

**APPENDIX C: PAST PLANS**

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## Lakeshore Courts Right of Way Maintenance

Issue	Agency	Schedule	Notes
No parking on Lakeshore Courts	Police	As appropriate for enforcement	
No blocking the length of the Courts	Police	As appropriate for enforcement	
No private property on public right of way, including the shoreline and lake frontage	Real Estate	Periodic inspections.	
Dinghy storage for the Baker Av. sailboat-mooring field should be allowed	Parks	No new mooring permits will be issue.	The three existing permits will be grandfathered.
City to continue maintenance of the lakeshore courts	Streets Engineering	Snowplowing, pavement maintenance, drainage structures and utility work, as necessary.	Snow will be plowed as follows: Clifford Court - 141 feet Epworth Court - 160 feet Upham Court - 301 feet Laurel Crest Court - 182 feet  Measurements are taken from the Centerline of Lake Mendota Drive
Shoreline maintenance	Engineering	As necessary	Based on a review by Engineering in August, 2000, only Clifford and Epworth Courts had some shoreline erosion.
With expert guidance (e.g. arborist, landscape architects), open view of the lake for public users while considering each courts's characteristics and preserving large specimen trees.	Parks	To be determined	See attached design plan developed by the Parks Division. This work could be undertaken in the winter of 2000 - 2001
Consideration of the privacy and security of adjacent properties.	Parks	To be determined	See attached design plan developed by the Parks Division. This work could be undertaken in the winter of 2000 - 2001
Quality continuing maintenance of the properties (not too heavy) as contrasted with periodic drastic changes.)	Parks	To be determined	See attached design plan developed by the Parks Division. This work could be undertaken in the winter of 2000 - 2001
Consider specific needs for different courts.	Parks	To be determined	See attached design plan developed by the Parks Division. This work could be undertaken in the winter of 2000 - 2001
Restore stonework including drainage ditch on Capitol Av.	Engineering	To be reviewed.	
Clear demarcation of property boundary on the minor courts (Laurel Crest, Upham, Epworth and Clifford) mark the ROW edge with 2 posts on each side, one post at the lakeshore bank and another near the road.	Engineering	2000	Installation of 4 right of way posts, on each court. The posts will be pressure treated lumber with a R/W designation.
No signs to announce public access	Traffic Engineering		Assume that the existing street signs remain.
The properties are not to be considered mini-parks			The courts are right of way and not parks.

**From:** Si Widstrand  
**To:** Larry Nelson  
**Date:** 9/18/00 11:22AM  
**Subject:** Vegetation Plan for Lakeshore Courts off Lake Mendota Drive

I've looked at this area a couple times. Most of the street-ends look like rights-of-way that terminate with an open view of the lake. With a minimal amount of work I believe they can all be managed this way, without any "park-like" improvements. I offer the following assessment of each:

#### Clifford Court 30' wide

Rows of trees line the r-o-w about 18 feet apart. Beyond the gravel driveways, the lawn areas are apparently mowed by adjacent neighbors. The lakeshore is open so there is a view of the lake from Lake Mendota Drive. Over time a minimal amount of trimming of shrubs along both edges may be necessary to keep the center opening clear.

#### Epworth Court 30' wide

Most of the court has a 15' opening down the center, but there is only a 5' visible opening near the lakeshore. The juniper shrubs on the east side at the lake and the shrubs and herbaceous groundcover on the west side could be trimmed back to widen the opening. In general, the trees, lilacs and other plants along both sides should periodically be trimmed to 14' overhead clearance and 10-15' opening at ground level. The center opening should also be mowed periodically, either by neighbors or Streets crews. The street sign is set back (probably to avoid snow plowing conflicts), and honeysuckle shrubs near the sign should be trimmed back to make it more visible. The pier to the east, or boats along pier, may be on the r-o-w.

#### Capital Avenue 66' wide

The center 25' is open. Ditches do not drain very well, and have some giant ragweed, but also have native plants that may be favored by neighbors - white snakeroot, black-eyed susan, zigzag goldenrod and asters.

