



Location
1902 Tennyson Lane

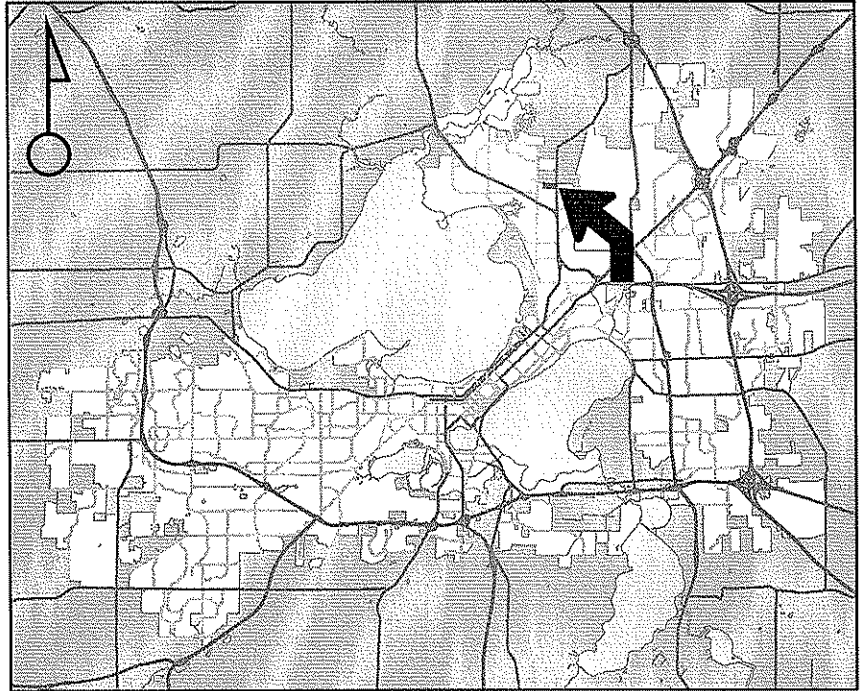
Project Name
Commercial Condominiums

Applicant
Thomas J Keller - Tennyson Terrace, LLC/
Michael R. Christopher - DeWitt, Ross & Stevens

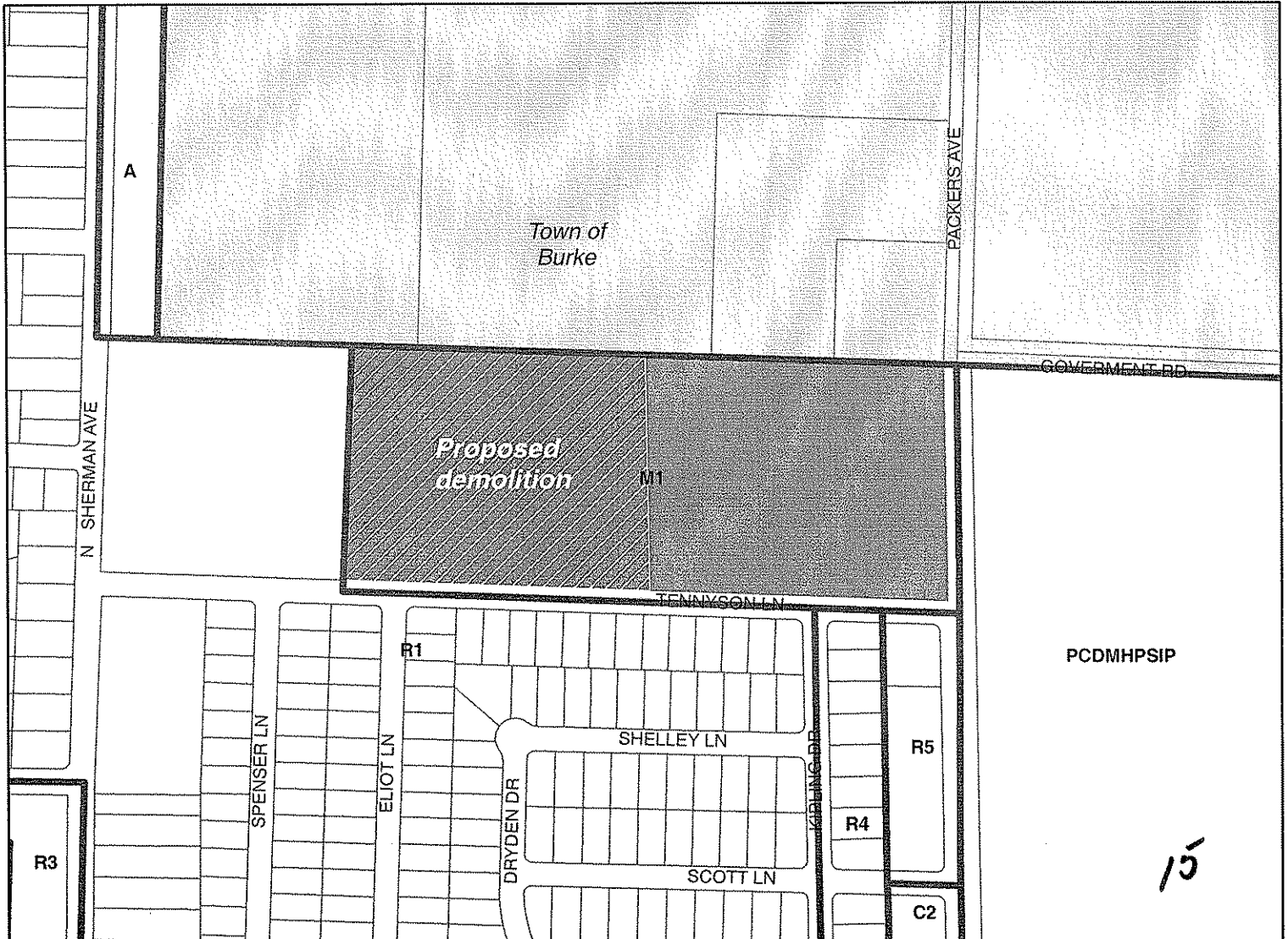
Existing Use
Former Laboratory and Warehouse

Proposed Use
Demolish Former Laboratory/Warehouse
to Construct 60 Commercial Buildings

Public Hearing Date
Plan Commission
05 May 2008



For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : RPJ : Date : 22 April 2008

15



LAND USE APPLICATION Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
PO Box 2985; Madison, Wisconsin 53701-2985
Phone: 608.266.4635 | Facsimile: 608.267.8739

- The following information is required for all applications for Plan Commission review.
- Please read all pages of the application completely and fill in all required fields.
- This application form may also be completed online at www.cityofmadison.com/planning/plan.html
- All zoning application packages should be filed directly with the Zoning Administrator's desk.
- All applications will be reviewed against the applicable standards found in the City Ordinances to determine if the project can be approved.

