



Office of Brenda K. Konkel

Aldersperson, District 2

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February 5, 2008

To: All Alders
From: Alder Brenda K. Konkel
Re: Item #4 on 2/5/2008 Common Council Agenda
Date: February 4, 2008

Tonight on the agenda are two developments in the 2nd district, both in the very tiny James Madison Park Neighborhood. This is the same neighborhood where I offered an amendment to the 2008 budget to do some planning for the neighborhood. Due to the lack of that updated planning to support finding the PUD criteria have been met and based on the staff report, I believe we need reject at least one of the projects.

According to our own ordinances and standards I believe we need to reject item #4 for two reasons:

1. The project is inconsistent with the comprehensive plan.
2. The project fails to meet the standards for approving a PUD.

4. 06572 **Creating Section 28.06(2)(a)3271. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Remove 1 House, Demolish 2 Houses and 3 Garages, and Build 4-Story Apartment Building; 2nd Aldermanic District: 119, 123 & 125 North Butler Street and 120 & 124 North Hancock Street.**

The staff report sums the issues up as follows:

The key issues to be considered in the review of this project continue to be the large scale and depth of the proposed new building compared to surrounding neighborhood structures; the unusual "through block" design of the project which could limit future consideration of more comprehensive approaches to redevelopment of other properties on this block; and the lack of a detailed neighborhood plan that could provide specific recommendations on land use, density and design issues, and an articulated vision to guide future redevelopment and/or preservation in this portion of the neighborhood.

COMPREHENSIVE PLAN

The density is not consistent with the comprehensive plan according to the staff report.

The information in the July 18, 2007 Planning Division Report regarding the relationship of the project to adopted City plans (or lack of plans) isn't meaningfully affected by the modifications to the project plans, and the reader is referred to that report for a detailed discussion of the issues. Note, however, that the change in the dwelling unit mix has increased the number of units from 38 to 42, and as a result, has increased the project density from 80 units per acre to 89 units per acre, compared to the 16 to 60 units per acre broadly recommended in the *Comprehensive Plan*.

The staff conclusion also notes that:

adjacent properties. The revised plans propose a total of 42 dwelling units (38 in the new building and 4 in the two existing buildings) and a net density of 89 units per acre. This is outside the broad 16-60 units per acre range recommended for the First Settlement-Old Market Place Downtown Residential Sub-District in the *Comprehensive Plan*, but might be within the range of a more detailed plan for a specific sub-area within the district, or closer to the range if more 2-bedroom units were proposed. At present, however, no more-detailed plan exists.

PUD STANDARDS

According to our ordinances we have to follow the following criteria:

MGO 28.07(6)(f) Criteria For Approval . As a basis for determining the acceptability of a planned unit development district application the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design. For Planned Unit Development Districts With Residential Components in Downtown Design Zones, the Design Criteria adopted by the Common Council shall be used as guidelines for determining whether the following criteria are met. (Am. and Renumbered by Ord. 12,866, 8-7-01)

I believe that this development fails to meet the following criteria as outlined in MGO 28.07(6)(f):

1. Character And Intensity Of Land Use. In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - a. Are compatible with the physical nature of the site or area.
 - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

I believe the following comments from the staff report support rejection of the project based on the above criteria:

Although other types of structures are present, the predominant character of this block on both the Butler and Hancock Street frontages is large, older houses, including some originally built as two-flat or three-flat structures, as well as single-family houses later converted to apartments and a scattering of remaining single-unit dwellings. As noted above, the design of the new Butler Street building is intended to reflect characteristics of the predominant housing type on this block, which is comprised primarily of large gable-roofed houses---although most are two or two-and-one-half story buildings while the proposed building would be four-stories. The design modifications made to the earlier proposal were in response to neighborhood input, but whether they have resulted in a project with an acceptable degree of compatibility with the surrounding neighborhood character is a judgment call, and full consensus probably is unlikely.

The greatest difference between the design of the proposed Butler Street building and other surrounding buildings continues to be its much larger size and extended depth. Although the revised treatment of the front facade makes the building appear more as a three-story structure from that viewpoint, it is essentially a four-story building extending back close to the existing rear lot lines, in a neighborhood characterized primarily by two and two and one-half story buildings with normal rear yards---although these yards are often dominated by dilapidated garages and parking. Staff also remain concerned that the proposed new building and its extended underground parking garage will effectively divide the block in half at the mid point and significantly limit future opportunities for a "whole block" solution to providing coordinated open space, shared parking or joint access to future additional developments that might be recommended after more-detailed planning for this neighborhood takes place. Staff are concerned that other developers may propose similar lot assemblies---perhaps a very deep development utilizing several lots on the Hancock Street frontage but taking access from Butler Street, for example. Or through other blocks within this part of the neighborhood. We have recently heard about one other through-block proposal which is in the early planning stages.

