



Project Address: 425 West Washington Avenue
Application Type: Demolition Permit, Conditional Use, and Zoning Map Amendment
Legistar File ID # [30899](#) and [29495](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

At their August 7, 2013 meeting, the Urban Design Commission (UDC) granted initial approval of the subject redevelopment. That approval included the general bulk and mass of the proposed building, though several concerns on design details were raised. The following report has been prepared for consideration of the UDC.

The report includes a summary of the proposed project, the applicable standards, and adopted plan recommendations. Page three of this report includes a summary of the design-related issues that staff recommends for UDC consideration. A full staff report will be provided to the Plan Commission (PC) prior to their public hearing, which is now scheduled for September 16.

As a clarifying note, the original request was to rezone this property to Planned Development (PD). The request has been revised to rezone the property to the Urban Mixed Use (UMX) district. A rezoning is necessary to accommodate the mix of uses and the rear yard setback proposed. Staff notes that the existing clinic is already a non-conforming use in the existing zoning district.

Summary

Applicant: John Sutton; Sutton Architecture; 104 King Street; Madison, WI 53703
Contact: John Sutton; Sutton Architecture; 104 King Street; Madison, WI 53703
Property Owner: Erik Minton & Dr. John Bonsett-Veal; 21 North Butler Street; Madison, WI 53703

Requested Action: The applicant requests approval of a demolition permit, conditional use, and zoning map amendment from DR-2 (Downtown Residential-2 District) to UMX (Urban Mixed Use District) for the purpose of constructing a five-story mixed use building. Review is required by the UDC, PC, and the Common Council.

Proposal Summary: Upon demolition of the existing one-story clinic, the applicant proposes to construct a five-story mixed-use building with 63 parking stalls, 50 apartments and approximately 7,700 square feet of commercial space. The building will have two levels of underground parking, with commercial uses occupying portions of the ground and second floors. The commercial tenant spaces would be occupied by Dr. Bonsett-Veal's relocated optometry clinic and a limited service gym, operated by Capital Fitness. The balance of the structure would be apartment units, ranging from efficiencies up to two-bedroom units.

At grade, the building was previously setback 10 feet from the front property line and just under 14 feet from the back of the sidewalk. Originally, a 20 foot rear yard setback is proposed. Based on comments from staff and the UDC, the revised plans have increased the above-grade front setback and decreased the rear yard setback.

Below grade the structure has minimal front and rear yard setbacks. The front of the façade is clad in a brick veneer and now includes a metal panel along the central tower element. The sides and rears of the building also incorporate nickel-finished metal panels. Two raised planters are proposed along the front of the building. Six mature trees would be removed, primarily along the eastern side and rear lot lines.

Standards, Guidelines, and Adopted Plan Recommendations

This proposal is subject to the general standards for demolitions, conditional uses, and zoning map amendments. In addition, the following would apply:

Zoning Code – Conditional Use Standard for Additional Height

As noted above, the applicant requests approval of a fifth story. The base height limit on the zoning map allows for four stories. Up to two “bonus” stories can be approved with conditional use approval. In this block of West Washington, the code requires stories above the fourth floor to have a 30 foot setback. To obtain a height bonus, the zoning code requires the following finding be made:

When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

- a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
- b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
- c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.
- d. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

Downtown Plan

The conditional use standards, including those for the above-mentioned height bonus, state that the Plan Commission shall consider the recommendations in adopted plans.

The Downtown Plan has several design-related recommendations for the 400 and 500 blocks of West Washington Avenue. A copy of the defined objectives and recommendations for West Washington Avenue is attached. This site and the adjacent parcels to the west are specifically identified as potential redevelopment sites due to building obsolescence or site underutilization. The Plan notes that these blocks have large terraces and consistent front yard setbacks that provide a “sort of civic open space.”