FOR OFFICE USE ONLY:

85-89244 → Not. F. cat. Fees

Amt. Paid 500- Receipt No. 89208
 Date Received 3/04/08
 Received By JOP
 Parcel No. 0810-302-0101-6
 Aldermanic District 12-SATYA RHODES-CONWAY
 GQ JK
 Zoning District M1
For Complete Submittal
 Application Letter of Intent
 IDUP Legal Descript.
 Plan Sets Zoning Text
 Alder Notification Waiver
 Ngrhd. Assn Not. Waiver
 Date Sign Issued 3/04/08

1. Project Address: 1902 Tennyson Lane **Project Area in Acres:** 21

Project Title (if any): _____

2. This is an application for: (check at least one)

| | |
|--|---|
| <input type="checkbox"/> Zoning Map Amendment (check only ONE box below for rezoning and fill in the blanks accordingly) | |
| <input type="checkbox"/> Rezoning from _____ to _____ | <input type="checkbox"/> Rezoning from _____ to PUD/PCD-SIP |
| <input type="checkbox"/> Rezoning from _____ to PUD/PCD-GDP | <input type="checkbox"/> Rezoning from PUD/PCD-GDP to PUD/PCD-SIP |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Demolition Permit |
| <input type="checkbox"/> Other Requests (Specify): _____ | |

3. Applicant, Agent & Property Owner Information:

Applicant's Name: Thomas J. Keller Company: Tennyson Terrace LLC
 Street Address: 448 West Washington Avenue City/State: Madison, WI Zip: 53703
 Telephone: (608) 227-6543 Fax: (608) 255-5005 Email: thomas@kellerrealestategroup.com
 Project Contact Person: Attorney Michael R. Christopher Company: DeWitt Ross & Stevens S.C.
 Street Address: 2 East Mifflin Street, #600 City/State: Madison, WI Zip: 53703-2865
 Telephone: (608) 252-9365 Fax: (608) 252-9243 Email: mrc@dewittross.com
 Property Owner (if not applicant): N/A
 Street Address: _____ City/State: _____ Zip: _____

4. Project Information:

Provide a general description of the project and all proposed uses of the site: See attached Letter of Intent

Development Schedule: Commencement June, 2008 Completion October, 2008

CONTINUE →

15

5. Required Submittals:

Site Plans submitted as follows below and depicts all lot lines; existing, altered, demolished or proposed buildings; parking areas and driveways; sidewalks; location of any new signs; existing and proposed utility locations; building elevations and floor plans; landscaping, and a development schedule describing pertinent project details:

- **Seven (7) copies** of a full-sized plan set drawn to a scale of one inch equals 20 feet (collated and folded)
- **Seven (7) copies** of the plan set reduced to fit onto 11 inch by 17 inch paper (collated, stapled and folded)
- **One (1) copy** of the plan set reduced to fit onto 8 1/2 inch by 11 inch paper

Letter of Intent: Twelve (12) copies describing this application in detail but not limited to, including: existing conditions and uses of the property; development schedule for the project; names of persons involved (contractor, architect, landscaper, business manager, etc.); types of businesses; number of employees; hours of operation; square footage or acreage of the site; number of dwelling units; sale or rental price range for dwelling units; gross square footage of building(s); number of parking stalls, etc.

Legal Description of Property: Lot(s) of record or metes and bounds description prepared by a land surveyor.

Filing Fee: \$ 500.00 See the fee schedule on the application cover page. Make checks payable to: *City Treasurer.*

IN ADDITION, THE FOLLOWING ITEMS MAY ALSO BE REQUIRED WITH YOUR APPLICATION; SEE BELOW:

For any applications proposing demolition of existing (principal) buildings, photos of the structure(s) to be demolished shall be submitted with your application. Be advised that a *Reuse and Recycling Plan* approved by the City's Recycling Coordinator is required to be approved by the City prior to issuance of wrecking permits.

A project proposing **ten (10) or more dwelling units** may be required to comply with the City's Inclusionary Zoning requirements outlined in Section 28.04 (25) of the Zoning Ordinance. A separate **INCLUSIONARY DWELLING UNIT PLAN** application detailing the project's conformance with these ordinance requirements shall be submitted concurrently with this application form. Note that some IDUP materials will coincide with the above submittal materials.

A *Zoning Text* must accompany **all** Planned Community or Planned Unit Development (PCD/PUD) submittals.

FOR ALL APPLICATIONS: All applicants are required to submit copies of all items submitted in hard copy with their application (including this application form, the letter of intent, complete plan sets and elevations, etc.) as **INDIVIDUAL** Adobe Acrobat PDF files compiled either on a non-returnable CD to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The e-mail shall include the name of the project and applicant. Applicants who are unable to provide the materials electronically should contact the Planning Unit at (608) 266-4635 for assistance.

6. Applicant Declarations:

Conformance with adopted City plans: Applications shall be in accordance with all adopted City of Madison plans:

→ *The site is located within the limits of* Northport-Warner Park Neighborhoods *Plan, which recommends:*

Low to Moderate Density Residential *for this property.*

Pre-application Notification: Section 28.12 of the Zoning Ordinance requires that the applicant notify the district alder and any nearby neighborhood or business associations by mail no later than **30** days prior to filing this request:

→ *List below the Alderperson, Neighborhood Association(s), Business Association(s) AND dates you sent the notices:*

Alderpersons Rhodes-Conway and Schumacher and Berkley Oaks and Lakeview Neighborhood
Associations
If the alder has granted a waiver to this requirement, please attach any such correspondence to this form.

Pre-application Meeting with staff: **Prior** to preparation of this application, the applicant is required to discuss the proposed development and review process with Zoning Counter and Planning Unit staff; note staff persons and date.

Planner Tim Parks Date 12/5/07 | Zoning Staff Matt Tucker Date 12/5/07

The signer attests that this form has been completed accurately and all required materials have been submitted:

Printed Name Thomas J. Keller Date March 3, 2008

Signature *Thomas J. Keller* Relation to Property Owner MANAGING MEMBER

Authorizing Signature of Property Owner *Thomas J. Keller* Date March 3, 2008
TENNYSON TERRACE, LLC



**DEWITT
ROSS & STEVENS^{sc}**
LAW FIRM

www.dewittross.com

Capitol Square Office
Two East Mifflin Street
Suite 600
Madison, WI 53703-2865
Tel 608-255-8891
Fax 608-252-9243

Metro Milwaukee Office
13935 Bishop's Drive
Suite 300
Brookfield, WI 53005-6605
Tel 262-754-2840
Fax 262-754-2845

Please respond to: Capitol Square Office
Direct line: 608-252-9365
Email: mrc@dewittross.com

March 3, 2008

VIA HAND-DELIVERY

Brad Murphy
City of Madison
Department of Planning & Development
215 Martin Luther King, Jr. Blvd., Room LL-100
Madison, WI 53701-2985

RE: 1902 Tennyson Lane
Demolition Permit – Letter of Intent

Dear Brad:

I am enclosing twelve (12) copies of this Letter of Intent, together with the Application and Plans for the demolition of the structures on the property located at 1902 Tennyson Lane.