At the shoreline, a resprouting stump and 1" alder should be removed before they block the view of the lake. Otherwise, periodic mowing, and tree and shrub pruning will be needed to keep the center open.

#### Upham Court 35' wide

There appear to be encroaching fences on the east side, and property lines are not obvious. Some clearing has been done in the center 15' which should be kept clear by a combination of trimming, removal and future tree trimming. Shrubs currently need pruning along the west side near the middle and on the east side near the lake. Where unwanted trees and shrubs are totally removed, stumps should be treated with herbicides to prevent resprouting (this is standard practice for the Streets Division west side crew on rights-of way). Periodic mowing should be done to keep the central 15' open to the shoreline riprap.

At the shoreline, the large bur oak and a few other large trees should be protected. Other trees and shrubs should be removed so they do not grow into the oak and shade out its lower branches, to let more sunlight reach the groundcover vegetation, and to keep the 15' center lane mostly open to the lake. Trees to keep on the lakeshore include the large oak, a large cottonwood to the east, a basswood to the west, a willow at the shoreline, and two 8-10" ash trees which are not currently interfering with the oak. Trees to remove include several 6-8" ash, a 2" norway maple, some honeysuckle and buckthorn, and the grape which is damaging the good trees. Hidden underneath the grape, the shoreline is actually eroded behind

the rocks and should be filled with gravel.

Laurel Crest 35' wide

This looks the least like a r-o-w and the most like private property, but several things could be done to make it look more like the others.

Plant trees in a row along the eastern side to better define the center lane, like the other courts. Trim shrubs along both sides and mow to maintain a consistent 15' lane down the center. Remove less-desirable trees at the lakeshore to keep an open lane to lake.

Property lines are not obvious here, so marking them should be a first step. It appears that one or both abutting houses are very close to the line. Depending on property line location, honeysuckle shrub clumps on the east should be cleared/trimmed or trees and shrubs on the west side should be cleared/trimmed to create an open lane 15' wide. If abutting property owners want more screening, they may replant on their property or in the edges of the r-o-w, outside of the open center lane.

At the lakeshore, remove the less desirable shrubs and saplings at the lakeshore to preserve the best trees, to let more sunlight reach the groundcover, and provide visibility to the lake. Keep the large basswood and a 10" ash to the west and the big willow to the east (on private property). Remove the buckthorn, mulberry and grape, which will allow shade-suppressed day lilies and native white snakeroot to spread into ground that is now bare due to excessive shade.

Baker Avenue 30' wide

There is a good tree line on both sides. The center lane is open to the lake, but honeysuckle and multiflora rose on the east edge at the lakeshore should be removed. This will need periodic mowing (currently done by neighbors) and tree/shrub trimming.

CC: James Morgan



## Office of the Common Council

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April 18, 2006

REC'D APR 19 2006

Dear Spring Harbor Neighbor:

The City of Madison and Alderperson Noel Radomski have reached a four-part agreement – supported by the Spring Harbor Neighborhood Association (SHNA) – which will finally uphold the September 1999 Court of Appeals decision and the City's December 2000 draft maintenance proposal. The details of the agreement are as follows:

- ♦ First, and most importantly, the City will officially survey the lakeshore courts and inspect for private property in the public right of way.
- ♦ Second, the City will judiciously trim vegetation, which will help people recognize the public versus private property along the courts. City staff have agreed to do the least trimming necessary to open up the views.
- ♦ Third, later this spring or early this summer, the Parks Division will use the new surveys to precisely place six markers in each court: two at the street end, two midway into the court, and two at the lake end. The current proposed design for the markers is a 4" x 4" wood post with a pointed top, either finished in white enamel or stained with a natural brown finish, and maybe having a yellow routed line near the top.
- ♦ Fourth, we will work with the SHNA and residents to understand and enforce the City ordinance that allows individuals to leave miscellaneous boating equipment on City property for up to eight consecutive hours without penalty. However, if someone wishes to leave such equipment (boats, trailers, etc.) on City property after the eight-hour period, they must apply for a permit.

