



Legistar I.D. #20963
416-424 West Mifflin Street
Demolition and Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a one-story commercial building at 416 West Mifflin Street and a single family home at 424 West Mifflin Street, and a rezoning of property from R6 (General Residence) District to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a four-story building with 44 residential units.

Applicable Regulations & Standards: Section 28.12(12) provides the requirements for demolition requests. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, zoning map amendments, and planned unit developments can be met and forward the request to the February 22 meeting of the Common Council with a recommendation for **approval** to rezone 416-424 West Mifflin Street from R6 to PUD-SIP, subject to input at the public hearing and conditions from reviewing agencies.

Project Updates and Evaluation

Related Approvals

This proposal has been reviewed by the Urban Design Commission for consistency with the standards and guidelines for a Planned Unit Development. After several changes following a September 2010 Informational Presentation, the UDC granted **initial approval** for the proposal at their December 15 meeting. The report from the December 15 meeting (included), noted several recommendations, many of which have been addressed.

Following **referral** by the Plan Commission on February 7, the applicant submitted revised plans to the UDC for review. At their February 16 meeting, the UDC granted **initial approval** for the revised design with the following, relatively minor, recommendations (see draft UDC report enclosed for more detailed recommendations):

- Redesign the entries, including wider stairwells leading to the front porches.
- Change the color of the material on the fourth floor so that it blends better with the floors below.
- Push and pull the fourth floor façade by a few feet in order to minimize the protrusion of the elevator and stairwell shaft on the fourth floor.

The Urban Design Commission will need to review the proposal and grant final approval, prior to the recording of the PUD. Staff recommends that since the changes needed are so minor in nature, it is appropriate for the Plan Commission to make a recommendation on February 21 for the Common Council meeting of February 22.

Changes to the Proposal

This section notes recent changes to the proposal as it was submitted to the Urban Design Commission for review on February 16, as well as very minor changes expected following that meeting. Notes have been added to the Planning Division conditions that have been addressed with the recent revisions to the proposal. Please note that four recommended conditions of approval have been added (Condition

Nos. 9 – 12), which address details related to exterior materials, and an explicit requirement that the UDC must grant final approval for the design prior to the recording of the PUD.

Building Bulk and Placement-

The most prominent change to the building is the fourth floor stepback, which ranges from 7 to 26 feet, with the corners of the building pulled back the furthest, and the 19-foot wide elevator shaft being the closest portion. On February 16, the UDC recommended that the applicant work to reduce the prominence of the elevator shaft by pushing and pulling the fourth floor façade by a few feet. Overall, the stepback provides for the feel of a three story building from the perspective of a pedestrian on West Mifflin Street near the building, and makes the building more compatible with the adjacent buildings.

Also, the entire building has been shifted slightly further from the front property line such that the face of the building is 20 feet at its closest. The face of the front porches is 14 feet from the front property line. Staff had not recommended this change as a condition of approval, believing that the 18 foot setback (12 feet to the front of porches) was adequate. The change was made to address concerns from the Alder, a few neighbors, and other city residents. On February 16, one member of the UDC mentioned that the increased setback was not necessary, and could result in a less urban feel. Another result of this shift is a crowding of the building toward the rear property line.

While not optimal, staff believes that the 20-foot setback in the revised plans is acceptable, but notes that it will set the tone for the future redevelopment of the apartment property immediately to the west. If the Plan Commission believes that the front setback should be less than 20 feet, this should be made clear in the recommendation to the Common Council.

Unit Type and Mix-

Due to changes made on the fourth floor, two units (four total bedrooms) were lost. The resulting proposal has a total of 44 units (5 efficiencies, 28 one-bedrooms, and 11 two-bedroom units) and a total of 55 bedrooms. Residential density has decreased from 117 to 112 dwelling units per acre.

Parking and Access-

The configuration of parking in the underground parking area has changed such that there are 23 vehicle stalls and 56 bicycle stalls, many of which are arranged in stacked bicycle racks. Eight additional bicycle stalls for short term parking are placed outside in front of the building, for a total of 64 stalls. Plans show a space dedicated for moped parking which may not be viable due to its narrow width.

Open Space-

Due to deeper fourth floor balconies, the revised proposal includes slightly more structured usable open space, at approximately 50 square feet per unit. 17 of the units have a private balcony or porch, and the rear terrace provides an additional 800+ square feet of common structured usable open space. The southern side yard remains the same, providing additional shared usable open space.

Entries and Openings-

The treatment of the main entrance has been changed to reflect staff and UDC recommendations to provide a flat, rather than a gable accent above it. Transom windows have been added to the fourth floor on all four elevations, and others have been placed on various levels on the side and rear elevations. On February 16, the Urban Design Commission did not suggest any changes to the windows as proposed.

Exterior Materials-

Materials have been greatly simplified since the original plans submitted to the Plan Commission for review. As staff recommended, brick has been proposed for a larger portion of the exterior, comprising the center portions of each of the four facades. The number and proportion of materials is much

improved, but staff believes that it may be more appropriate to utilize brick to strengthen the corners of the building. The Urban Design Commission did not recommend changes regarding the placement of brick, but one member noted that the brick should be standard size, rather than "utility brick". Staff agrees with this recommendation, and has suggested it be added as a condition of approval. Staff also agrees with the UDC recommendation that the color of the fiber cement on the fourth floor be revised to blend better with the three floors below. Finally, staff believes that the use of concrete masonry units (CMU), especially on the front façade, is inappropriate. CMU should be eliminated from the front façade and its use on other facades should be limited to the base of the building.