Organizational Structure

Owner: Tennyson Terrace LLC
Thomas J. Keller
448 West Washington Avenue
Madison, WI 53703
(608)227-6543
(608)255-5005 (facsimile)
thomas@kellerrealestategroup.com

Attorney: Michael R. Christopher
DeWitt Ross & Stevens S.C.
2 East Mifflin Street, Suite 600
Madison, WI 53703-2865
(608)252-9365
(608)252-9343 (facsimile)
mrc@dewittross.com

Brad Murphy
City of Madison
Department of Planning & Development
March 3, 2008
Page 2

Civil Engineer: Mayo Corporation
600 Grand Canyon Drive
Madison, WI 53719
(608)833-0628
(608)833-0746 (facsimile)
Contact: Richard Lawrence
rlawrence@mayocorporation.com

Structural Engineer: Facility Engineering
101 Dempsey Road
Madison, WI 53714
(608)240-9110
(608)240-9112 (facsimile)
Contact: Daniel L. Maki, P.E.
dan@facilityengineeringinc.com

Introduction

This approximate 21 acre parcel on the corner of Packers Avenue and Tennyson Lane was bought by Tennyson Terrace LLC in 2006. The property is zoned **M-1 Limited Manufacturing** which permits the intended use. The land is divided into a two (2) lot CSM, so the only land use approval for the Plan Commission to consider granting is a demolition permit for the dilapidated buildings on the property.

Details of Demolition Request

The site consists of 11 distinct structures ranging in age from 45 to 60 years. None of the buildings are currently occupied and are generally abandoned. However, some of the structures are utilized for long-term storage. Initially, the buildings were used to conduct animal research and poultry processing.

The report prepared by Facility Engineering, dated February 16, 2008, assessed the integrity of the existing building systems, including the structure, building envelope, mechanical, electrical, and life safety. The report includes an inventory of the 11 buildings which are depicted on an attached diagram to the report. In addition, photographs which were taken on February 11, 2008, are attached.

Brad Murphy
City of Madison
Department of Planning & Development
March 3, 2008
Page 3

The last significant maintenance project on any of the buildings occurred 12 years ago. As a result, the buildings are in very poor condition and have exceeded the end of their useful service life. Substantial deterioration of the buildings has occurred rendering them unsafe. The conclusion is that the significance of the needed repairs necessary to meet current building codes greatly exceeds their replacement and that the entire building inventory should be demolished.

Alternative Use

The intent is to construct approximately 63 buildings consisting of 126 units of commercial condominium space. Each individual unit would be about 1,250 square feet in size. The average sale price for these units would likely be less than \$100,000, depending on the level of finish. These incubator units, which look like residential bungalows, are used by hobbyists, car collectors and small business people who desire to own an affordable, clean and pleasant space that is governed by strict design and operational covenants and condominium bylaws. The long row of mature trees along Tennyson Lane that are on the site now would be preserved. Enclosed are photographs of a very similar development north of this site off of Dovetail Road.

Current Zoning and Neighborhood Plan

The existing zoning is M-1 Limited Manufacturing which permits the commercial incubator bungalow project. This zoning has been in effect since 1971. The Northport Warner Park Neighborhoods Plan (the "Plan") which was established in 1992, envisions this parcel to be developed as low to medium density residential. However, we strongly believe that this proposal is quite consistent with the overall goals of the Plan.

The Plan notes that 76% of the land in the neighborhood is used for residential purposes, but only 1.2% is used for manufacturing and only 4.2% for commercial uses. As you well know, it is very important for any neighborhood to have a diversity of land uses in order to have a balanced tax base to avoid over-reliance on the residential property tax. This alternative use is particularly well-suited for this neighborhood in that a review of the census tracts on the North Side indicate that there is a high proportion of home-based businesses in the area which would benefit greatly as a result of this development. In addition, the Plan reflects the community profile of providing affordable space for small businesses which would compliment the wide range of affordable housing options that currently exist on the north side. Finally, the Plan

Brad Murphy
City of Madison
Department of Planning & Development
March 3, 2008
Page 4

places a high priority on the goals of “new business development” and “creating employment opportunities within a close proximity to residents’ homes.” The intended use fits these economic goals to a tee.

Although my client would be able to proceed with this development without any City approval since all 11 buildings proposed to be demolished are located on one of the lots of this two-lot CSM which currently exists, he feels that the neighborhood would benefit greatly from the demolition of these dilapidated buildings and an overall development rather than ending up with a patch-work development project.

Condominium Covenants and Bylaws

My client is not interested in permitting uses which would ordinarily be allowed under the current zoning. To that end, he intends to incorporate into the condominium documents a list of prohibited uses. They are as follows:

- Restaurants
- Theaters
- Taverns
- Adult Entertainment Establishments
- Gas Stations
- Motor Vehicle Salvage Yards
- Storage or Transfer of Hazardous Waste
- Handgun Shop
- Retail Agricultural Processing
- Manufacturing Plants
- Bus Terminals, Stations, Garages or Bus Lots
- Taxicab Business
- Display of Merchandise for Sale to the Public
- Drive-In Establishments
- Banks and Financial Institutions
- Drug Stores

In addition to this list of prohibited uses, the condominium documents and rules would prohibit any outdoor work or storage and will contain strict rules relating to design guidelines and on-going maintenance.

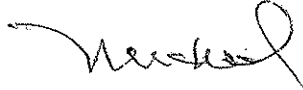
**DEWITT
ROSS & STEVENS_{s.c.}**
LAW FIRM

Brad Murphy
City of Madison
Department of Planning & Development
March 3, 2008
Page 5

Please feel free to contact me if you have any other questions.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:dso
Enclosures

*Maintenance
Programming*

February 16, 2008

Engineering

Mr. Thomas J. Keller CCIM
Keller Real Estate Group
448 W. Washington Avenue
Madison, WI 53703

Architecture

RE: 1902 Tennyson Lane Assessment
FEI Project Number: 180201

Dear Mr. Keller:

Building Envelope:

*Investigation
Assessment
Design
Support*

Subsequent to our visit and review of conditions of the numerous buildings on this site we offer the following observations and opinions. Our observations do not regard environmental assessment; however, they do regard the integrity of existing significant building systems. These include structure, building envelope, mechanical, electrical, and life safety.

OBSERVATIONS

The site consists of eleven distinct structures ranging in age from 45 to 60 years. The majority of the structures are of noncombustible construction; there are a few exceptions. None of the buildings are currently occupied and are generally abandoned; however, some of the structures are utilized for long term storage. Last know occupancy or building use dates back 3-4 years and occurred in Building #10 (attachment).

