

# PLANNING DIVISION STAFF REPORT

April 3, 2017



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 119-125 N. Butler St. & 120-124 N. Hancock St. (2<sup>nd</sup> Ald. Dist, Ald. Zellers)  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #:** [44569](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Heather Stouder, AICP, Planning Division Director

## Summary

**Applicant | Contact:** James McFadden; McFadden & Company; 380 W. Washington Avenue; Madison, WI 53703

**Owner:** Cliff Fisher; 107 N. Hancock Street; Madison, WI 53703

**Requested Action:** The applicant seeks approval of two Demolition Permits and Conditional Use approval for a multi-family dwelling containing more than 8 units and a residential building complex.

**Proposal Summary:** The applicant proposes to demolish a two-family residence and four-unit apartment building to construct a 44-unit apartment building. The building will be part of a multi-family building complex, which also includes two (2) existing two-family residences. In total, the propped development includes 48 units.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [MGO § 28.185] and Conditional Uses [MGO § 28.183].

**Review Required By:** Urban Design Commission (UDC) and Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission carefully review this project against the approval standards for Demolition Permits and Conditional Uses. If after the public hearing and review of materials the Plan Commission can find the standards are met, the Plan Commission should approve the demolition and conditional use request subject to the conditions recommended by reviewing agencies. Should the Plan Commission not find the standards are met and place this request on file, the Plan Commission shall specify its findings of fact and list the standard(s) that have not been met and the reasons such standard(s) was not met.

## Background Information

**Parcel Location:** The subject property includes five (5) properties and includes a total area of approximately 20,625 square feet. The site is located within Aldermanic District 2 (Ald. Zellers) and is within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The project site includes four residential buildings and a vacant property. Further information on these homes is included in the body of this report.

### Surrounding Land Use and Zoning:

North: 2- 4-unit residential structures, zoned DR-1 (Downtown Residential District-1);

South: 2-5-unit residential structures, zoned DR-1;

East: Small residential structures, with the largest being a 22-unit building, zoned DR-1; and

West: Capitol North Parking Ramp, zoned DR-1.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) includes the subject site within the “First Settlement-Old Market Place sub district of Downtown. Recommended uses include residential development between 16-60 dwelling units per acre (du/ac) or as further defined in more detailed plans. The Downtown Plan (2012) includes this property James Madison Park Neighborhood, which is intended to accommodate a mix of dwelling units, renovation of existing houses coupled with selective redevelopment that reflects the scale and rhythm of existing structures. Further information is included in the body of this report.

**Zoning Summary:** This property is DR-1 (Downtown Residential-1) District

| Requirements                       | Required   | Proposed  |
|------------------------------------|--|---|
| Lot Area (sq. ft.)                 | 3,000 sq. ft.  | 20,625 sq. ft.  |
| Lot Width                          | > 3-unit dwellings, and non-residential and mixed-use buildings: 40'   | 90' 2"  |
| Front Yard Setback                 | 15'  | 15'   |
| Side Yard Setback                  | 5'   | 10' 2" north side<br>20' south side                       |
| Rear Yard Setback                  | Lesser of 20% lot depth or 30'   | 76' 9" between buildings on a through lot                 |
| Usable Open Space                  | 40 sq. ft. per bedroom (2,760 sq. ft.)   | 3,180 sq. ft. ground<br>2,220 sq. ft. balcony             |
| Maximum Lot Coverage               | 75%  | 67%   |
| Maximum Building Height            | See Downtown Height Map (4 stories)  | 4 stories   |
| Stepback                           | See Downtown Stepback Map (None)   | 4 <sup>th</sup> story stepback                            |
| Number Parking Stalls              | None (Central Area)  | 19 enclosed<br>4 surface<br>(23 total)                    |
| Accessible Stalls                  | Yes  | Yes   |
| Loading                            | None   | None  |
| Number Bike Parking Stalls         | <b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, ½ space per add'l bedroom; (44)<br>1 guest space per 10 units (4)<br><b>Two-family dwelling (2-unit):</b> (0)<br>(48 total) | 56 enclosed<br>12 surface<br>(68 total) (See Comment #43) |
| Landscaping and Screening          | Yes  | Yes (See Comments #44 and 47)                             |
| Lighting                           | Yes  | No  |
| Building Forms                     | Yes  | Yes, Large Multi-Family Building (See Comments #45-47))   |
| <b>Other Critical Zoning Items</b> | Urban Design Commission, Barrier Free (ILHR 69), Utility Easements   |   |