Once we have completed the four steps in the agreement, we will have a system in place to address any questions about encroachments on a case-by-case basis. We believe that establishing and maintaining clear boundaries for your public areas is the best way to protect both continued public access as well as the rights of adjacent property owners.

If you have any questions, please do not hesitate to contact Alderperson Noel Radomski or Carrie Dellinger, SHNA president, at the phone numbers and email addresses listed below.

Sincerely,

Noel Radomski  
District 19 Alderperson  
Phone: (608) 236-0892  
Email: district19@cityofmadison.com

Carrie Dellinger, President  
Spring Harbor Neighborhood Association  
Phone: (608) 233-2404  
Email: carriedellinger@charter.net

## SPRING HARBOR NEIGHBORHOOD ASSOCIATION PLAN FOR UNIVERSITY AVENUE

University Avenue is a major artery leading into Madison. The cluster of commercial development along University Avenue, starting at Capital Avenue, constitutes a gateway into the city, and as such, should provide a positive invitation to enjoy the overall beauty of the City of Madison.

In an effort to improve this gateway and enhance the neighborhood, and in accord with the expectations of an urban design district, the Spring Harbor Neighborhood Association has developed principles for judging proposals for new commercial land use or redevelopment along University Avenue from Thorstrand Road to Whitney Way. The neighborhood association will review development proposals, judging them on their merits, using these principles.

The neighborhood association was moved to articulate objectives for commercial use along University Avenue as a result of several ill-fitting, strip-type development proposals in our neighborhood. The designation of the University Avenue corridor as an urban design district has encouraged us to make our concerns explicit. The association wishes to promote more neighborhood-friendly businesses such as Brennan's, Spring Harbor Auto Clinic, the Shish Cafe and Klinke Cleaners.

Ever increasing traffic splits our neighborhood and begins to create a no-man's land along University Avenue that is the exclusive domain of automobiles on the move. Our expectation and hope is that any redevelopment that takes place will enhance and protect the neighborhood character rather than cater principally to transient customers on their way to and from elsewhere. This is particularly important for people living near University Avenue. We recognize that the physical condition of University Avenue is in a state of flux and will likely remain so until plans are completed for its reconstruction.

The neighborhood association's objectives are:

1. encourage neighborhood-oriented businesses
2. encourage development that provides a sense of neighborhood
3. protect use, value and enjoyment of property particularly when there is:
  - a. proximity of housing to a major thoroughfare
  - b. housing immediately adjacent to a commercial building
4. discourage ill-fitting businesses such as commuter-oriented businesses or out-of-character strip developments
5. improve overall appearance of commercial buildings and streetscape using:
  - a. natural and traditional materials such as wood, stone, and brick for buildings, signage, and inanimate landscape elements

- b. landscape plantings
- 6. promote pedestrian and bicycle safety:
  - a. safe and convenient pedestrian and bicycle passage along University Avenue
  - b. safe access between University Avenue and each adjacent residential area
  - c. bus shelters at reasonable intervals for customers of Madison Metro
- 7. address environmental and aesthetic concerns:
  - a. appropriate scale of buildings and building elements
  - b. design
  - c. traffic
  - d. light spillage
  - e. hours of operation
  - f. noise
  - g. smells
  - h. litter/vermin

In addition to proposing these objectives for commercial development, the Spring Harbor Neighborhood Association will take a strong interest in any rebuilding or reconfiguration of our streets themselves. Our goals for streets and streetscape improvements are:

- A. existing intra-neighborhood traffic routes should be maintained
- B. development of a traffic plan that is compatible with the neighborhood
- C. active participation by the neighborhood association, frontage businesses and property owners in planning for University Avenue improvements
- D. reduced traffic noise spillage into the neighborhood
- E. burial of overhead utility lines on University Avenue
- F. out-of-area commuters encouraged to use alternate routes and forms of transportation
- G. safe vehicle access between University Avenue and each adjacent residential area

City of Madison, Wisconsin

A SUBSTITUTE ORDINANCE  
creating Section 33.02(12) of the Madison  
General Ordinances entitled "Urban Design  
District No. 6"

Presented October 15, 1996  
Referred Plan Comm, Urban Design  
Comm.  
Comptroller  
Rereferred 12-3

Reported Back 12-17

EXHIBIT J

Drafted by: Roger Allen  
Assistant City Attorney  
  
Date: December 10, 1996  
  
Fiscal Note: Referral to Comptroller is for  
fiscal note.