*Energy Conservation
by Design.*

An inventory of the buildings follows. A site plan is attached for your reference.

| <u>Bldg. No.</u> | <u>Use and Type</u> |
|------------------|--|
| 2 | Storage Building – noncombustible (masonry and concrete structure) |
| 3 | Research Building – noncombustible (masonry and concrete structure) |
| 4 | Office and Pharmacy – noncombustible (pre-engineering steel structure) |
| 5 | Laboratory – combustible (wood framed structure) |
| 6 | Laboratory - noncombustible (masonry and concrete structure) |
| 7 | Shipping Department - noncombustible (pre-engineering steel structure) |
| 8 | Workshop – combustible (masonry and wood structure) |
| 9 | Barn - noncombustible (pre-engineering steel structure) |
| 10 | Packaging and warehousing - noncombustible (pre-engineering steel structure) |
| 14 | Storage Barn - combustible (wood framed structure) |
| 15 | Generator Shed - noncombustible (pre-engineering steel structure) |

In general, regular maintenance has not occurred on any of the buildings for quite some time. It was reported that the last significant maintenance project occurred 12 years ago and included some mechanical work and roof replacement. The required comprehensive maintenance cycle did not occur within the life of these structures; consequently, they are in very poor condition with exception of Building #10. Some maintenance has occurred on this building in order to keep it functional until its recent abandonment. This building is now in poor condition.

OPINION

Overall Condition

Typically, these building have exceeded the end of their useful service life. The lack of integrity of building envelope systems and functioning mechanical systems has lead to a significant deterioration of the balance of the building systems rendering them *unsafe*.

Given the significance of the needed repairs and regardless of the buildings' ultimate use, all systems will need to be rehabilitated or replaced to meet current building codes if re-occupancy should be considered. In our opinion, the cost of such an endeavor will greatly exceed their replacement. This said, the entire building inventory should be demolished.


Reuse and recycle possibilities

It is possible that a large portion of the steel, concrete elements and concrete masonry can be recycled. For example, Building #10 consists of a *structural* system which could be dismantled and reassembled elsewhere. It is likely that the most reasonable reuse of the structure would be agricultural. Additionally, there exist numerous opportunities for recycling of copper, aluminum, and glass.

Our opinions are based on the facts available at the time of our visit. Facility Engineering, Inc., reserves the right to amend this report if new information becomes available.

Sincerely,

Facility Engineering, Inc.



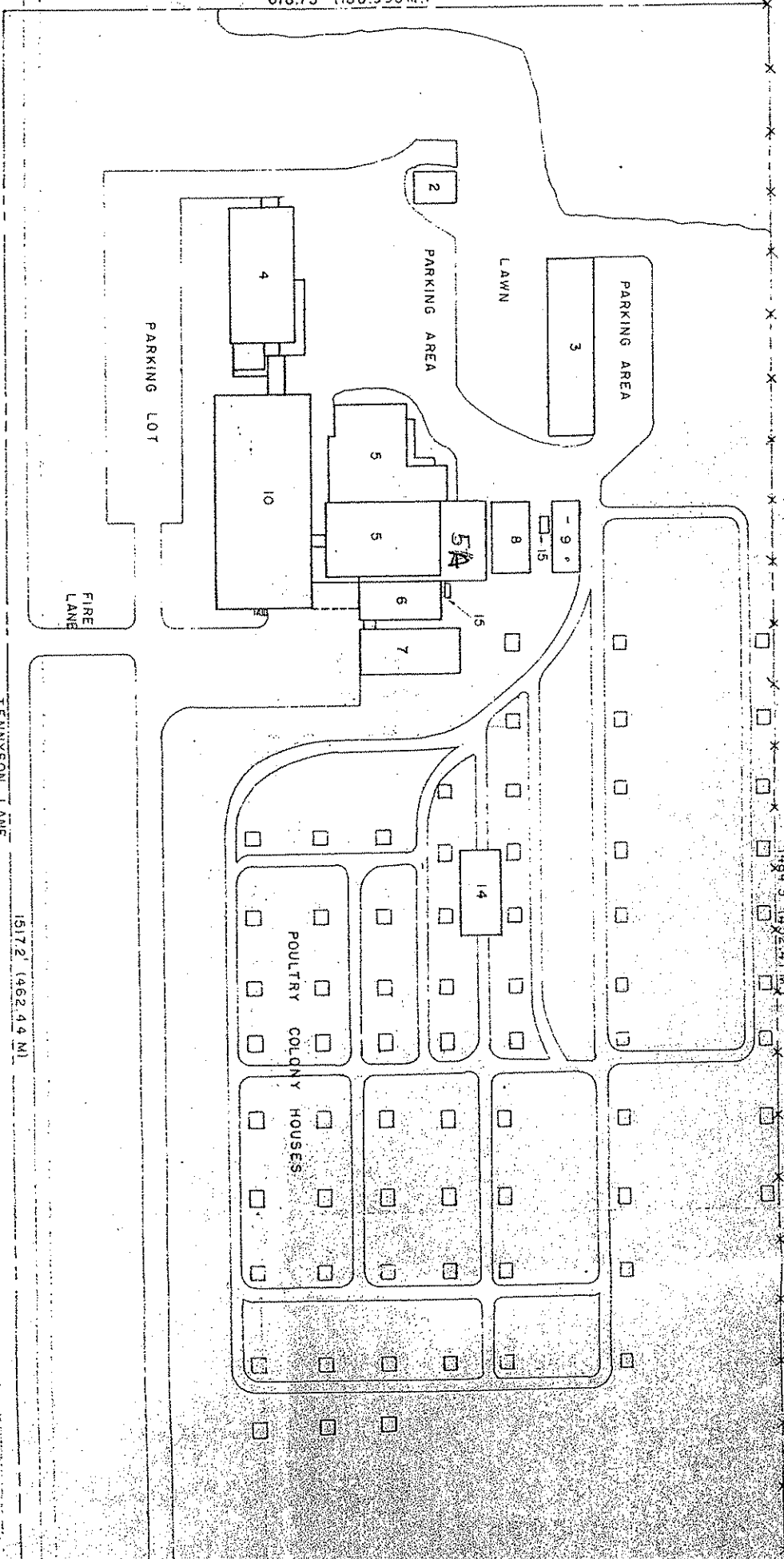
Daniel L. Maki, P.E.
Principal Engineer

Attachment

DLM/pw

ADJACENT PROPERTY - PUBLIC SCHOOL

618.75' (188.595 M.)

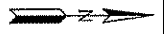


ADJACENT PROPERTY - OPEN FIELD

1484.3' (452.41 M.)

TENNYSON LANE

1517.2' (462.44 M.)

