

Berkley Oaks Neighborhood Association  
P.O. Box 70746  
Madison, Wisconsin 53707-0746

Tom Keller  
Keller Real Estate Group  
448 W. Washington Avenue  
Madison, Wisconsin 53703



March 5, 2008

Dear Tom Keller:

The Berkley Oaks Neighborhood Association opposes the proposal for a demolition permit at 1801 Tennyson Lane. This project would involve the destruction of the existing wooded areas and the sense of living in a residential neighborhood. Stripping the property's green spaces to build 126 units looking similarly to very large garages or storage sheds is not consistent land use next to an elementary school or in a residential neighborhood. At the neighborhood meeting Berkley Oaks residents found the proposal to be poorly written and the developer to be unprepared to satisfactorily answer questions or address concerns.

Please read the attached six sheets for an overview of the reasons why the Berkley Oaks Neighborhood Association is opposing the proposal for a demolition permit. These six sheets are titled: Ineffective Communication; Zoning Conflicts; Destruction of Green Spaces; Discontinuity of Neighborhood; Insecurity; Poor Proposal.

Please read the one attached sheet titled "What We Support" for an overview of what the Berkley Oaks Neighborhood Association would consider supporting for the property at 1801 Tennyson Lane.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Maurer".

Lydia Maurer  
Vice-President, Berkley Oaks Neighborhood Association  
1913 Shelley lane  
Madison, WI 53704

cc: Michael Christopher, Satya Rhodes-Conway, Michael Schumacher, City of Madison Planning, City of Madison Traffic, Northside Planning Council

City of Madison Planners,  
Please attach this letter of opposition to all future development proposals for 1801  
Tennyson lane, Tennyson Terrace.

Thank you,  
Lydia Maurer

# **Ineffective Communication**

## **Unwritten Covenants and Condominium By-Laws**

In the proposal, it is mentioned the units are to be “governed by strict covenants and condominium bylaws.” The developer often referred to covenants and by-laws to answer questions and to address issues and concerns raised by neighborhood residents during the neighborhood meeting. When asked to share a copy of the covenants and by-laws with attendees, the developer said they were not yet written. BONA is opposed to the developers use of unwritten covenants and bylaws to answer our questions and concerns.

## **Lack of Representation**

Representation in the proposed condominium association would be reserved for owners, one vote for each unit owned making it possible for one owner to have majority rule. An owner would be permitted to rent or lease the space but the voting power would remain with the absent owner. BONA, other surrounding neighborhood associations, neighborhood residents and Lake View Elementary School would not be allowed representation or voting power in the proposed condominium association unless they purchase a \$100,000 unit. BONA is opposed to any proposal which does not include representation for the proposal’s neighbors and surrounding neighborhoods.

## **Questionable Interpretation of Local Media**

In the proposal’s last paragraph it reads, “As recently as the December, 2007 issue of the *Northside News*, this property was identified as a site that is greatly under-utilized and quite unattractive.” Actually, in the December, 2007 *Northside News*, on page 14, the property is referred to under the title, “Old Tennyson Warehouses and Industrial Park” and reads, “The low-slung buildings set back from Tennyson and Packers Avenues (behind Lake View Elementary) and adjacent undeveloped land is for sale. Tennyson Terrace LLC bought the 21-acre parcels in 2006.” The proposal clearly misinterprets what appeared in print. BONA is opposed to any proposal which suspiciously skews the news.

## **Residential Jargon Disguises Intent**

Throughout, the use of residential terms and phrases are used in the proposal to describe the plan’s product. The proposal begins with the title, “Tennyson Terrace Commercial Bungalow Proposal.” Terrace and bungalow are two terms commonly used to describe housing styles. In the proposal, it describes the product as looking “like residential bungalows” when, clearly, the product looks nothing like a residence but exactly like large garages or storage sheds. The proposal’s use of residential jargon has caused neighborhood residents, Madison Police Lieutenant Brian Ackeret and Lake View Elementary School Principal Kristi Kloos to initially believe the units would serve as owner-occupied residences. BONA is opposed to the use of residential jargon to describe Tennyson Terrace’s product and prefers the product be referred to as, “similar to very large two car garages” or, “large storage sheds.”

