. The Commission is not in possession of the objective facts, documentation and empirical analysis necessary to make the required affirmative finding on this standard. A finding made without the relevant evidence is not a finding within the meaning of the ordinance.

B. STANDARD-3 WAS NOT MET

MGO §28.183(6)(a)3. requires the Commission to find that: *“the uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”*

Degraded outdoor air quality in an early childhood education facility’s playground is a foreseeable and direct impairment of the established use. MCH’s ability to safely operate outdoor programming for its long-standing, licensed toddler and preschool classes depends on the availability to provide a safe and healthy outdoor environment for its students. This applies to construction impacts and potential long-term pollutant issues. The canyon-effect pollutant accumulation will unavoidably render that environment harmful to children’s health, MCH’s established use is substantially impaired. This was a specific foreseeable, condition simply was ignored and the absence thereof, fails to satisfy the Standard 3. The result is an unexamined material consequence of the Project as designed and mandates remand to the Commission for further review.

C. STANDARD-11 WAS NOT FULLY APPLIED

MGO §28.183(6)(a)11. directs the Commission, when evaluating excess height requests, to consider *“the impact on surrounding properties, including height, mass, orientation, shadows and view.”*

While shadow studies were submitted and considered, the aerodynamic consequences of height and mass, specifically their role in creating canyon-effect pollutant trapping, were not analyzed or addressed in the Plan Commission’s findings. The shadow studies themselves demonstrate the building geometry that creates the canyon condition; the Planning Commission used those same studies to consider light impacts yet failed to recognize or require analysis of the associated air quality impacts arising from the same geometry.

D. THE FINDINGS OF FACT ARE DEFICIENT

MGO §28.183(2)(a)5. requires that *“[t]he decision of the Plan Commission shall include findings of fact.”*

A conditional use approval that is silent on a material, documented, and specifically raised public health concern does not satisfy this requirement. Air quality impacts and canyon-effect risks were raised by notified parties in the public record. However, the Commission’s failure to address them in its findings renders the approval incomplete and legally insufficient as a matter of ordinance compliance.

V. RELIEF REQUESTED

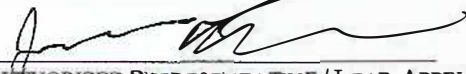
APPELLANTS RESPECTFULLY REQUEST THAT THE COMMON COUNCIL:

- Vacate the Plan Commission’s decision to grant the CUP (*conditional use permit*) and remand it back for either:
 - (a) further proceedings before the Plan Commission to address the concerns raised in this appeal, including additional studies and possible additional conditions of approval, or
 - (b) The Common Council to assume jurisdiction under this appeal to do the same.

The children served by Montessori Children’s House cannot advocate for themselves. The applicable ordinance standards exist precisely to protect them, established uses and other vulnerable populations from foreseeable harms that developers have no independent incentive to study or mitigate. The Plan Commission approved this Project is patently deficient without the information necessary to make the required findings on air quality. The Council should not allow this dangerous omission to stand.

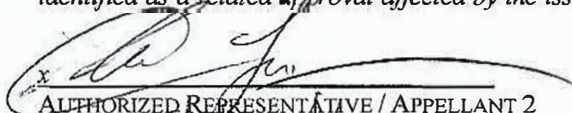
RESPECTFULLY SUBMITTED,

ON BEHALF OF NOTIFIED RESIDENTS AND NEIGHBORS OF THE PROPOSED DEVELOPMENT AT
5555 ODANA ROAD & 5534 MEDICAL CIRCLE, MADISON, WISCONSIN

x 
AUTHORIZED REPRESENTATIVE / LEAD APPELLANT
NAME: James M. Lottridge
ADDRESS: 5530 Medical Circle
DATE: 3/26/2026

ADDITIONAL APPELLANT NAME, ADDRESS AND SIGNATURES ARE ATTACHED:

The appeal concerns the conditional use granted under File No. 91512 (5555 Odana Road and 5534 Medical Circle, Legistar ID 7799756). The related Certified Survey Map (File No. 91514, Legistar ID 7802812) is also identified as a related approval affected by the issues raised in this appeal).

x 
AUTHORIZED REPRESENTATIVE / APPELLANT 2
NAME: Stephen Young
ADDRESS: 5606 Medical Cir
DATE: 3/26/2026

x _____
AUTHORIZED REPRESENTATIVE / APPELLANT 3
NAME: _____
ADDRESS: _____
DATE: _____

V. RELIEF REQUESTED

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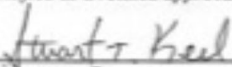