**28.078(4)(a) Maximum Building Width.** The maximum width of any building fronting the primary abutting street shall not exceed sixty (60) feet.

**28.078(4)(b) Through-lot Development.** Development of through lots shall be designed with buildings oriented to each street and with a minimum distance of sixty (60) feet between rear facades of above-ground building elements. Underground parking may extend into this shared rear yard area if located completely below grade.

**Environmental Corridor Status:** The property is not within a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project History and Previous Approvals

A 34-unit residential development was previously approved on the subject properties as part of a rezoning to the Planned Unit Development (PUD) District. That development was ultimately approved in phases with the General Development Plan ([Legislative File 06572](#)) approved in 2007 and Specific Implementation Plan ([Legislative File 10860](#)) approved in 2008. The corresponding demolitions of 123 and 125 North Butler Street were also previously approved. Those aspects of the proposal never proceeded and the approvals have expired. Prior to their expiration, alterations to those requests, including the moving of the residence at 119 North Butler Street in advance of the larger apartment development proceeding, were approved in 2009 ([Legislative File 15413](#)). Please note, the residence formerly at 119 North Butler Street has been relocated and now that property is undeveloped. As part of the Zoning Code 2013 re-write, the subject properties were zoned into the DR-1 (Downtown Residential-1) District, consistent with the rest of the block.

In regards to the current proposal, the Planning Division provided written correspondence to the project contact person in February 2016 regarding concerns on building depth and other features. Since that time, the applicant has reduced the building depth by approximately 15 feet and made other adjustments. Another change was adding a new driveway onto North Butler Street to address concerns from the City's Traffic Engineer, who stated that the existing Hancock Street driveway did not meet City Ordinance standards to serve a development of this size.

## Project Description

The applicant proposes to demolish two structures for the purpose of constructing a new four-story, 44-unit apartment building. The two existing residences (120 and 124 North Hancock Street) would remain and be part of the same lot. As such, the development is considered a residential building complex under the City's Zoning Code.

In regards to the buildings proposed for demolition, 123 North Butler Street is a four-unit apartment building constructed in 1938. It is nearly 2,600 square feet in area and includes six bedrooms. The property also includes a three-car detached garage. 125 North Butler Street is a two-unit apartment building constructed in 1874. That building is also about 2,600 square feet in area and includes eight bedrooms. The letter of intent notes that 125 North Butler has been extensively expanded and remodeled over the years. Photos of the buildings proposed for demolition are included within the Plan Commission packet.

The five properties that comprise the proposed development site are intended to be combined into one 20,625 lot. Note, a certified survey map (CSM) would be required to approve this lot combination. The proposed resulting lot would be a "through-lot" development, meaning it would front on both North Butler and North Hancock Streets. There would be no rear lot line.

The proposed building is setback 15 feet from North Butler Street and is set just under 77 feet from the rear of the North Hancock-street facing structures. This complies with and exceeds the Zoning Code's minimum requirement of 60-feet between buildings in through-lot developments.

The building is four stories and 44 feet in height. The fourth floor of the building is stepped back approximately 7 feet from the front of the structure.