In addition, the changes to the proposed dwelling unit mix would result in even fewer two-bedroom units and more efficiency units compared to the original proposal. While this project is not alone in providing mostly smaller unit types, and not all locations are equally attractive locations for family housing, for example, staff continue to recommend that new housing developed in the Downtown/Isthmus area include more units suitable for larger households and longer-term residents. This project does not do that.

The staff conclusion notes that:

The proposed project has design elements that do reflect the current neighborhood context fairly well, and staff consider the design changes since the earlier proposal to be good responses to concerns expressed by neighborhood residents. But the proposed Butler Street building is still very large relative to the existing surrounding structures. In the absence of any plan that would recommend redevelopment of this block with buildings of the scale and density currently being proposed, it is difficult to consider the project to be wholly compatible with the existing character of the existing neighborhood. On the other hand, design changes have been made to the project in response to community input, and the project has the support of at least some area residents, although the extent of support is somewhat difficult to gauge in this loosely organized neighborhood. At least in theory, a future neighborhood plan might recommend that selective infill development on this block could have the increased mass, scale and density represented by the proposed project. (Presumably, the neighborhood preference for "house-like" design in new structures, as distinct from "urban apartment" for example, suggests that wholesale replacement of the existing housing stock is not envisioned.) However, at present there is no detailed plan for the area; and a future plan might just as easily recommend conservation and rehabilitation of the existing housing on this block, and that any new development be generally consistent in mass, scale and design with what is already there.

Staff also continue to have reservations regarding the through-block character of the proposed development and its potential to limit future redevelopment options. But the likelihood of a future creative "whole block" approach to the parking, access, and open space needs of both existing and potential development actually occurring is unknown, and the combined open space in the revised proposal could be considered a more useable and attractive improvement over the current mish-mash of garages and gravel parking areas.

It is also noted that the taller, larger, more-dense component of the project is located on the Butler Street frontage, near the edge of the residential area where more intensive uses already exist across the street, or may be developed in the future; while the two existing houses located on the "interior" Hancock Street frontage are to be retained and renovated. Distinguishing the downtown "edge" of the neighborhood from the interior residential streets might provide a conceptual basis for limiting the scale of future redevelopment proposals based on the supposed precedent that approval of this project might suggest. Even so, staff are concerned with the potential for similar large-scale *ad hoc* redevelopment proposals that would similarly need to be reviewed without the benefit of a guiding neighborhood plan for the area.

On balance, while Planning Division staff consider the changes to the proposed project to be good ones, we cannot definitively conclude that the changes are sufficient for this project to meet all the standards for approval of planned unit developments. In particular, staff question whether the project can demonstrate that criteria 1 a and 1.b, have been met:

1. Character and Intensity of Land Use In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - a. Are compatible with the physical nature of the site of area.
 - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

I also believe that given the recent parking issues related to snow, we need to consider this additional criteria.

- d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns. (Am. by Ord. 13,422, 10-24-03)

As the staff report notes:

The new Butler Street building is now planned to have 38 apartments, compared to 34 units in the earlier submittal. There will be two 2-bedroom units, twenty-two 1-bedroom units, and fourteen studio units. The previous plan included more 2-bedroom units and fewer efficiencies. The parking level still has 38 enclosed parking stalls, including two designated handicap spaces near the elevator. The project now has a total of 42 units (counting the four 3-bedroom units in the two Hancock Street buildings), so there will be slightly less than one parking stall provided per unit. There are now 20 bicycle parking stalls planned in the parking garage, with 18 outside bicycle stalls near the side first floor building entrance. An inside trash enclosure is located at the eastern end of the garage level, just within the entrance, as previously.

Given the issues with getting cars off the streets during snow emergencies, this seems to be a bad decision to not provide at least one parking space per unit. Particularly with the 3 bedroom units.

Given the staff concerns outlined above I continue to believe that this project should be rejected because it is not consistent with the Comprehensive Plan as well as fails to meet the PUD criteria described in 1 a. b. & d.