# Zoning Conflicts

## Residential Use of Units

During the neighborhood meeting, the developer disclosed the units would each have an address, a mailbox, a bathroom and most likely a kitchenette. Also disclosed was the units are sized to allow an interior second floor to be built for use as office space. The developer was asked what prevented someone from using the second floor as a residence. The developer referred to the unwritten condominium bylaws which would prevent the use of the second floor for residential purposes. The developer agreed it would be impossible to prevent tenants from sleeping or spending nights in their offices saying, to the effect of, it is very likely a tenant would furnish their office with a couch and sleep on the couch. Tennyson Terrace is not currently zoned for residential use. BONA is opposed to the "very likely" residential use of this Tennyson Terrace plan.

## Undesirable Zoning next door to an Elementary School

The 19 acre property is currently divided into two lots. The west lot borders Lake View Elementary School. M-1 Limited Manufacturing is not desirable zoning next door to an elementary school. The Berkley Oaks neighborhood is interested in and motivated to seek changing the zoning for the west lot of this 19 acre parcel.

## Use of Outdated Northport-Warner Park Neighborhood Plan

In the proposal, it is stated, "This proposal is quite consistent with the *Northport--Warner Park Neighborhoods Plan*." It is important to distinguish, the proposal is referring to the 1992 Northport-Warner Park Neighborhood Plan and is not referring to the 2008 Plan. The 2008 Northport-Warner Park- Sherman-Neighborhoods-Plan is currently determining what is and what will most likely be consistent land use for this 19 acre parcel.

## Questionable Use of 1992 Northport Warner Park Plan

The proposal uses an outdated neighborhood plan to questionably justify itself. When reading the 1992 Northport-Warner Park Neighborhoods Plan, it is difficult to determine how it can be concluded "this proposal is quite consistent with the Northport--Warner Park Neighborhoods Plan." The 1992 neighborhood plan refers to this parcel as conflicting with current land use, a potentially great problem and declares that the parcel raises issues.

Page 12, right column, under Highlights: "*There are several locations within the neighborhood where the current zoning is in conflict with actual land use.*"

Page 12, right column, second checkmark: "*A potentially greater problem is found on Tennyson Lane where an M1, industrial site (an outdoor storage facility) is adjacent to a school and residential area.*"

Page 14, right column, first sentence: "*The first two sites possibly raise issues of conflicting land uses... A partially-developed site of just 20 acres bounded on the south by Tennyson Lane and on the west and east by North Sherman and Packers Avenues. This is the site of a business incubator effort. It is zoned M1, limited manufacturing.*"

# **Destruction of Green Spaces**

## **Proposal Destroys Wooded Area**

The proposal calls for the destruction of the wooded area bordering Lake View Elementary School. For fifty years, Berkley Oaks residents have walked and played in this wooded area. Berkley Oaks residents are very fond of the wooded area calling it, "one of our most important neighborhood assets." BONA opposes any development plan which calls for the destruction of this wooded area. BONA strongly suggests future development plans act to preserve this wooded area and offer it to the neighborhood as a public right-of-way. BONA views the wooded area as park-like and would like to have it connect Berkley Oaks to the residential neighborhood planned to the north, the Raemish cornfield. BONA suggests the wooded area remains and becomes an outdoor classroom for school activities and for public recreational use such as, walking and jogging.

## **Ugly and Ugliest**

The proposal's two photographs picture the removal of acres of green space and replacing it with rows of black asphalt and concrete slabs for 126 structures looking similarly to very large garages or storage sheds. Neighborhood residents describe the proposal as, "an ugly use of space." In a recent committee meeting, City of Madison Planner Archie Nicolette described the proposal as, "the ugliest thing I have ever seen."

## **Elimination of Natural Habitats**

With the destruction of the wooded areas and green spaces, the proposal effectively eliminates the natural habitat for a wide range of wildlife. Lake View Elementary School Principal Kristi Kloos sees value in this wooded area near the grade school and shares stories of how school children learn about squirrels, rabbits and hawks from their observations made through classroom windows, "It's one thing to read about wildlife from a book but it's an even better learning experience for children to view wildlife in action." Neighborhood residents fondly recall when deer leave the wooded area and walk down Eliot lane. Many residents describe using the scenery for meditation and relaxation. BONA opposes the destruction of the wooded area and its natural wildlife habitat which is widely used for a variety of good purposes.