ON BEHALF OF NOTIFIED RESIDENTS AND NEIGHBORS OF THE PROPOSED DEVELOPMENT AT
5555 ODANA ROAD & 5534 MEDICAL CIRCLE, MADISON, WISCONSIN

X

AUTHORIZED REPRESENTATIVE / LEAD APPELLANT
NAME: _____
ADDRESS: _____
DATE: _____

ADDITIONAL APPELLANT NAME, ADDRESS AND SIGNATURES ARE ATTACHED:

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X		1	
	_____ AUTHORIZED REPRESENTATIVE / APPELLANT 2		_____ AUTHORIZED REPRESENTATIVE / APPELLANT 3
NAME:	STUART T. KEEL - KEEL FAMILY LLC	NAME:	STUART T. KEEL - KEEL FAMILY LLC
ADDRESS:	5602 MEDICAL CIRCLE	ADDRESS:	5610 MEDICAL CIRCLE
DATE:	03-26-26	DATE:	03-26-26

Common Council Meeting: 03/24/2026

Comment on Item 91514: Development at 5555 Odana Rd / 5534 Medical Circle Dr

Dear members of the Common Council,

I recognize that the Conditional Use Permit (CUP) for this project has already been approved by the Plan Commission on 03/16/26 and that the Council's role at this stage may be limited. However, I am submitting this comment to ensure that my ongoing concerns are part of the record. In this testimony, I raise concern as to whether the required finding for CUP approval – that the project will not be detrimental to public health - has been fully supported by site-specific evidence. **I want to emphasize that this is not a general objection to development at this site, but rather site-specific concerns considering the site's location, proposed design and massing of the buildings, and the vulnerable population of preschool children whose health may be impacted by this development.**

The location of this specific development is located immediately adjacent to a preschool and in close proximity to the Beltline, a major source of traffic-related air pollution. Young children are particularly susceptible to these pollutants due to their higher respiratory rates and developing lungs. Adverse health outcomes from traffic-related pollution exposures in children has been strongly supported in the medical literature. **A recently published review in this area reports that exposure to air pollutants during sensitive early childhood developmental periods is associated with heightened risk for respiratory disorders, neurodevelopmental impairment, and chronic conditions including cardiovascular disease¹.** Accordingly, the World Health Organization has recently lowered its health-related limit values for particulate matter (PM_{2.5}) and nitrogen dioxide (NO₂), both of which are tied to vehicular emissions, to reflect these known harmful effects of air pollution on human health². In my research as faculty at UW Madison, I have previously published on how air pollution exposure is associated with increased risk for dementia in another vulnerable population, older adults³. However, the mechanisms by which harmful air pollution exposure impacts the body are universal across these sensitive populations,

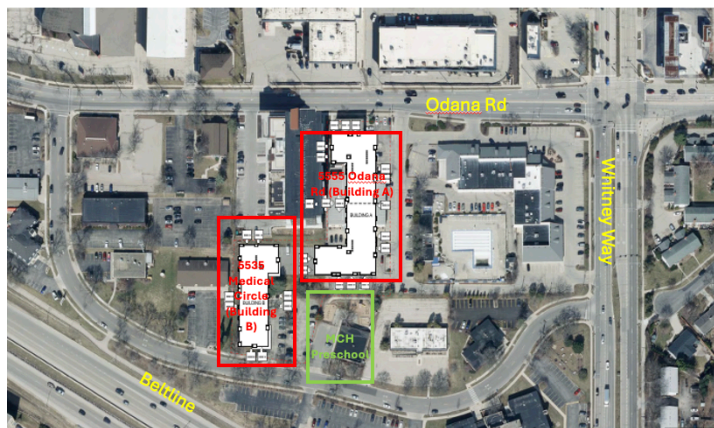
¹ Chong-Neto, H. J., & Rosário Filho, N. A. (2025). How does air quality affect the health of children and adolescents?. *Jornal de Pediatria*, 101, S77-S83.

² World Health Organization . World Health Organization; Geneva: 2023. Climate Change and Noncommunicable diseases: Connections.<https://www.who.int/news/item/02-11-2023-climate-change-and-noncommunicable-diseases-connections>

³ Williams, V. J., Trane, R., Sicinski, K., Herd, P., Engelman, M., & Asthana, S. (2024). Midlife and late-life environmental exposures on dementia risk in the Wisconsin Longitudinal Study: The modifying effects of ApoE. *Alzheimer's & Dementia*, 20(12), 8263-8278

where aside from direct impacts to the respiratory system, other body organs (including the brain) are indirectly impacted by elevated pollution-associated systemic inflammation.

