



## Report to the Plan Commission – Addendum

March 5, 2012

**Legistar I.D. #25021 & 25149**  
**202-206 N. Brooks Street**  
**PUD Rezoning & Demolition Permit**

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**Requested Action:** Approval of a request to rezone 202-206 N. Brooks Street from R5 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of two existing residential buildings and construction of a five-story, 14-unit apartment building.

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**Addendum:** The applicants and property owners, the JD McCormick Company and Dennis Catterson, are requesting approval of a request to rezone two parcels totaling 4,752 square feet located at the northwestern corner of N. Brooks and W. Dayton streets from R5 (General Residence District) to PUD-GDP-SIP to allow construction of an 5-story, 14-unit apartment building, which will replace two existing residential buildings containing three dwelling units each. The proposed building cannot be built in the existing R5 zoning and requires PUD zoning in order to proceed. As noted in the February 20, 2012 staff report for this project, the proposed 5-story, 14-unit apartment building will largely be built to the property lines and occupy nearly 100 percent of the subject site, and would not meet the R5 zoning district requirements for maximum building height, lot area, usable open space, parking, loading, and required front, side and rear yards. Therefore, Planned Unit Development zoning is required to facilitate construction of the new apartment building.

The proposed rezoning of the property and related demolition permit were referred at the February 20, 2012 Plan Commission meeting to allow the City Attorney's Office to provide an opinion about the issues raised in a February 20, 2012 letter from Attorney Ron Trachtenberg to the Plan Commission regarding this project. A memo from Assistant City Attorney Kitty Noonan is attached for the Commission's consideration. In it, ACA Noonan advises that the Plan Commission should not base its recommendation on the proposed zoning map amendment and demolition permit on the land use recommendations contained in the 2008, Regent Street–South Campus Neighborhood Plan, which identifies the future land use of the subject site in the "academic/ research" category and makes references to the University of Wisconsin's 2005 Campus Master Plan, which calls for a University building to be constructed on the site in the future.

While the Plan Commission should no longer consider the future recommended land use of the property as a basis for approving or not approving the proposed development, the Planning Division believes that the other recommendations contained in the Regent Street–South Campus Neighborhood Plan should be considered when determining whether or not the project meets the criteria for approval.

As with any rezoning, the Plan Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the proposed rezoning is "in the public interest and is not solely for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan of the City." Further, as a basis for determining the acceptability of a planned unit development, the Zoning Code requires that the criteria contained in Section 28.07(6)(f) be applied with specific consideration as to whether or not the proposed planned unit development "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." In reviewing the proposed planned unit development, the Planning Division believes that the Plan Commission should give consideration to criteria 1a and 1b, which address the character and intensity of the land uses and their intensity in a planned unit development district, and require that their appearance and arrangement be of a visual and operational

character which is “compatible with the physical nature of the site or area” (criteria 1a) and “would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.” (criteria 1b)

As noted in the previous staff report, the Regent Street–South Campus Neighborhood Plan includes a number of form-based recommendations to guide new development in the neighborhood planning area. As staff noted, the placement of the building on the property does not meet the 10-foot building setbacks recommended along W. Dayton and N. Brooks streets. The proposed building will largely be constructed to the property lines, with a setback of approximately 1 foot along most of the two street facades. The proposed building is also not consistent with the recommendation in the neighborhood plan that a 15-foot stepback be provided above the third floor along the N. Brooks Street façade. While a loft space for the proposed fifth floor units will be stepped back 5 feet from the southern and eastern facades, the majority of the street-facing facades do not meet the stepbacks recommended by the neighborhood plan, both with regard to the depth of stepback and location and height on the walls.

The Plan Commission should carefully consider the urban design recommendations contained in the Regent Street–South Campus Neighborhood Plan when determining if the standards and criteria for zoning map amendments, planned unit developments, and demolition permits can be met for the rezoning of 202-206 N. Brooks Street from R5 (General Residence District) to PUD-GDP-SIP (Planned Unit Development, General Development Plan/Specific Implementation Plan) and the related demolition permit to raze the two existing three-unit residences on the subject site. If it believes that the standards and criteria can be met, Planning staff recommends that the rezoning and demolition permit approvals be granted subject to input at the public hearing, and the Planning Division conditions and conditions from reviewing agencies contained in the February 20, 2012 Report to the Plan Commission (attached).

Should the Commission not find that the design of the project meets the applicable standards and criteria for approval, it could consider a referral of the project back to the Urban Design Commission with a request that the applicants address any issues identified by the Plan Commission related to the design of the project.