The following dwelling unit mix is proposed:

|                                 | Number of Units | Number of Bedrooms |
|---------------------------------|-----------------|--------------------|
| <b>New Building</b>             |                 |                    |
| Studio Units                    | 10              | 10                 |
| One-Bedroom Units               | 22              | 22                 |
| Two-Bedroom Units               | 11              | 22                 |
| Three-Bedroom Units             | 1               | 3                  |
| <b>SUB TOTAL – NEW BUILDING</b> | <b>44</b>       | <b>57</b>          |
| <b>Existing Buildings</b>       |                 |                    |
| Three-Bedroom Units             | 4               | 12                 |
| <b>TOTAL</b>                    | <b>48</b>       | <b>69</b>          |

The proposal has a calculated density of approximately 102 dwelling units per acre (du/ac). While the development includes a large number of smaller studio and one-bedroom units, the overall development complies with the Zoning Code’s “point” requirement for dwelling-unit type diversity in the DR-1 zoning district. The letter of intent states that this proposal would provide smaller, more affordable units in the Downtown area. Based on the drawings, staff estimates the typical units range in size from approximately 310 to 650 square feet. The fourth floor includes one unit that is considerably larger.

The site includes 23 parking stalls, 19 of which are under-building and four on the surface between the structures. The plans now include a driveway along the south side of the building in addition to the existing driveway between the North Hancock-facing structures. The site includes 68 total bicycle parking stalls, with 56 proposed in the building and 12 outside.

The building is depicted as being primarily clad in brick on all sides. Plans do not depict any “wall-pack” HVAC louver penetrations along the exterior building walls. Staff notes several material details are not clearly labeled and that there is inconsistent detailing provided between the perspective and elevation drawings. A condition of approval has been recommended to address these missing and inconsistent details.

## Analysis and Conclusion

This request is subject to the approval standards for Demolition Permits and Conditional Uses. This analysis begins with an analysis of adopted plan recommendations.

### Conformance with Adopted Plans

The project is consistent with some, but not all aspects of adopted plans. The Planning Division has previously provided staff reports to the Urban Design Commission and a letter to the project architect prior to application submission highlighting these issues.

The [Comprehensive Plan](#) (2006) includes the subject site within the “First Settlement-Old Market Place sub district of Downtown. Recommended uses include residential development between 16-60 dwelling units per acre (du/ac) or as further defined in more detailed plans. At over 100 du/ac, this proposal exceeds that range, though as noted below, additional density is recommended in this part of the James Madison Neighborhood. The [Comprehensive Plan’s](#) Land Use chapter also includes several general adopted goals, objectives, and policies related to infill development and established neighborhoods. Examples include Objectives 22 and 42:

Objective 22: Seek to reduce the demand for vacant development land on the periphery of the City by encouraging urban infill, redevelopment, and higher development densities at locations recommended in City plans as appropriate locations for more intense development.

Objective 42: Ensure that new development is compatible with the existing and planned design and development characteristics of the neighborhood and minimize land use conflicts between infill or redevelopment projects and existing neighborhood development.

Staff requests that the Plan Commission carefully consider how the proposed development relates to its surroundings. While staff believes that the proposed development could be found consistent with plan components that promote infill development and higher development densities, consideration should be given to some of the more specific policies related to surrounding context. Staff notes that Policy 4, under Objective 22 recommends that redevelopment scale and density should be reasonably compatible with established neighborhood character. Policy 1 under Objective 42 states that redevelopment should incorporate or improve upon existing positive qualities such as building proportion, shape, and pattern of buildings and yards.

More detailed recommendations are included in the [Downtown Plan](#) (2012). The subject site is within the James Madison Park Neighborhood, which is intended to accommodate a mix of dwelling units and promote the renovation of existing houses coupled with selective redevelopment that reflects the scale and rhythm of existing structures. Objective 4.11 and supporting recommendations 101-106 pertain specifically to the subject area. An excerpt from that Plan is attached (Attachment 1). These statements and other recommendations state that redevelopment should reflect the scale and rhythm of surrounding structures, promote larger family-supportive and work-force housing in new developments, and provide ample on-site open space. The plan also recommends “relatively higher-density development” that conforms to the maximum building heights map along the subject site.

### **Demolition Approval Standards**

In order to approve a demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the DR-1 Zoning District. (A copy of the statement of purpose is provided as Attachment 2). The purpose of the Demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

The standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed use should be compatible with adopted plans, which are discussed above.