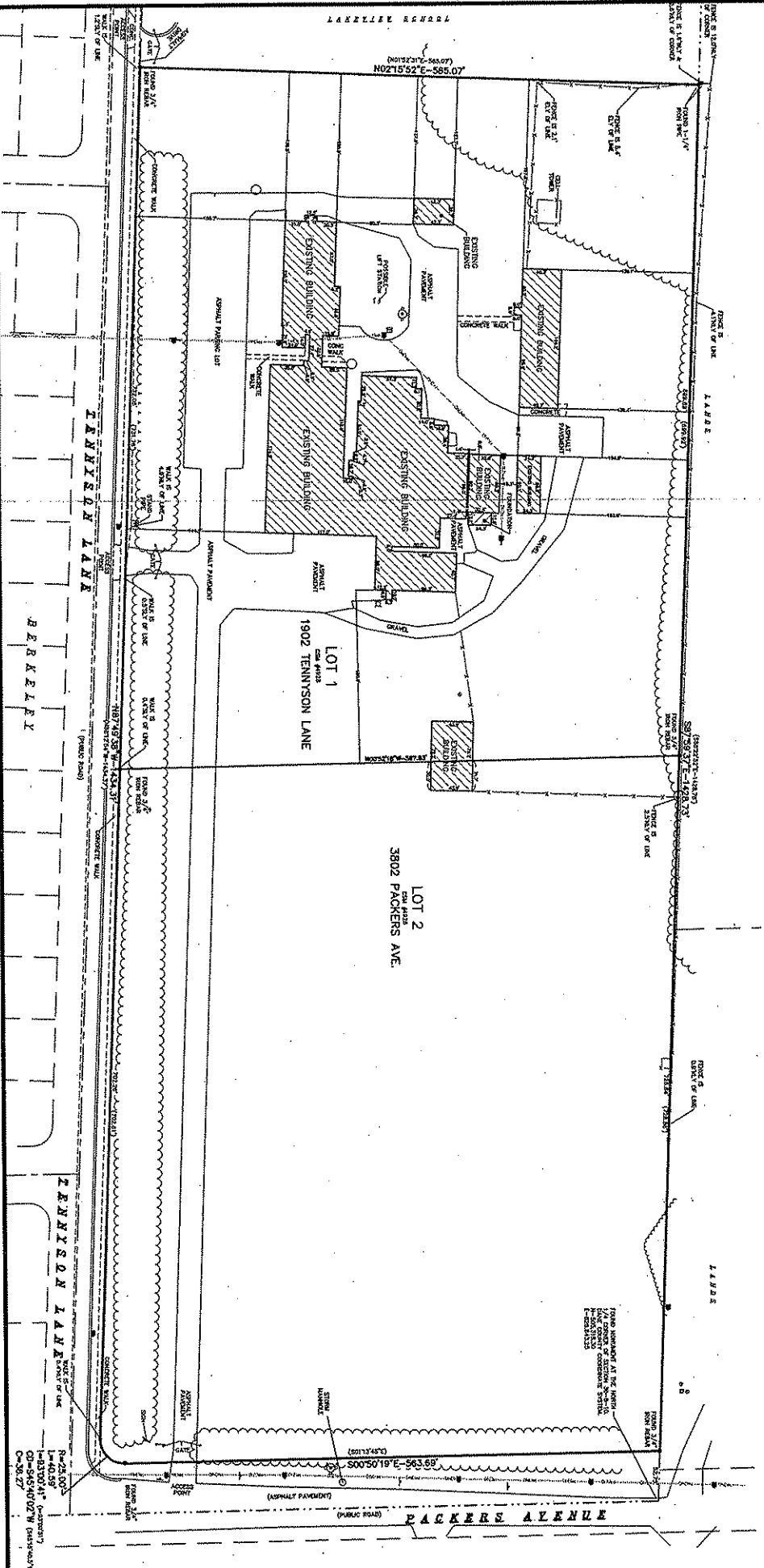


Legal Description

LOTS 1 & 2 OF CERTIFIED SURVEY MAP NO. 4028 AS RECORDED IN VOLUME 22 ON PAGES 50-51 AS DOCUMENT NUMBER 1834881, DANE COUNTY REGISTRY, LOCATED IN THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

Legend of Symbols & Abbreviations

| | | | |
|----|-------------------|----|-----------------------|
| 1 | PLUM POLE | 1 | SEWER LINE |
| 2 | UTS METERS | 2 | CONCRETE |
| 3 | ELECTRIC METERS | 3 | EXISTING FOUNDATION |
| 4 | POWER POLE | 4 | SECTION LINE |
| 5 | WATER METER/VALVE | 5 | SECTION OF 50' X 100' |
| 6 | WATER METER/VALVE | 6 | W/THIN ROOFS |
| 7 | W/THIN ROOFS | 7 | W/THIN ROOFS |
| 8 | W/THIN ROOFS | 8 | W/THIN ROOFS |
| 9 | W/THIN ROOFS | 9 | W/THIN ROOFS |
| 10 | W/THIN ROOFS | 10 | W/THIN ROOFS |
| 11 | W/THIN ROOFS | 11 | W/THIN ROOFS |
| 12 | W/THIN ROOFS | 12 | W/THIN ROOFS |
| 13 | W/THIN ROOFS | 13 | W/THIN ROOFS |
| 14 | W/THIN ROOFS | 14 | W/THIN ROOFS |
| 15 | W/THIN ROOFS | 15 | W/THIN ROOFS |
| 16 | W/THIN ROOFS | 16 | W/THIN ROOFS |
| 17 | W/THIN ROOFS | 17 | W/THIN ROOFS |
| 18 | W/THIN ROOFS | 18 | W/THIN ROOFS |
| 19 | W/THIN ROOFS | 19 | W/THIN ROOFS |
| 20 | W/THIN ROOFS | 20 | W/THIN ROOFS |
| 21 | W/THIN ROOFS | 21 | W/THIN ROOFS |
| 22 | W/THIN ROOFS | 22 | W/THIN ROOFS |
| 23 | W/THIN ROOFS | 23 | W/THIN ROOFS |
| 24 | W/THIN ROOFS | 24 | W/THIN ROOFS |
| 25 | W/THIN ROOFS | 25 | W/THIN ROOFS |
| 26 | W/THIN ROOFS | 26 | W/THIN ROOFS |
| 27 | W/THIN ROOFS | 27 | W/THIN ROOFS |
| 28 | W/THIN ROOFS | 28 | W/THIN ROOFS |
| 29 | W/THIN ROOFS | 29 | W/THIN ROOFS |
| 30 | W/THIN ROOFS | 30 | W/THIN ROOFS |
| 31 | W/THIN ROOFS | 31 | W/THIN ROOFS |
| 32 | W/THIN ROOFS | 32 | W/THIN ROOFS |
| 33 | W/THIN ROOFS | 33 | W/THIN ROOFS |
| 34 | W/THIN ROOFS | 34 | W/THIN ROOFS |
| 35 | W/THIN ROOFS | 35 | W/THIN ROOFS |
| 36 | W/THIN ROOFS | 36 | W/THIN ROOFS |
| 37 | W/THIN ROOFS | 37 | W/THIN ROOFS |
| 38 | W/THIN ROOFS | 38 | W/THIN ROOFS |
| 39 | W/THIN ROOFS | 39 | W/THIN ROOFS |
| 40 | W/THIN ROOFS | 40 | W/THIN ROOFS |
| 41 | W/THIN ROOFS | 41 | W/THIN ROOFS |
| 42 | W/THIN ROOFS | 42 | W/THIN ROOFS |
| 43 | W/THIN ROOFS | 43 | W/THIN ROOFS |
| 44 | W/THIN ROOFS | 44 | W/THIN ROOFS |
| 45 | W/THIN ROOFS | 45 | W/THIN ROOFS |
| 46 | W/THIN ROOFS | 46 | W/THIN ROOFS |
| 47 | W/THIN ROOFS | 47 | W/THIN ROOFS |
| 48 | W/THIN ROOFS | 48 | W/THIN ROOFS |
| 49 | W/THIN ROOFS | 49 | W/THIN ROOFS |
| 50 | W/THIN ROOFS | 50 | W/THIN ROOFS |