At issue with this particular development is how the approved building design may limit air movement and the dispersion of nearby traffic-related air pollution in a way that would concentrate these pollutants at ground level at the preschool. The building's massing and increased height (which required approval through a Conditional Use Permit) creates a nearly continuous wall of development that largely envelops the north and east boundaries of the preschool (shown below). Although the back of Building A is currently zoned at 5 stories, with the CUP allowance of 6 and accounting for elevation change, will stand at least 7 stories within 100 feet of the preschool playground. With the orientation of the beltline to the South, **this creates a strong potential for a canyon or barrier effect, where the air circulation is constrained and pollutants are more likely to accumulate rather than dissipate**⁴. Of notable relevance, the prevailing winds generally come from the South/Southwest in summer months when children at this preschool spend a large portion of their day playing outside. Whitney Way and Odana Rd also carry a high traffic volume, and the proximal placement of driveways and internal circulation routes bordering the preschool boundary, both likely confound these exposure effects as well. Given the known health risks associated with air pollution, there is a substantial scientific literature that has evaluated the impact of urban design configurations on ground-level air pollution exposures. A particularly relevant finding is that **increasing building permeability, limiting height, and increasing setbacks were found to be the most effective solutions to mitigating air pollutant exposure problems in isolated urban canyons**⁵ – which are precisely the problems with this development.



⁴ Fu, X., Liu, J., Ban-Weiss, G. A., Zhang, J., Huang, X., Ouyang, B., ... & Tao, S. (2017). Effects of canyon geometry on the distribution of traffic-related air pollution in a large urban area: Implications of a multi-canyon air pollution dispersion model. *Atmospheric Environment*, 165, 111-121.

⁵ Ng, W. Y., & Chau, C. K. (2014). A modeling investigation of the impact of street and building configurations on personal air pollutant exposure in isolated deep urban canyons. *Science of the Total Environment*, 468, 429-448.

These specific circumstances of this development compound to increase the need for due diligence to ensure public health and safety. This is not a general planning concern; it is in response to the potential for site-specific harm. This is a unique situation where there is a direct problematic intersection between the massing and enveloping layout of the proposed developments and its proximity to the freeway where air quality concerns are greatest. When combined, these factors importantly compromise the health of preschool children (as young as 18 months), whom by state licensing requirements must spend time outside each day. Together, these facts **elevate the concerns above typical zoning considerations into substantive health and safety risks.** This combination is also not a typical condition, where the "comparable developments" or precedents that were raised in the Plan Commission are applicable. Instead, **the presence of these risk factors warrants a site-specific evaluation rather than reliance on general assumptions about the development's impacts on air quality.**

Under Madison's ordinance, the Council must be able to make specific findings that the project will a) not be detrimental to public health, safety, or welfare, b) is compatible with surrounding area, and c) will not create substantial adverse impacts. Without the city evaluating how the buildings' height and massing would affect pollutant concentrations at a preschool boundary, it is difficult to conclude that the project will not be detrimental to public health or welfare. **The very modification being granted through the Conditional Use Permit (additional height) is directly related to the potential for increased pollution concentration at a location that serves a vulnerable population (children).** The absence of analysis regarding the effects of this development on near-roadway air pollution exposure in the context of increased building height and massing adjacent to a sensitive use, raises questions about whether that finding was fully supported. Further, the expectation that this development will be publicly funded and subsidized should create a higher expectation of due diligence to ensure that health and safety standards are met.

Overall, I want to clearly reiterate that this constitutes a site-specific issue involving the intersection of design, location, and a vulnerable population. Addressing it doesn't require opposing development or sidelining this project, but it does **require ensuring that public health considerations are meaningfully integrated into the final design.** I respectfully defer to the Common Council what strategy should be pursued to ensure that this new development is not adversely impacting the health of our children; whether this proposal needs to be sent back to the Urban Design or Plan Commission(s) or can be addressed and mitigated during future planning stages. However, I strongly urge the Council to acknowledge this potential harm in the record and ensure that the necessary steps, including a site-specific air dispersion modeling study, be completed in order to reach an informed decision that this development does not pose a risk to the health of a sensitive

population. If adverse impact is indicated, I encourage the applicant to incorporate reasonable mitigation measures, such as:

- Stepping down building height and/or increasing setback of Building A along the boundaries adjacent to the preschool
- Adjust building placement or design to improve airflow and pollutant dispersion
- Relocating or minimizing vehicle activity near the preschool boundary
- Incorporating vegetative or structural buffering to aide in pollutant dispersion
- Implementing enhanced filtration and air quality protections

Thank you for your time. I would greatly appreciate any guidance, recommendations, or next steps your office could provide regarding this matter. I have yet to receive a direct response to this foreseeable concern that I have now raised through public and written comments at the Urban Design and Plan Commission meetings, and in direct email correspondence to the Common Council. I would welcome the opportunity to discuss this concern further.