In regards to height, plans recommend buildings up to four stories with the ability obtain an additional two bonus stories. The plan specifically recommends:

“Where additional stories are available, it is not intended that they be earned merely by complying with standards and criteria that would be required and expected in any case, such as underlying zoning regulations, good design, or sensitivity to an adjacent historic landmark. The intent is not simply to allow a taller building and additional stories should not be considered “by right” heights. Rather additional stories are to be used as a tool to encourage and reward buildings of truly exceptional design that respond to the specific context of their location and accomplish specific objectives defined for the area.

Downtown Design Guidelines

Projects proposed under UMX zoning should also be reviewed against the adopted Downtown Design Guidelines. Staff believes the project can likely be found to meet the guidelines, but the UDC should give careful consideration to those guidelines as it evaluates this request.

Design-Related Considerations

Staff notes the following design related considerations for the Urban Design Commission:

- **Building Height / Bonus Stories.** As noted above, there is a “high bar” established in both the Zoning Code and Downtown Plan for approving bonus stories above the fourth floor. While staff does not object to a stepped-back fifth story, the applicant will need to demonstrate how this project meets the applicable guidelines and standards. Staff requests that the Urban Design Commission provide a finding on whether it believes the “bonus height” criteria are met.
- **Building Articulation / Façade Details.** The applicant has provided several façade changes, primarily to the front façade. Staff still believes the building would benefit from additional attention to “fine-grain” details. Whether it is a modern or traditional design, the fine-grained detail is still missing “three-dimensionality” as the front façade still reads as somewhat “flat.” Staff believes consideration should be given to the following or other treatments to further articulate the façade:
 - Provide a stronger definition along the top of the second floor. An option staff has discussed with the architect is providing a thicker, projecting “steel lintel” at the top of the windows. The feature should project, though not as far as those on the ground floor. Discussions with the architect also included the inclusion of bracket features to support these elements, which could further visually break up the façade wall between floors two and three.
 - Provide a more prominent “top” along the fourth floor, or portions of the fourth floor.
 - Provide deeper recesses with the windows.
 - Consider the inclusion of mullions along the lower story windows.
 - Consider design changes to the covered porch, staff believes a wider, somewhat shorter porch is desirable. Staff believes that the gable-end shape is inconsistent with some of the building’s other details.
 - Provide a recommendation on the appropriateness of the metal panel on the front façade compared to the previously shown cast stone CMU or alternative material.

The applicant has previously addressed staff's concerns regarding the "Capital Fitness" blue elements, including the spandrel glass, planters, and service doors. On the second story windows, staff's preference is for the entire window area to include vision glass.

- **Tree Planting.** The applicant proposes to remove six mature trees. Staff is aware of concerns from the Neighborhood and Alder on the loss of the urban street tree canopy in Downtown. Staff requests the Urban Design Commission give careful consideration to the size and species of the proposed trees and provide specific recommendations on the species and planting size that would restore lost canopy and be appropriate in this context. Staff believes the trees should be a fairly columnar variety. Tree grates will be necessary to create a viable planting zone. As a related note, the plans show a narrow grass strip on the edge of the property adjacent to the trees. Staff raises questions on the long-term viability of this strip as proposed.
- **Front and Rear Yard Setbacks.** The front yard setback has been adjusted per staff's earlier comments. Staff previously noted that one of the defining features of the 400 and 500 blocks of West Washington are the deep terraces and front yards. Front yards on the properties to the west are estimated to be between 19 and 20 feet from the sidewalk. This front yard calculation does not include front porches. This is roughly five to six feet greater than the setback now proposed (above grade) with the new building. Staff believes a consistent front yard setback is essential to the urban design character of the street. Without a substantial redesign of the building, staff understands that this will reduce the rear yard setback, which is now proposed at just over 20 feet.

Staff acknowledges concerns about setting a precedent for new buildings not conforming to the DR-2 (Downtown Residential-2 Zoning District) rear yard setback. Because of the lot depth, the existing zoning district would require a 33 foot rear-yard setback. The UMX zoning, proposed to accommodate this project, requires only a 10 foot setback. In considering the context, this site directly abuts a large apartment building which is not zoned DR-2 and has a much lesser setback. Given the specific context, staff does not believe it necessary from a design-standpoint to maintain a 33 foot rear yard at this location.