Finally, the demolition standards state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. The Landmarks Commission found that the building at 123 North Butler had historic value related to the vernacular context of Madison’s built environment, but the building itself was not historically, architecturally, or cultural significant. The Landmarks Commission further noted that the building at 125 North Butler Street had no known historic value.

### **Conditional Use Approval Standards**

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met. Conformance with adopted plans is discussed above. In regards to the approval standards, the Planning Division believes most standards could be found met, though staff raises significant concerns on whether Standards 4 and 9 can be found met.

*Conditional Use Standard 4:* The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*Conditional Use Standard 9:* When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and Recommendation. (A copy of the statement of purpose is provided as Attachment 2).

In regards to the standards, the depth of the structure and its relationship to surrounding properties has been of concern for the Planning Division. This proposed structure, located within the middle of the block, is proposed to have a depth of 113 feet. Based on concerns raised by staff, the applicant has reduced the depth of the building by approximately 15 feet compared to earlier development concepts. However, the proposed building continues to extend deep into what is currently the site's existing rear yard and staff does not believe the proposal is consistent with the surrounding development pattern, where most existing structures are between 50-70 feet in depth.

This would be the first "through-lot" development within the subject block, which has no rear yard setback because by definition, there is no rear yard. Absent a rear yard setback, the Zoning Code requires that there be at least 60 feet between buildings on a through-lot. With approximately 77 feet between the buildings, this zoning requirement is met. However, the Planning Division notes that this between-building open space is not centered along the rear lot line, as found elsewhere in the subject block where principal buildings are set back 30 feet from the rear lot line.

The Planning Division has also raised concerns about the design and desirability of the balconies. They largely project outward from the façade, being recessed approximately 8 inches from the outer-most walls. The Planning Division recommends that consideration be given to better incorporate these into the façade in concert with ways to add modulation to the long building sides. Due to the small size of the proposed units, the project architect has indicated there is limited ability to further recess these balconies. He stated at the Urban Design Commission meeting that these could be possibly recessed a foot and maintain the same program.

Finally, as noted under the project description and approval conditions, several design details need further clarification.

### **Urban Design Commission (UDC) Recommendation**

At their March 22, 2017 meeting, the UDC recommended denial of this request on a 5-4 vote. Notes from that meeting are attached. In summary, the most significant design-related issues were the size of the structure, specifically the deep setback of the proposed building. Other design details, such as the orientation of the balconies were also included.

## Public Input

A neighborhood steering committee was established to review this project and their comments are attached. Staff has not received other written correspondence on this request but note that there was one speaker from the Steering Committee that appeared in opposition at the UDC meeting while several others spoke in favor of the proposal.

## Conclusion

The applicant requests approval to demolish two structures at 123 and 125 North Butler Street for the purpose of constructing a new four-story, 44-unit apartment building. The subject site is currently comprised of five individual properties and four buildings. The two existing residences at 120 and 124 North Hancock Street would remain. The proposed development is considered a residential building complex under the City's Zoning Code. Note, with frontage on both North Butler and North Hancock Streets, the site is also a through-lot development. A Certified Survey Map (CSM) would be necessary to combine the properties and that has not yet been submitted.

This proposal should be reviewed against the Demolition Permit and Conditional Use Standards. While the Planning Division believes it may be possible to find the standards are met, staff questions whether such a finding could be made in regards to Conditional Use Standards 4 and 9 and similar demolition standards related to the proposed future use. Staff's primary concern related to these standards is the depth of the new structure, which extends much further into the rear-yard area than surrounding buildings that are under the same zoning. The proposed structure has a depth of 113 feet, where most existing structures are between 50-70 feet in depth. This building depth is only allowable as this is a through-lot development. Staff notes that on a 5-4 vote, the Urban Design Commission recommended denial of this project.