Sincerely,

Victoria Williams, PhD

The Plan Commission: 03/16/2026 Meeting

Comment on Item 91512: Development at 5555 Odana Rd / 5534 Medical Cir

Dear members of the Planning Commission:

My name is Victoria Williams and I am a parent of two children who attend Montessori Children's House, as well as a homeowner here in Midvale Heights.

I am writing to express concern about the potential impacts of the proposed apartment development on local infrastructure, traffic patterns, and pedestrian safety in our neighborhood. While thoughtful housing growth is important, it is equally important that new development aligns with the capacity and safety of the surrounding community.

A development of this scale has the potential to significantly increase daily vehicle traffic in an area originally designed for much lower residential density. Even moderate-sized apartment buildings can generate hundreds of additional vehicle trips per day, particularly during morning and evening commute hours. Increased turning movements into driveways and parking areas can create congestion and introduce new conflict points for both drivers and pedestrians.

Pedestrian safety is an especially important concern at this particular location. Several months ago I witness a jogger being tragically struck by a speeding vehicle at the intersection of Odana Rd and Whitney Way, underscoring the very real safety risks that already exist here. The proposed entrance to the apartment complex would be located at a point on Odana Rd where two lanes merge into one, a condition that already requires drivers to adjust speed and positioning. Placing a new development entrance at this exact location adds additional turning movements and driver distraction at a moment when traffic is already compressing.

Compounding this concern, the proposed entrance would sit directly across from an existing shopping center entrance that already generates frequent turning traffic and congestion. Vehicles entering and exiting the shopping center often slow, stop, or turn across traffic lanes, creating unpredictable conditions for drivers, cyclists, and pedestrians. Adding another major point of entry and exit directly opposite this location on Odana Rd risks intensifying an already problematic traffic pattern.

The proposal also includes a second entrance on Medical Circle Drive. This roadway is already frequently used as a cut-through by drivers attempting to avoid the significant traffic backup on Odana Road. As a result, Medical Circle Drive currently experiences through-traffic that was never intended for a local access street, which already poses a

significant safety risk for a school zone. Adding another access point for a large residential development risks further increasing this shortcut traffic and could worsen congestion and safety concerns for those who live, walk, or work in the immediate area – especially during peak traffic times that coincide with school pick up and drop off.

Another safety concern relates to driver behavior caused by the heavy congestion on Odana Road near this intersection. Because traffic frequently backs up for long stretches, some drivers accelerate down the turn lane in an attempt to bypass the line of stopped vehicles before merging back into traffic. This especially creates dangerous conditions for vehicles attempting to turn onto Odana Road from Medical Circle Drive. I have personally experienced several near-miss situations when attempting to turn left onto Odana because vehicles were unexpectedly speeding through the turn lane and were not visible due to stopped traffic. Introducing additional traffic and turning movements in this already complex traffic environment could further increase the risk of collisions. A simple solution would be to install traffic islands to prevent thru traffic in the turn lane, similar to what is already in place on Odana Rd near West Towne Mall. The added traffic with the new development may also necessitate a new traffic light.

Existing neighborhood infrastructure may also face added strain. Many residential areas were built decades ago with assumptions about density that differ significantly from what is being proposed today. Roadway capacity, parking availability, stormwater systems, and utility infrastructure may not be designed to accommodate a sudden increase in residents and vehicles without appropriate upgrades or mitigation measures. I trust that the Planning Commission is considering these factors as well.

Finally, the cumulative effects of multiple developments in a neighborhood should be carefully considered. Even if a single project appears manageable in isolation, the combined impact of additional traffic, infrastructure demand, and pedestrian activity can significantly change the character and safety of an area.