(N01°52'31"E-585.07')
N02°15'52"E-585.07'

FENCE IS 12.0" ONLY
FOUND 1-1/4" IRON PIPE
FENCE IS 1.5" W/4" &
2.5" ONLY OF CORNER

WALK IS 1.25" ONLY OF LINE

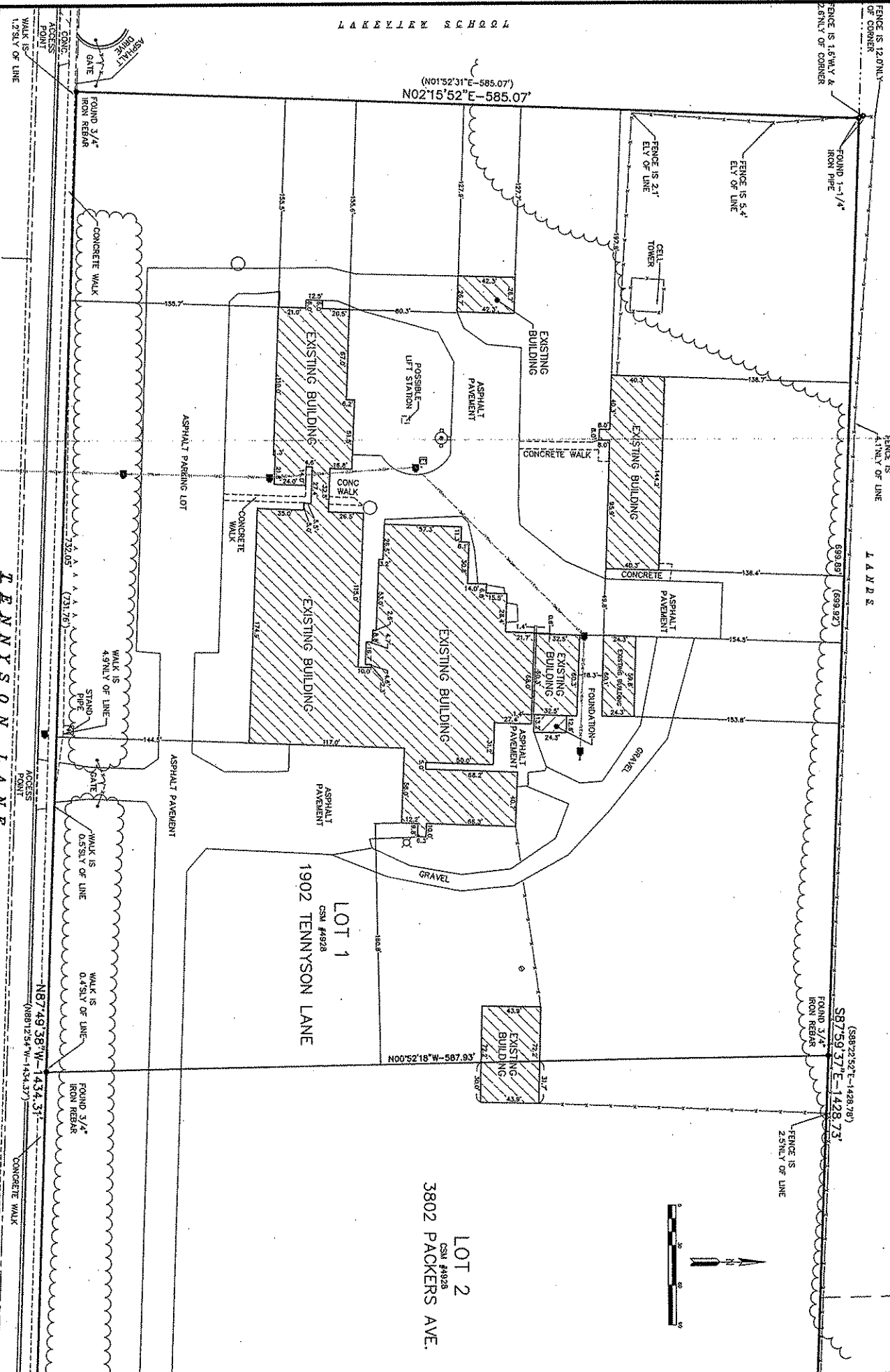
LENNYSSON LANE

FENCE IS 1" ONLY OF LINE
L.A.P.D.S.

SB7°59'37"E-1428.73'
FOUND 3/4" IRON REBAR

LOT 1
CSN #4928
1902 TENNYSSON LANE

LOT 2
CSN #4928
3802 PACKERS AVE.



This document contains confidential or proprietary information of Mayo Corporation. In the event this document or the information herein shall be reproduced, stored or disclosed, in whole or in part except as specifically authorized by Mayo Corporation. © 2005