Staff acknowledges that the project complies with the technical setback requirements of the Zoning Code for through-lot developments. Additionally, the Downtown Plan identifies this part of the James Madison Neighborhood for "relatively higher-density development" that conforms to the maximum building heights map along the subject site, which this site meets. Other than height, there are no other specific bulk recommendations provided, though both the Comprehensive and Downtown Plans discuss the importance of compatibility with the surrounding development pattern, as discussed above.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, (608) 267-1150)

The Planning Division recommends that the Plan Commission carefully review this project against the approval standards for Demolition Permits and Conditional Uses. If after the public hearing and review of materials the Plan Commission can find the standards are met, the Plan Commission should approve the demolition and conditional use request subject to the below conditions recommended by reviewing agencies. Should the Plan Commission not find the standards are met and place this request on file, the Plan Commission shall specify its findings of fact and list the standard(s) that have not been met and the reasons such standard(s) was not met.

### Recommended Conditions of Approval

|  |
|--|
| Major/Non-Standard Conditions are Shaded |
|--|

**Planning Division** (Contact Kevin Firchow, (608) 267-1150)

1. That a Certified Survey Map (CSM) shall be approved and recorded prior to final approval and plan sign-off.
2. That perspective drawings and elevation drawings are made consistent in regards to design details for approval by Planning Division staff.
3. That the balconies be reconfigured to be further recessed into the façade by at least an additional foot, with final details to be approved by staff.
4. That all elevation drawings submitted for final sign off are dimensioned and drawn to scale. Primary exterior materials shall be clearly labeled for approval by staff. Such detailing shall include details such as brick size, color and material call outs for architectural accents.
5. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

6. 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
7. 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)
8. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)



All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@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, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

9. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
10. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
11. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
12. 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)

13. 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 5.0 tons per acre per year.
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
15. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
16. 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)
17. 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)
18. All damage to the pavement on Butler St & Hancock St, 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)
19. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)

**City Engineering Division - Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

20. The proposed new building will cross an underlying platted lot line. Current fire 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 and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
21. A retaining wall for the underground entrance into the N. Butler building is shown immediately adjacent to the property line. A recorded copy of a construction and maintenance agreement with the adjacent property shall be provided to allow for the construction and maintenance of the proposed wall.
22. Utilities bisect this proposal. Applicant shall coordinate with the utilities any relocation of existing facilities required and also shall provide a utility easement on the required Certified Survey Map as required by those utilities crossing this site.

23. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

24. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
25. Apartment addresses shown on plans are incorrect.
26. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that an official preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal. The apartment numbers on the current plan are not valid for addressing as they do not conform to standards (out of sequence & odd/even issues and second floor numbers on the first floor).
27. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
28. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. The address of the proposed 48 unit apartment building is 121 N Butler St.

**Traffic Engineering** (Contact Eric Halvorson, (608) 266-6527)

29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
30. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
31. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
32. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
33. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
34. One-size-fits all Parking standards require all stall to be a minimum of 8.75 feet by 17 feet clear. This means no items are within that space including structural columns; the applicant shall modify the plan to meet the standards of MGO 10.08.

35. As designed the site access will operate as a one-way, as such the entrance shall be from North Butler Street and exit onto North Hancock Street and be signed accordingly.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

36. Provide fire apparatus access as required by IFC 503 2015 edition, MGO 34.503, as follows:  
MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
37. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner (608)516-9195.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

38. Revise the plans to remove the footings from the ground floor balconies. The balconies may be cantilevered similar to the upper floor balconies. Per Section 28.078(4)(a), the maximum width of any building fronting the primary abutting street shall not exceed sixty (60) feet.

39. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
40. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
41. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
42. Submit floor plans and elevations for the existing two-unit buildings that will remain at 120 and 124 N Hancock Street.
43. Bicycle parking shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141.11 and shall be designated as short-term or long-term bicycle parking. A minimum of 52 resident bicycle stalls are required plus a minimum of five (5) short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Identify the enclosed and surface bike stalls, and label the dimensions of the bike stalls and access aisles. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail of the proposed bike racks, including any structured or wall mount bike racks.
44. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
45. On the building elevations, show the height of each floor of the building. The minimum ground story height is twelve (12) feet, and the maximum ground story height is eighteen (18) feet, measured from the sidewalk to the second story floor. Upper stories shall not exceed fourteen (14) feet floor to floor.

46. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the façade area, and upper story openings shall comprise a minimum of fifteen (15%) of the façade area per story.
47. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment except for solar and wind equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.071(3)(h) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
48. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

**Parks / Forestry** (Contact Janet Schmidt, (608) 261-9688)

49. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before sign off on the rezoning. This development is within the Olbrich impact fee district (SI 25). Please reference ID# 16152 when contacting Parks about this project.
  50. The Parks Division will be required to sign off on the required CSM prior to the issuance of building permits for the development.
51. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – [bmeiller@cityofmadison.com](mailto:bmeiller@cityofmadison.com) or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
  52. 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>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

53. Prior to commencing with demolition of any structures on these properties, Madison Water Utility will contact the applicant to schedule a site inspection to confirm the absence of any existing private wells. If it is determined that a private well exists on these properties, it must be properly abandoned according to the

requirements of the Wisconsin Administrative Code, Chapter NR 812, which includes proper filling and sealing of the well. All wells located in the City of Madison or on premises served by the Madison Water Utility shall be abandoned by the owner of the property if there is no valid well operation permit issued by the Madison Water Utility (MGO 13.21 (4)). The purpose of the ordinance is to prevent unused and improperly abandoned wells from contaminating Madison's drinking water aquifer.

54. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.

## James Madison Park Recommendations

**Objective 4.11:** *The James Madison Park neighborhood should accommodate a mix of dwelling units, some of which are suitable for families with children. The renovation of existing houses coupled with selective redevelopment that generally reflects the scale and rhythm of the existing structures should help reinvigorate the area, provide a variety of housing options (including workforce housing), and strengthen linkages to the adjacent Tenney-Lapham neighborhood.*

**Recommendation 101:** *Promote the construction and rehabilitation of family-supportive housing and consider adopting an ordinance with standards for such development.*

**Recommendation 102:** *Require that new development provide ample on-site open space and play areas for use by young children, and do not waive usable open space requirements in the James Madison Park District.*

**Recommendation 103:** *Encourage family-supportive workforce housing design in new multi-family developments, including more modern, larger units (2-3 bedrooms) and true usable on-site open space.*

**Recommendation 104:** *Allow relatively higher-density development that conforms to the Maximum Building Heights Map along North Hamilton, Butler and Gorham Streets.*

**Recommendation 105:** *Allow infill and redevelopment along Hancock, Franklin and Blair Streets generally compatible in scale and design with the predominantly “house like” neighborhood character.*

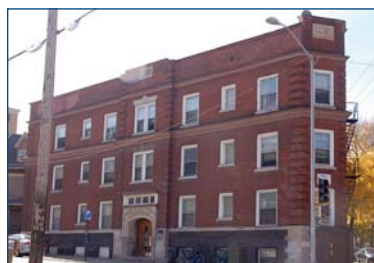
**Recommendation 106:** *Consider establishing a Neighborhood Conservation District as identified in the Downtown Historic Preservation Plan.*

## ■ James Madison Park

The James Madison Park neighborhood is characterized by fairly intact blocks of two- to three-story houses. Many of these houses have been long time rental properties and include larger units that would accommodate families with children.

The renovation of existing structures, coupled with selective redevelopment that reflects the scale and rhythm of the existing structures, will help ensure the future vibrancy of the area, provide a variety of housing options, and strengthen linkages to the adjacent Tenney-Lapham and Mansion Hill neighborhoods. During the planning process, many participants expressed a desire to create Downtown neighborhoods that were inviting to families with children. With its proximity to Lapham Elementary School, presence of houses that could accommodate such families,

and a large park (James Madison Park), this neighborhood provides the best opportunity to foster this type of environment. The *Downtown Historic Preservation Plan* (1998) recommends that a neighborhood conservation area be created, “wherein the existing residential character of the core of the neighborhood would be preserved and encroachment by incompatible uses will be prevented.” A neighborhood conservation district is a tool provided in the Zoning Ordinance to help ensure that important, unique, and consistent development patterns and design features (such as setbacks, roof forms, or the presence of large front porches) within the neighborhood are conserved. The first step in implementing this recommendation would be a study to articulate the specific characteristics of the neighborhood to be preserved. The Fourth Lake Ridge National Register Historic District runs along portions of East Gorham Street.