Adopted  
Rules Susp. - POF  
Public Hrg. Tabled

\*\*\*\*

Mayor Signed  
Published

\*\*\*\*

APPROVAL OF FISCAL NOTE BY THE  
COMPTROLLER'S OFFICE IS NEEDED

Approved by:

SPONSOR(S): Ald. Holtzman,  
MacCubbin

Comptroller's Office  
\*\*\*\*

SUBSTITUTE ORDINANCE NO.  
ID NO. 20327

The Common Council of the City of Madison do ordain as follows:

Subsection (12) entitled "Urban Design District No. 6" of Section 33.02 entitled "Urban Design Commission" of the Madison General Ordinances is hereby created to read as follows:

- "(12) Urban Design District No. 6
  - (a) Statement of Purpose. Urban Design District No. 6 is hereby established to improve the appearance of a major transportation corridor west of the Capital Square which constitutes a major entrance to the City of Madison, to preserve and enhance the property values in the District, and to avoid a substantial depreciation of the property values in the District. Design requirements and guidelines are herein established for those public and private improvements to be undertaken in these corridors that are visible from the roadways.
  - (b) Property Included in the District. The District shall include property having any frontage on University Avenue between Farley Avenue and Allen Boulevard, except for those properties which are located in the Village of Shorewood Hills, the City of Middleton, or have design standards and review procedures approved by the Urban Design Commission. If any portion of a zoning lot is in the District, the entire lot is within the District. A map of the District is available from the Department of Planning and Development.



- (c) Design Review Required. All development in the District (including, but not limited to, new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, painting of existing unpainted exterior surfaces, and street graphics and screening done in conjunction with new buildings or structures or additions to existing buildings or structures), except residential buildings containing eight (8) or fewer dwelling units, shall require approval of the Urban Design Commission and shall be designed, erected, and maintained in compliance with this ordinance, all applicable federal and other state laws, and the Building Code, Zoning Ordinance and other applicable codes of the City of Madison not in conflict with this ordinance. Approval of the Urban Design Commission under this subsection shall not be required for an awning unless it is part of other development requiring approval under this subsection. The applicable regulations of other codes shall continue to apply with full force and effect to all properties in the District. However, if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (d) Basis for Design Review. In reviewing plans for development in the district, the Urban Design Commission shall consider the following requirements and guidelines as may be appropriate. The development shall meet the requirements and conform as much as possible to the guidelines. The overall design of each development shall be of high quality.
1. Public Rights-of-Way.
    - a. Requirements. Public rights-of-way shall be landscaped with appropriate trees and shrubs in accordance with planting plans prepared by the City Forester, after consultation with the Urban Design Commission.
    - b. Guidelines.
      - i. The appearance of the public rights-of-way is of importance in view of the mixed land use patterns which characterize the designated transportation corridors. The treatment of these rights-of-way should achieve a degree of visual continuity.
      - ii. When appropriate and where the right-of-way width is sufficient, the use of earth berms should be considered to reduce traffic noise in residential areas.
  2. Off-Street Parking and Loading Areas.
    - a. Requirements.
      - i. Parking lot landscape plans shall be developed in accordance with the revised New Approach to Parking Lot Landscaping adopted by the Common Council by Substitute Resolution No. 37,196, copies of which are on file with the City Clerk and are available in the Department of Planning and Development.
      - ii. The quantity of parking and service areas as well as the tree islands on the interior of new parking areas shall conform to the provisions of Chapter 28 of the Madison General Ordinances. No new parking space shall be more than seventy (70) feet from a canopy tree of at least 2-1/2 - 3-inch caliper.
    - b. Guidelines.