For these reasons, I respectfully encourage the Commission to carefully evaluate the proposed development's impact on traffic flow, pedestrian safety, and infrastructure capacity. Particular attention should be given to the safety implications of placing a new development entrance at a lane merge directly opposite an already busy commercial entrance at an intersection where a fatal pedestrian accident has occurred, as well as the potential for increased cut-through traffic along Medical Circle Drive and unsafe driving behavior in the turn lane on Odana Road. Thorough traffic studies and careful consideration of alternative site access designs may be necessary to ensure that growth occurs in a way that prioritizes safety and long-term community well-being.

In addition to my concerns above, I am also providing a written transcript of my spoken comments at this meeting for your references. Please see below:

I'm writing to ask you to reconsider the proposed developments that would surround and overshadow our neighborhood Montessori preschool – an institution that has quietly but profoundly enriched this community for more than sixty years.

We all recognize the need for thoughtful, well-planned density. But good planning is not only about the number of units we can fit onto a parcel. It is about how our decisions shape the lived experiences of the people who are already here – especially our youngest residents, who have no voice in this room.

A Montessori environment is not just a building with children inside it. It is intentionally designed around light, openness, and a deep connection to the natural world. Sunlight is not a luxury in that model – it is a core educational tool. Children learn by observing shadows, tending plants, and working in bright, calm spaces that support focus and emotional regulation. The proposed buildings would quite literally cast this school into shadows for much of the day. That is not a metaphor. It is a physical reality that will affect classroom quality, outdoor play, plant life, and the psychological well-being of our children who spend their formative years there. For six decades, this preschool has served generations of families. It has supported working parents, prepared children for lifelong learning, and created a stable community anchor. You cannot replicate that kind of social infrastructure once it is lost.

City planning should protect these long-standing community assets, not isolate them. Surrounding a preschool on multiple sides with six-story buildings creates a canyon effect – blocking light, increasing noise, and limiting airflow. With the nearby highway corridor, boxing in the preschool with tall continuous structures raises concerns of funneling and accumulating traffic exhaust directly where our children learn and play. Young children are especially vulnerable to air pollution exposure, increasing their risk for lifelong chronic disease. From a public health perspective, we should not be designing conditions that risk intensifying air pollution at an early childhood site.

The proposed apartments also fail to reflect the architectural character that makes this neighborhood unique and a point of civic pride. As embodied in the Marshall Erdman building set for demolition, this area is widely recognized for its cohesive mid-century design – low profiles, human scale, generous setbacks, and an intentional relationship between buildings, trees, and open sky. By contrast, the current proposal introduces mass-produced looming structures with no visual connection to the surroundings. Replacing a

distinctive architectural legacy with generic bulk diminishes what makes this community special. Once a historic Erdman building is gone, it cannot be reconstructed.

As proposed, the current development sacrifices both architectural heritage and child-centered urban design for bulk and density alone. We are not asking you to reject development. We are asking for a solution that offers a more contextualized, scaled, and protective design. A step down in scale and echoing existing forms would complement nearby architecture. Introducing step-backs, reduced height, and increasing the set-back would still allow for new housing while preserving sunlight and air flow for our children. I have created a simple AI rendering of an architectural design inspiration that could still increase housing density but also pay homage to the lost Marshall Erdman structure. As you can hopefully agree, it is quite possible to imagine a solution that reflects the scale and materiality of this neighborhood without importing a templated corporate design that can be seen in literally any city across this country... one that seems to emphasize profit margins over human-centered design and community identify.



Thank you for your time and consideration.

Victoria Williams

4825 Woodburn Dr

Madison, WI 53711

832-741-9435



Mitchell R. Olson
molson@axley.com
608.283.6724

VIA: E-mail Only

March 16, 2026

City of Madison Plan Commission
Madison Municipal Building
215 Martin Luther King Jr Blvd, Room 206
Madison, WI 53703
pcccomments@cityofmadison.com

RE: Madison Planning Commission Meeting of March 16, 2026; Agenda Items 10-12
Legistar File ID #91459, 91512,91514

Dear Plan Commission Members:

I am retained by the Montessori Children's House ("MCH") with respect to a pending development proposal by Bear Development, LLC, at 5534 Medical Circle and 5555 Odana Road.

My client is opposed to the application for a Conditional Use Permit in the CC-T zone. The application seeks approval for two (2) mixed-use buildings with more than 60 units, and for one of the buildings to exceed five stories.