Scenes from James Madison Park

**28.077 DOWNTOWN RESIDENTIAL DISTRICTS.**

(1) Statement of Purpose.

These districts are intended to recognize historic Downtown neighborhoods comprised of predominantly residential uses with some non-residential uses. The districts are also intended to:

- (a) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.
- (b) Promote the preservation and conservation of historic buildings and districts while allowing selective infill and redevelopment based on the recommendations of adopted City plans.
- (c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of scale and rhythm, building placement, facade width, height and proportions, garage and driveway placement, landscaping and similar design features.

**28.078 DOWNTOWN RESIDENTIAL 1 DISTRICT.**

(1) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

| <b>Downtown Residential 1 District</b> |   |
|--|---|
| Lot area (sq. ft.)                     | 3,000   |
| Lot width                              | 1, 2, and 3-unit dwellings: 30<br>>3-unit dwellings, and non-residential and mixed-use buildings:<br>40 |
| Front yard setback                     | 15<br>See (a) below   |
| Side yard setback                      | 5<br>Lot width <40: 10% lot width   |
| Rear yard setback                      | Lesser of 20% lot depth or 30<br>See (b) below  |
| Maximum lot coverage                   | 75%   |
| Maximum height                         | See Downtown Height Map   |
| Stepback                               | See Downtown Stepback Map   |
| Usable open space                      | 40 sq. ft. per bedroom<br>See (c) below   |

(Am. by ORD-14-00133, 8-13-14)

- (a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), a minimum, or a range.
- (b) Underground parking may extend into the rear yard setback if located completely below grade.
- (c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.



(3) **Residential Point System.**

To ensure a variety of housing types in the downtown area, the following point values are established:

| Type of Dwelling Unit      | Point Value |
|----------------------------|-------------|
| Studio/efficiency unit     | 0.75        |
| One-bedroom unit           | 1           |
| Two-bedroom unit           | 2           |
| Three or more bedroom unit | 3           |

In any building except for the Residential - Group Living category (see Table 28E-2) the average point value for all dwelling units must be at least 1.25. (Am. by ORD-16-00096, 11-9-16)

(4) **Building Standards.**

The following standards are applicable to new buildings and additions, within any ten- (10) year period, exceeding fifty percent (50%) of existing building's floor area.

- (a) **Maximum Building Width.** The maximum width of any building fronting the primary abutting street shall not exceed sixty (60) feet.
- (b) **Through-lot Development.** Development of through lots shall be designed with buildings oriented to each street and with a minimum distance of sixty (60) feet between rear facades of above-ground building elements. Underground parking may extend into this shared rear yard area if located completely below grade.

**28.079 DOWNTOWN RESIDENTIAL 2 DISTRICT.**

(1) **Permitted and Conditional Uses.**

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) **Dimensional Standards.**

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

| <b>Downtown Residential 2 District</b> |  |
|--|--|
| Lot area                               | 3,000 sq. ft.  |
| Lot width                              | 30 for 1, 2, and 3-unit buildings<br>40 for 4-unit buildings and higher, and for non-residential and mixed-use buildings |
| Front yard setback                     | 10<br>See (a) below  |
| Side yard setback                      | 5<br>Lot width <40: 10%  |
| Rear yard setback                      | Lesser of 20% lot depth or 20<br>See (b) below   |
| Maximum lot coverage                   | 80%  |
| Minimum height                         | 2 stories  |
| Maximum height                         | See Downtown Height Map  |
| Stepbacks                              | See Downtown Stepback Map  |
| Usable open space                      | 20 sq. ft. per bedroom<br>See (c) below  |

(Am. by ORD-15-00105, 10-15-15)

- (a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), minimum, or a range.