## **Hazardous Retention Pond**

The plan details the removal of greenspace for a retention pond to control run-off. Although BONA supports run-off being 100% infiltrated, we are opposed to the use of a retention pond so close to our residential neighborhood. BONA views the pond as a drowning hazard for our neighborhood's children. As soon as the retention pond has an inch of water in it, it is capable of drowning a child. As children are naturally curious and adventurous, BONA predicts children will explore the retention pond. Thus, the retention pond would possibly become a place for children to explore, congregate, play and drown. BONA would consider development plans which uses the existing greenspaces as rain gardens to control run-off.

# **Discontinuity of Neighborhood**

## **Traffic Troubles**

Neighborhood residents are highly opposed to the proposal's self-serving use of our neighborhood's residential streets. After expanding and privatizing two city streets, Kipling Drive and Eliot Lane, the proposal relies solely on Tennyson lane to access the development.

Recently, neighborhood residents successfully advocated to improve pedestrian safety while crossing Tennyson lane. Two traffic islands were installed on Tennyson Lane to offer school children and other pedestrians safer passage across Tennyson Lane. BONA is concerned the current proposal would create new hazardous conditions to pedestrians crossing Tennyson lane.

The proposal calls for the addition of two intersections on Tennyson Lane between N. Sherman and Packers Avenues. BONA is opposed to the current proposal's creation of two new accesses into the development from Tennyson lane. The two access points create new hazards for school children as they walk to and from Lake View Elementary School. BONA opposes the destruction of the lot's wooded area in order to create a roadway. BONA strongly suggests future development plans seriously consider the safety of our children and other pedestrians who use Tennyson Lane.

## **Stops Neighborhood Growth**

The proposal's use of private streets and 126 very large storage sheds creates a barrier to and effectively ends the growth of the Berkley Oaks neighborhood's residential growth.

## **Barrier to Connecting Northside Neighborhoods**

The proposal's use of private streets would not allow the City of Madison to use Eliot Lane and Kipling Drive to connect the Berkely Oaks neighborhood to White Tail Ridge and the upcoming neighborhoods planned for the Raemish farm and the neighborhood planned north of White Tail Ridge.

## **Empty Promises**

The proposal describes a "1.4 acre portion of the property...which is planned for future neighborhood commercial use." The developer offered no time-line when this future feature would be built. After reading the proposal it is left uncertain if this neighborhood feature would be built at all, "If and when this use is being seriously considered...there is no re-zoning or other land use approval being requested at this time..." The proposal uses an if...when statement and declares the developer is not seeking land use approval for this aspect of Tennyson Terrace. The proposal also declares this neighborhood feature isn't being seriously considered now but suggests it may be seriously consider it in the future. BONA is opposed to the developer's use of unplanned neighborhood features when determining the development of our neighborhood.

# **Insecurity**

## **Plan's Potential for Thefts**

The Tennyson Terrace plan is designed to build 126 units to be used for a wide range of purposes. In each unit will be items of value. This means there would be 126 units of valuable items only protected by a window and locked doors. BONA opposes the proposal as it provides a great potential for thefts and the attraction of criminals to the area. The development is isolated. The buildings would supposedly be unoccupied, set aside from residences and would have low traffic. There is no security plan for the development. There is no on-site security personnel planned for the development. To carry out theft, criminals would only have to break-in through a window and push a button to open the garage door. BONA believes vehicles will be left parked on the driveways in the development. In the vehicles will be items of value such as, tools. BONA predicts criminals will tour the development to break into vehicles and commit theft. This would have the effect of bringing even more criminals to our residential neighborhood where we are already experiencing automobile break-ins and burglaries.

## **False Sense of Security**

The proposal does not satisfactorily answer BONA's concern in regards to policing the development. The developer asked the neighborhood to look out for suspicious behavior in the development and report it to the police. BONA opposes the plan because we do not want or accept the responsibility of securing Tennyson Terrace. The developer also referred to relying on the "eyes and ears" of Tennyson Terrace tenants to report suspicious activity. The developer envisioned a hobbyist who was working alone in his shop at "two or three in the morning" reporting suspicious activity to the police. BONA does not accept this vision because we see the lone tenant as a target for crime, as a potential crime victim.