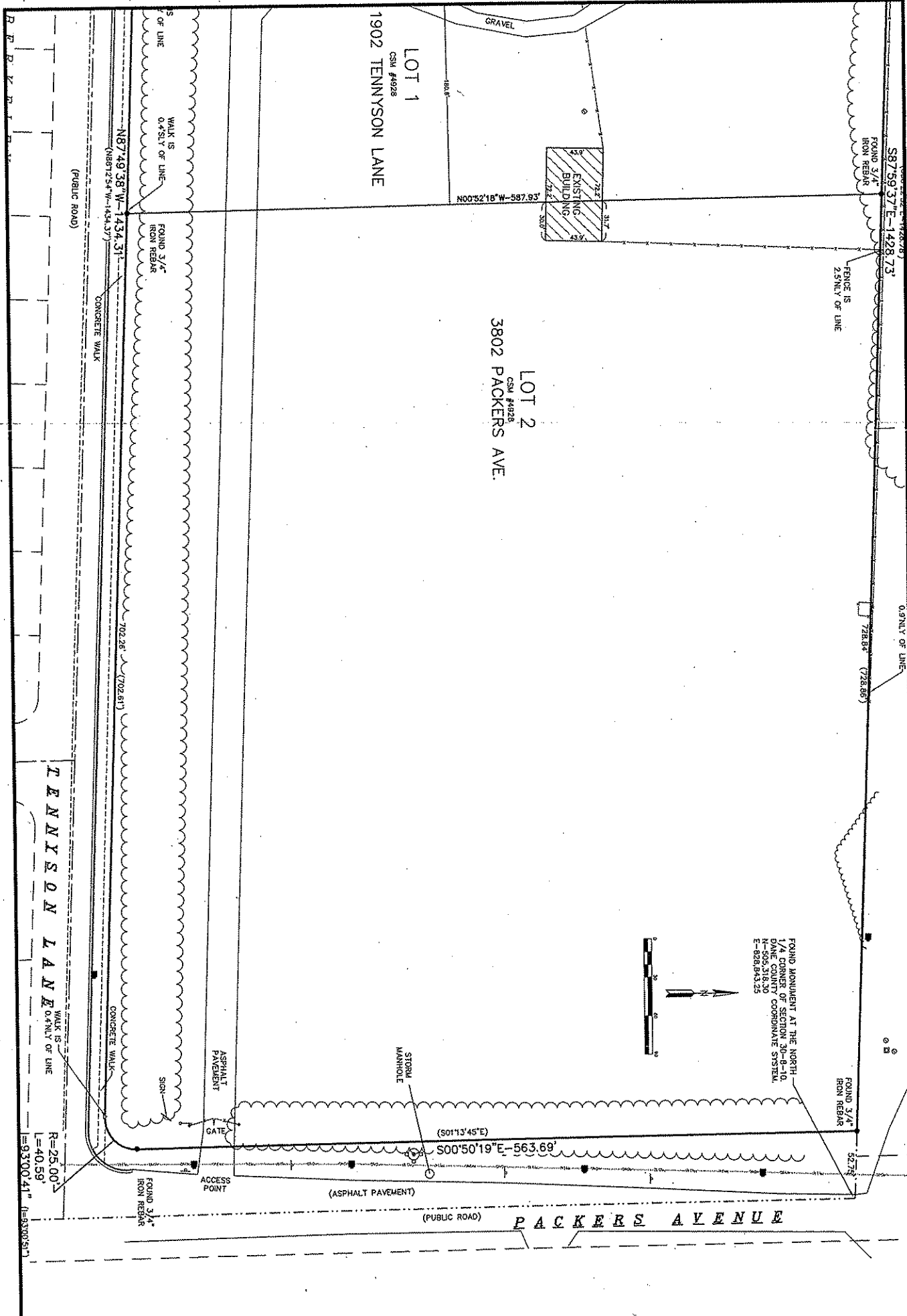
| | |
|------------|------------|
| PROJECT | DEMOLITION |
| DATE | 03-03-06 |
| SCALE | AS SHOWN |
| DRAWN BY | CMP |
| CHECKED BY | MSL |
| DATE | 03-03-06 |

DEMOLITION
TENNYSSON TERRACE
Keller Red Estate Group
City of Madison, Dane County, Wisconsin

| | |
|-----|------|
| NO. | DATE |
| | |
| | |
| | |

MAYO CORPORATION
600 Grand Canyon Drive
Madison, WI 53719
608-261-8000
(800) 853-0746 (toll free)

15



This document contains confidential or proprietary information of Mayo Corporation. Neither this document nor the information herein shall be reproduced, distributed, used or otherwise disclosed, either in whole or in part, except as specifically authorized by Mayo Corporation. © 2005

PLOT DATE: 03-03-05
 LAYOUT: 30 SCALE: 6000 24x36 P-2
 LAYER NAME:
 DRAWN BY: CJP REVIEWED BY: RSL
 FILE PATH: \\P\K\4928\3802PACKERS\DWG\3802

DEMOLITION
 TENNYSON TERRACE
 Keller Real Estate Group
 City of Madison, Dane County, Wisconsin

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |
| | | |
| | | |

MAYO CORPORATION
 600 Grand Canyon Drive
 Madison, WI 53719
 (608) 833-8000
 (608) 833-0744 (Fax)

16



DEWITT
ROSS & STEVENS_{sc}
LAW FIRM

www.dewittross.com

Capitol Square Office
Two East Mifflin Street
Suite 600
Madison, WI 53703-2865
Tel 608-255-8891
Fax 608-252-9243

Metro Milwaukee Office
13935 Bishop's Drive
Suite 300
Brookfield, WI 53005-6605
Tel 262-754-2840
Fax 262-754-2845

Please respond to: Capitol Square Office
Direct line: 608-252-9365
Email: mrc@dewittross.com

April 10, 2008

*VIA EMAIL
AND FIRST-CLASS MAIL*

Alderson Satya V. Rhodes-Conway – district12@cityofmadison.com
2642 Hoard Street
Madison, WI 53704-4870

Alderson Michael Schumacher – district18@cityofmadison.com
517 Nova Way
Madison, WI 53704-1588

RE: 1902 Tennyson Lane

Dear Satya and Michael:

To follow-up our meeting with representatives from NPC and BONA that we had on April 7, 2008, enclosed please find the following:

1. The latest iteration of the scaled concept plan for the Tennyson Terrace Business Bungalow Development.
2. Condominium Use Restrictions and Regulations, in draft form.
3. Ten (10) photographs of the business bungalows in Waukesha.
4. Specifications for the business bungalows in Waukesha which detail the features contained in a base-unit, as well as the options available.
5. Market summary of business bungalows that are either occupied or are under construction in the Madison area.

As to the latest concept plan, please note the following changes as compared to what you considered on April 7, 2008. Rather than having two access points on Tennyson Lane, one of those access points has been eliminated and instead a private access point about 350 feet south of the north property line has been created off of Packers Avenue. This was done in order to reduce the amount of traffic onto Tennyson Lane. The

Alderson Satya Rhodes-Conway
Alderson Michael Schumacher
April 10, 2008
Page 2

location of this private drive has been approved by John Leach. In addition, the Packers Avenue access has resulted in the reduction of the number of buildings from 60 to 59, has reduced the size of the stormwater detention basin from 33,000 square feet to 30,000 square feet and increased the size of the future neighborhood commercial use property to 63,700 square feet.

The other change that is incorporated in this concept plan is the addition of evergreen screening along the south property line between the existing ash trees which, as you know, will be retained and the business bungalows. As a result, it is noted on the plan that there is a 118 foot setback from this row of evergreen trees to the north property line of the residences on Tennyson Lane.

The second enclosure is a draft of the Condominium Use Restrictions and Regulations that will ultimately be finalized in detail once the City approves the requested demolition permit. This obviously is a private document which does not allow for City review, but Tom Keller wants to share it with you so that you will have comfort that this will be a well-maintained development for decades. Section A lists the prohibited uses which would ordinarily be permitted in the present M-1 zoning category. These prohibited uses are identical to the ones that were submitted to the City in our original March 3, 2008, Letter of Intent.

Section B is a detailed list of the operational regulations which reflect the intent of the developer to develop a project that the northside can be proud of. Enclosure 3 are photographs of the business bungalows in Waukesha which Tom Keller intends to incorporate into these buildings.

You also asked for additional data which would document the use of the business bungalows as well as their marketability. As to the buildings on Dovetail, the 10 buildings were sold in 11 months. Twelve of the units were sold to businesses, while 8 were sold to hobbyists. Among the businesses was space for a company that sells CDs on the Internet, space for an incubator artist, a carpet cleaning business and a property management company. Regarding the business bungalows on Post Road, 14 buildings were sold in a year and a half. Twenty of them were sold to small business including plumbing and drywall companies. As to the Waukesha project, the developer of that project estimates that between 20-30 units are being sold each year. This information, including enclosures 4 and 5 have convinced Tom that there is a market niche for this type of development on the northside.