- i. Whenever possible, parking areas shall be located to the side or to the rear of buildings rather than in the front.
  - ii. Whenever possible, landscaped earth berms should be used to screen the view of parking areas.
  - iii. The use of chain link or other metallic fences is discouraged where visible from roadways. When used, chain link fencing should be vinyl-coated in a color harmonious with the building exterior.
  - iv. Off-street parking and loading areas should be integrated into the overall site development. Their relationship to the building they serve and to the street should receive careful attention in preparing the site plan for the property.
- 3. **Street Graphics.** The mixed land use patterns that characterize substantial portions of the district contribute to a proliferation of business and product identification graphics.
  - a. **Requirements.**
    - i. Street graphics in the District shall conform to all provisions of Chapter 31 of the Madison General Ordinances.
    - ii. Street graphics shall be integrated with the architecture of the building.
    - iii. No street graphic nor part of any street graphic shall move, flash, sparkle, rotate or change its message or its illumination more than once an hour.
  - b. **Guidelines.**
    - i. A street graphic should identify the activity without imposing upon the view of residents, businesses or activities of the District.
    - ii. A street graphic should be appropriate to the type of activity and clientele at which its message is directed.
    - iii. Street graphics should be designed so as to be legible to the intended viewer in relation to the surrounding circumstances.
    - iv. Street graphics should avoid covering or impinging upon landscape features or significant structures.
    - v. Internally illuminated street graphics should use light letters on a dark background.
- 4. **Building Design.**
  - a. **Requirements.**
    - i. Exterior building materials shall be low maintenance and harmonious with those used on other buildings in the area.
    - ii. Mechanical elements mounted on the roof or on ground pads shall be screened from views from adjacent properties and roadways in a manner consistent with requirements of public utilities.
  - b. **Guidelines.** These guidelines are intended to be general in nature and by no means limit designs of exceptional merit.
    - i. The architecture of new infill buildings, additions to existing buildings and major exterior remodelings should be compatible with but not necessarily similar to that of existing adjacent buildings.

- ii. Large, unbroken exterior facades should be avoided.
  - iii. All building elevations are of importance and should be carefully designed. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.
5. Lighting.
- a. Requirements.
    - i. The functions of exterior lighting on private property shall be to illuminate building facades, especially those bearing business identification signs; to illuminate pedestrian walks and spaces; and to illuminate parking and service areas.
    - ii. The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions.
    - iii. Lighting shall be adequate, but not excessive.
    - iv. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.
    - v. Off-street parking area lighting shall be so arranged as to conform with applicable sections of Sections 10.08 and 10.085 of the Madison General Ordinances.
  - b. Guidelines.
    - i. Building Facades. Architectural lighting should be free from glare and of a type to complement the existing development in the district.
    - ii. Building and Grounds Security. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents, while not reflecting direct rays of light into adjacent property.
6. Landscaping.
- a. Requirements.
    - i. Landscaping shall be used for functional as well as decorative purposes, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and complementing the architecture of the building.
    - ii. In new developments, the quality of existing vegetation shall be assessed and integrated into the site planning and landscape design, when appropriate.
  - b. Guidelines.
    - i. Landscape plans should include a selection of plants which will provide interest and color during the entire year.
    - ii. Plant material should be hardy to this region and should be of sufficient size to have immediate visual impact. Canopy trees should be at least 2-1/2 - 3-inch caliper when planted.
    - iii. Plant material should be well-maintained, especially during the year following their installation when any dead plant should be replaced during the next planting season.
    - iv. All planting beds should be edged and properly mulched.
- e) Utility Service. It shall be a goal of this District to eliminate overhead wiring within the District. The undergrounding of utility wires should be considered in all

street improvement projects undertaken within the district. To this end, the City of Madison and owners of property within the District, working with the Madison Gas & Electric Company, Wisconsin Bell, and cable television licensees, shall, in all major new developments and major additions, including street lighting and traffic signals, make provisions for underground service. Whenever possible, this shall be accomplished during building development and construction. When it is not possible, certification to the fact that provisions have been made for the future placement of service underground, signed by representatives of each utility company, licensee or service provider, shall appear on plans submitted to the Urban Design Commission for review.”