Conclusion and Recommendation

The Urban Design Commission has previously recommended initial approval, based on the bulk and mass of the proposed building. Several other questions on design details were raised at the previous meeting. In response, the applicant has made several changes, primarily to the front façade. Staff believes that the building is improved, though is still lacking in some of the "fine-grain" details.

The Urban Design Commission is advisory to the Plan Commission on the site and building design of the proposed project. As bonus height is requested, the project is also subject to the additional conditional use height standard in the Zoning Ordinance. Staff requests that the UDC carefully consider the approval standards, including those for additional building height, and recommend design changes deemed necessary to meet the approval standards. Staff further requests that the UDC provide a specific finding on whether it believes the bonus height criteria are met, or can be met with further alterations. Staff has specifically recommended two design-related conditions of approval that it believes are necessary. These have been addressed in the most current version of the plans. Other important considerations have been noted in this report.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Kevin Firchow, 267-1150)

1. That the above grade front setback be increased to match that of the homes (not porches). Staff estimates this will require moving the building back approximately 5-6 feet. Specific dimensions shall be provided for staff approval. Note, this will require a specific setback line be established as part of the rezoning.
2. That alternatives to the blue spandrel glass, flower boxes, and service doors be provided. Details shall be approved by staff, consistent with the recommendations from Urban Design Commission, Plan Commission, and Common Council.

City Engineering Division (Contact Janet Dailey, 261-9688)

3. Applicant shall provide information on how offsite drainage shall be accommodated to pass through the site.
4. Provide additional drainage detail for underground parking entrance. Proposed plan must demonstrate protection from the 100-year flood with design by a Professional Engineer.
5. Sanitary sewer plugging note on Page C1.4 is out of date. Remove note or replace note with the current, correct requirements.
6. The proposed new building will cross underlying platted lot lines. Current State building code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM will better memorialize the existing property boundary and title which is a direct benefit to the property owner. Have a CSM prepared for submittal to City Planning. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
7. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
8. Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation. The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. (MGO 16.23(9)(d)(6) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
9. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
10. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)

11. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
12. All damage to the pavement on W. Washington Avenue, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
13. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
14. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
15. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
16. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management; b) Provide oil & grease control from the first 1/2" of runoff from parking areas; and c) Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.
17. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
18. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

19. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f)

Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

20. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc... and d) Sediment loading calculations.
21. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
22. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
23. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

24. The applicant shall provide a 10 ft clear visibility triangle from all driveway exits on West Washington Avenue to insure adequate sight distance of pedestrians on the sidewalk. These vision triangles shall be shown on the final plans. If the planters are located within the site triangle, applicant shall show planters and plants do not exceed 30" in height.

25. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement, adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the two (2) feet overhang on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
26. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit/handholes, including labor, engineering and materials for both temporary and permanent installations.
27. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not received in time to be included in this report.

Fire Department (Contact Bill Sullivan, 261-9658)

28. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
- a. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
29. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Capt Ron Blumer (608) 558-4198.

Parks Division (Contact Kay Rutledge, 266-4714)

30. The developer shall pay approximately \$117,670.00 for park dedication and development fees for the new 50 MF unit development.
31. The developer must select a method for payment of park fees before signoff on the demolition permit and/or rezoning.
32. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction – <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
33. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 13145 when contacting Parks about this project.
34. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
35. The Applicant shall provide a detailed site grading plan with all proposed contours for review prior to the final approval of the project; this property is adjacent to Morrison Park.
36. Pruning of trees or shrubs on City property is not permitted without prior written approval from City Forestry.
37. Earthwork or excavation within 5 feet of any tree on City property is not permitted without prior written approval from City Parks.

Water Utility (Contact Dennis Cawley, 261-9243)

38. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.