**DEWITT
ROSS & STEVENS**
LAW FIRM

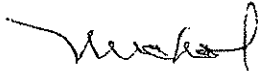
Aldersperson Satya Rhodes-Conway
Aldersperson Michael Schumacher
April 10, 2008
Page 3

I would appreciate it if you might review this additional information shortly and contact me as to whether you feel that another small neighborhood meeting is necessary or not. Any feedback that you or any others receiving this letter and attachments have, please contact me shortly. Otherwise, my client intends to submit the enclosed information next week which will supplement our initial application and submission of March 3, 2008. The intent would be to maintain the timeline so that this matter may be considered by the Plan Commission on May 5, 2008.

Thank you very much for your prompt attention to this matter.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:dso
Enclosures

cc: Brad Murphy (w/encls.)
Tim Parks (w/encls.)
John Leach (w/encls.)
Tim Carlisle (w/encls.)
Helen Marks Dicks (w/encls.)
Char Tortorice (w/encls.)
Julie Spears (w/encls.)
Willy Holden (w/encls.)
Lydia Maurer (w/encls.)
Tom Keller (w/encls.)
Jim Bricker (w/encls.)

DRAFT
CONDOMINIUM USE RESTRICTIONS AND REGULATIONS
1902 Tennyson Lane

A. Prohibited Uses Which Would Ordinarily be Permitted Under the Current Zoning.

- Restaurants
- Theaters
- Taverns
- Adult Entertainment Establishments
- Gas Stations
- Motor Vehicle Salvage Yards
- Storage or Transfer of Hazardous Waste
- Handgun Shop
- Retail Agricultural Processing
- Manufacturing Plants
- Bus Terminals, Stations, Garages or Bus Lots
- Taxicab Business
- Display of Merchandise for Sale to the Public
- Drive-In Establishments
- Banks and Financial Institutions
- Drug Stores

B. Operational Regulations.

1. **Use:** Other than the uses prohibited in (A) above, the use of the Condominiums is limited to those uses allowed currently or in the future by state and local zoning and use laws. Each Owner is required to document that their use is in compliance with such laws and the Association is given a private right to require Owners to comply.

2. Maintenance and Repair of Units: Each Unit Owner is responsible for maintaining, repairing and replacing all improvements within the Unit such as interior walls and ceiling, floor coverings, windows, doors and plumbing, electrical and heating and air conditioning systems.

3. Maintenance, Repair and Replacement of Common Elements: The Condominium Association is responsible for the maintenance, repair and replacement of the common elements. Routine repairs and replacements will be funded from Unit Owner assessments. Extraordinary repairs and replacements will be funded from the reserve funds.

4. Leasing: Units may be rented subject to Condominium Association approval and conditions as stated in the Declaration, Bylaws or Rules.

5. Unit Alterations: The buildings in the condominium are specially designed and engineered with limited opportunity for changes. No changes may be made to exterior walls and only limited changes may be made to interior walls. Unit Owners may alter their Units as long as they do not impair the structural soundness, integrity or design features of the building or change the exterior appearance of the Unit or building.

6. Parking: Parking for each Unit is generally limited to one parking stall (including the area in front of the overhead door). No overnight parking is permitted. Unit Owners shall neither park nor shall they permit their families, tenants or guests to park in the parking areas of other Unit Owners or in such manner as to prevent ready access to the parking areas of other Unit Owners. Improperly parked vehicles shall be subject to removal at their Unit Owner's expense. No parking shall be permitted at any time on any drive lanes or roads which run through the Condominium. No Unit Owner shall keep a junk vehicle (defined as a non-operating vehicle) on the Condominium at any time. No Unit Owner shall conduct any vehicle repair except on vehicles parked in a garage.

7. Nuisances: No nuisances shall be allowed upon the property comprising the Condominium nor any use or practice that is unlawful or interferes with the peaceful possession and proper use of the Condominium by the Unit Owners or that would cause an increase in the premiums for insurance required to be maintained by the Association. All parts of the Condominium shall be kept in a clean and sanitary condition and no fire or other hazards shall be allowed to exist. No Unit Owner shall permit any use of its Unit or of the common elements that would result in increasing the cost of insuring the Condominium.

8. Signs: No sign including a "for rent" or a "for sale" sign, advertisement, notice or other lettering shall be exhibited on any portion of the Condominium without the prior written consent of the Association.

9. Obstructions: The common elements, including but not limited to the sidewalks, entrances, passageways, grass, lanes and driveways shall not be obstructed or encumbered or used for any purpose other than ingress and egress to and from Units. Personal property items, including but not limited to bicycles, tools and toys which are not in use shall not be allowed on the common elements. Bicycles shall be kept inside the Unit or a garage when not in use.

10. Hanging of Garments and Window Coverings: The hanging of garments, rugs and similar articles from the windows or from any other facades of the Condominium property shall not be allowed. No outdoor clothes lines shall be allowed at any time. No sheets shall be used for window coverings unless on a temporary basis for a reasonable period of time while awaiting window coverings.

11. Protrusions: Except for the standard awning and optional satellite dish, no awning or other similar articles and no television antenna, machines, air conditioning units, wiring for electrical or telephone installation or other similar protrusions shall be allowed on the exterior of the Condominium property without the prior written consent of the Board.

12. Damage to Common Elements: Any damage to common elements caused by the moving or carrying of articles or caused by any other action shall be the responsibility of and shall be paid for by the Unit Owner or person causing that damage.

13. Noise: Unit Owners shall not unreasonably disturb other Unit Owners. No Unit Owner shall conduct or permit any soliciting at the Condominium. No children shall be permitted to play or remain in the common elements.

14. Additional Prohibited Uses: No overnight sleeping in any Unit shall be permitted and no storage outside the Unit is to be permitted.

15. Service and Recreational Vehicles: Parking of service vehicles owned or operated by Unit Owners shall be prohibited unless such vehicles are kept in the garages provided. Storage of boats, travel trailer, mobile homes, campers and other recreational vehicles outside of the Unit shall be prohibited.

16. Common Elements Maintenance: Unit Owners shall be prohibited from discarding any dirt or materials from the windows, balconies or doors of the Units and shall be prohibited from discarding any dirt or materials into the common elements.

17. Trash: Trash disposal is the duty of each Unit Owner and no trash container may be placed outside of the Unit.

18. Lighting: Exterior light in front is used to provide security and street lighting. Each Unit Owner has one light and is responsible for keeping the light in working condition at all times. The fixture is equipped with a timer and photocell combination to turn on and off automatically.

19. Road Restrictions: Road restrictions will be placed on the private road consistent with City of Madison ordinances. Enforcement and subsequent penalties shall be in accordance with Madison ordinances and policies.

20. Garage Service Doors: The repair, maintenance and replacement of garage service doors are the responsibility of each Unit Owner. The Unit Owner must keep the door free of any dents, scrapes or graffiti. Replacement doors must be approved by the Association for both style and color. Repairs must match the original aesthetic appearance.