MCH has served local families for over 60 years in the field of early-childhood education. MCH is an accredited center under license with the City of Madison. MCH's location is ideally suited to serve the surrounding community in the vicinity of Whitney Way / Odana Road, where many employment opportunities and housing options exist for young families. The long-standing smaller scale development in this area south of Odana Road is well-suited for professional and medical offices, for example. The proposed CUP goes against many of these historical patterns and values.

APPLICABLE REGULATIONS

MGO sec. 28.183 governs conditional use permitting. Of particular import:

- The Purpose of the CUP section “requires consideration, in each case, **of their impact on neighboring land or public facilities, and for the public need for the particular use at a particular location.**” 28.183(1)
- The Code sets forth Approval Standards: “The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan.... **No application for a conditional use shall be granted by the Plan commission unless it finds that all of the following conditions are present:**” MGO sec. 28.183(6)
 - “The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.” Approval Standard # (Standard 1)
 - “The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.” Approval Standard # (Standard 3)

The City of Madison is likewise subject to 2017 Wisconsin Act 67 as adopted at Wis. Stat. sec. 62.23(7)(de). Among the key provisions therein:

- “The applicant must demonstrate that that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.” Wis. Stat. sec. 62.23(7) (de)2.b.
- “The city’s decision to approve or deny the permit must be supported by substantial evidence.” Wis. Stat. sec. 62.23(7) (de)2.b.
- “‘Substantial evidence’ means facts and information other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. sec. 62.23(7) (de)1.b

The Area Land Use Plan approved by the City of Madison is also relevant. The City of Madison Plan for the West Area, adopted September 10, 2024, covers the subject properties. Of note from that Plan:

- The subject area is in the “Employment and Commercial Focus” – not residential nor mixed use. Page 12.
- Much of the subject area (southern portion) is designated “Employment” as future land use – not any residential category nor mixed use. Page 13.
- Public Comments focused on “more mixed-use development and high density at appropriate locations.” “Avoid over-developing and losing neighborhood character.” Page 15.

ANALYSIS OPPOSING CONDITIONAL USE PERMIT

The Application, as presented, should not be approved. Revisions to the application are required, based on the following analysis, before the City can lawfully approve a project of this nature at this location.

First, the applicant has submitted no substantial evidence with its Application to show that it can or will meet all requisite conditions. It is a bare bones application that makes no effort to address MGO sec. 28.183.

Second, CUP standard # 1 (“The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.”) cannot be met as proposed.

There is particular concern as to the “establishment” component here. This covers the **construction** of the facilities. We cannot wave a magic wand and have these two massive structures in place. There is a nearly 2-year construction process. There will be long-term demolition, excavation, and construction. All of which is proposed to take place within 100 feet – and likely less – to an outdoor playground for young children who must recreate for at least 3 hours per day. Consider noise, dust, and safety risks from any workplace accidents,

The application totally ignores this situation and the risks of health and safety inherent therein. There is no construction plan to address these concerns. There is no safety plan proposed. There are no legitimate fencing and landscaping proposed.

The City should seriously consider directing the developer to move the southern extent of “Building A” further north and away from the MCH lot line/playground.

There is a clear and obvious risk to the health, safety, and welfare of the neighboring occupants, which must be addressed.



Third, CUP standard #3 (“The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”) cannot be met as proposed.

The existing uses, such the childcare center here, have not been considered by the Application. In fact, the Application appears to have deliberately ignored the MCH property and its activities. MCH is an already established use. This proposal will substantially impair or diminish in a foreseeable manner the use and enjoyment of the MCH property. The scope of public comment offered, and to be offered, shows this standard cannot be met by Applicant.

MCH’s position is that it cannot remain safely open and operational with the construction impacts required for this proposal.

MCH also has significant safety concerns as to residential units perched directly above and looking down, from 100 feet distance, at a playground. A further setback would ameliorate these concerns, to some degree.

Fourth, the applicable land use plan does not call for multi-family high rise development. It calls for employment and commercial land uses. There are many suitable locations for this sort of development, including along the south side of Odana Road. But not all the way south to Medical Circle, as proposed. One cannot, in good faith, interpret this West Area land use plan to deem this application consistent with that plan.

In conclusion, the size, scale, type of use, and location of use are all non-compliant with the City’s code and plan. The Application does not contain the requisite substantial evidence to obtain a conditional use permit. This application should be denied or sent back to the developer to address these concerns and present a suitable proposal for this site.

Thank you for your consideration.

Sincerely,

AXLEY LLP

A handwritten signature in black ink, appearing to read 'MRO' followed by a horizontal flourish.

Mitchell R. Olson
MRO:ea