## **Kipling's Corridor of Crime**

Tennyson Terrace's plans are to build 126 units warehousing a wide range of valuable items from hobbyists tools to collectors automobiles. The plan relies on the architectural use of small windows and locked doors for security. The plan includes extending Kipling north of Tennyson lane into the development. Kipling is a troubled street in the Berkley Oaks neighborhood and BONA predicts the trouble would most likely drive itself into the development of easily accessible stored valuables and commit crimes. Parallel to Kipling is county highway CV which leads to interstate 90/94. It would be very easy for criminals to burglarize Tennyson Terrace and, within minutes, use CV to access an interstate creating a corridor of crime.

## **Graffiti**

Graffiti is already a problem in the Berkley Oaks neighborhood and BONA is opposed to the installation of 126 very large garage doors which graffiti experts commonly refer to as "blank canvasses." With the proposal's planned use of minimal security measures, there is great potential for graffiti to occur repeatedly in Tennyson Terrace. This graffiti would blemish our residential neighborhood.

# **Poor Proposal**

## **Proposal Declares Itself Undesirable**

The proposal is for a parcel which would sit between two residential neighborhoods, Berkley Oaks and the planned neighborhood for the Raemish cornfield. The proposal declares animal research and warehousing are not desirable land uses of the parcel. From the proposal, middle of first paragraph, "These low-slung buildings were at one time used for animal research and now are used for warehousing. Obviously, this is not a desirable land use." The developer declared the primary market of the Tennyson Terrace proposal would be to warehouse items of value such as, goods and collectible automobiles. The proposal's second market would be to sell or rent the units to hobbyists and small businesses such as, plumbers, photographers and, possibly, animal researchers. The developer did not include animal research on Tennyson Terrace's list of prohibited uses making it possible that animal research would be allowed to occur in a unit. BONA agrees with the proposal when it declares animal research and warehousing are undesirable uses of the parcel and opposes any development plan which includes animal research and warehousing on the property. BONA suggests animal research and warehousing be added to the developer supplied list of "Prohibited Uses Which Would Ordinarily Be Permitted Under The Current Zoning."

## **Unattractive and Inconvenient Site**

Unattractive is the proposal's destruction of wooded areas and green space to build 126 very large garages. Inconvenient to thousands of north side residents is the proposal's plan to expand and privatize Eliot Lane and Kipling Drive. If Eliot Lane and Kipling Drive are expanded north of Tennyson Lane, then they should serve to connect north side communities by going through the Raemish cornfield and into the White Tail Ridge neighborhood. BONA opposes the proposal's description, "the requested demolition permit will begin the process of turning this site into an attractive and convenient neighborhood asset." The neighborhood finds the existing site's green spaces and wooded areas to be attractive and convenient neighborhood assets. The neighborhood places high value on the wooded areas and its wildlife next to Lake View Elementary School. Berkley Oaks residents view the permit as beginning a process of residential destruction.

## **Old Plan for New Development**

The proposal uses the outdated 1992 Northport Warner Park Neighborhood Plan to justify building 126 very large storage sheds next door to an elementary school. Berkley Oaks residents deserve to be presented proposals using up-to-date information. Currently in the works are many committees, commissions and plans which would better indicate what would be good land use of this property. BONA opposes any proposal which uses old information in an attempt to justify itself.



# **What We Support**

## **Not Granting a Demolition Permit**

The Berkley Oaks Neighborhood Association (BONA) supports not granting a demolition permit for the buildings on the property. Tom Keller described at least one building being currently rented and in use by a researcher. BONA does not support granting a demolition permit for usable buildings.

## **Combining the Parcel's Sections**

The Berkley Oaks Neighborhood Association supports combining the parcel's two sections into one section.

## **Changing Zoning**

BONA supports re-zoning the parcel to residential which is a better fit next door to an elementary school.

## **Building Senior Housing/Assisted Living/Nursing Home Facilities**

BONA supports the residential development of senior housing, a senior assisted living facility and/or a nursing home facility.

## **Preserving Green Spaces**

BONA supports preserving the row of trees on Tennyson Lane.

BONA supports preserving the wooded area bordering the west with Lake View Elementary School.

BONA supports the use of rain gardens to control run-off.

## **Traffic**

BONA supports vehicular access of Packers Avenue into Tennyson Terrace with improvements made for traffic control and safer pedestrian crossings.