Landscaping-

The landscape plan submitted still shows trees planted in the rear yard, although the applicant has verified that the space may be too narrow to support the plantings originally proposed, since the building has been moved back on the lot by two additional feet. The applicant mentioned the possibility of utilizing this area for bioretention, low-maintenance grasses, or both. Staff believes that either of these alternatives is reasonable. Final landscape plans will be reviewed by the Urban Design Commission, as well as by Planning and Urban Design staff for final signoff.

Public Input

No additional written public input on the proposal has been received since the February 7 public hearing at the Plan Commission. However, some supporters and opponents shared comments at the February 16 UDC meeting similar to the comments heard by the Plan Commission on February 7.

Conclusion

Similar to the conclusion in the February 7 staff report, staff believes that the proposed development is consistent with the Comprehensive Plan (2006), and with the incorporation of the 4th floor stepback, is now more compatible with adjacent buildings. Staff believes that the standards for demolition approval are met, and that with recent changes, the proposal meets the criteria for approval of Planned Unit Developments.

The Planning Division recommends that the Plan Commission find that standards for demolition approval, rezoning, and Planned Unit Developments can be met, and forward this request to the February 22 meeting of the Common Council with a recommendation for **approval**.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met, and forward this request to the February 22 meeting of the Common Council with a recommendation for **approval**.

Planning Division (Contact Heather Stouder, 266-5974)

1. A revised zoning text shall be prepared by the applicant and approved by staff to incorporate updated information based on the final approval. Notes regarding surface parking shall be removed.
2. Prior to acquiring a demolition permit, the applicant shall provide proof of financing for the implementation of the project as proposed in the form of an executed construction contract and a letter of commitment from a lender, for approval by the Director of the Department of Planning and Community and Economic Development.
3. Bicycle parking stalls shall be provided at a ratio of at least one stall per bedroom, and may include a proportion of stacked bicycle racks in the underground parking area, as reviewed and approved by staff. (**Note:** *this has been accomplished in most recent plans*)
4. In final plans submitted for review and approval by the Urban Design Commission and staff, the applicant shall reintroduce brick as a significant proportion of the exterior of the building, removing at least one of the varieties of fiber cement currently proposed (**Note:** *this has been accomplished in most recent plans*). All exterior materials shall be clearly and accurately labeled on final elevation drawings.
5. In final plans submitted for review and approval by the Urban Design Commission and staff, the applicant shall replace the roof feature over the main entry with a more appropriate design to complement the flat-roofed building. (**Note:** *this has been accomplished in most recent plans*)
6. In final plans submitted for review and approval by staff, the applicant may include a small number of three-bedroom units. In the future, interior changes to allow for three-bedroom units can be handled as a Minor Alteration to the PUD.
7. In final plans submitted for review and approval by the UDC and staff, the applicant shall provide a more significant fourth floor stepback which relates better to adjacent buildings yet does not detract from the vertical articulation of the building. (**Note:** *this has been accomplished in most recent plans*).
8. The applicant has indicated that if there is a demonstrated need for moped parking in the future, a parking stall could be removed to accommodate it in the rear left corner of the parking area, currently shown as a "dead" space. Staff believes that this change could be handled at the administrative level if so warranted. The Zoning Text shall include a provision which allows staff to order in the moped parking as determined by the Zoning Administrator in consultation with the Planning staff. (**Note:** *Moped parking has been provided in most recent plans, but will need to be reviewed by Zoning staff prior to recording of the PUD*).
9. In final plans submitted for review and approval by the Urban Design Commission and staff, the "field brick" proposed on each façade shall be noted as standard sized brick.

10. In final plans submitted for review and approval by the Urban Design Commission and staff, the color of the fiber cement proposed for the fourth floor shall be revised to better blend with materials used on the floors below.
 11. In final plans submitted for review and approval by staff, the concrete masonry units proposed for the base of the building on the front façade shall be replaced with a smaller masonry unit, such as utility sized brick or standard sized brick. On other sides of the building, the use of concrete masonry units shall be limited to the four foot base of the building. Other areas currently shown as concrete masonry units on the side and rear facades shall be replaced with standard sized brick to match the brick above.
 12. Prior to the recording of the PUD, the Urban Design Commission shall grant final design approval for the proposal.
 13. No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.
 14. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.
- Zoning Administrator** (Contact Pat Anderson, 266-5978)
15. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
 16. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation for recycling and reuse within 60 days of demolition.
 17. The final plans shall be consistent with the CSM that is in process also. The plans shall show all setbacks from proposed property lines.
 18. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements in the garage. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent in the garage and in the surface lot.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the building including ramps, curbs/wheel stops where needed to protect the path.
 19. Provide 53 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
 20. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards. Lighting will be limited to 0.10 watts per square foot.
 21. Provide details on usable open space. Show usable open space on plans with area calculations.
 22. In regard to the provision of off-street loading berths, the applicant has not provided a designated off-street loading area for this project, and therefore requests a waiver of said requirement. It appears loading needs will be managed through a request for an on-street loading berth on West Mifflin Street.

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

23. The sump pumping plan shall be submitted to City Engineering for approval. It shall be sealed by a PE or Master Plumber and shall be designed to accommodate flows from the 100-year event.
24. Roof drains shall be connected to the storm sewer system.
25. Applicant shall obtain a permit to plug the existing private storm lateral.
26. Applicant / owner shall record necessary ownership transfers and the Certified Survey Map prior to issuance of occupancy permits.
27. The owner has requested to reuse the address of 424 W. Mifflin Street for this project, which has been granted. Coordinate a final address plan for the 46-unit apartment complex build out with Lori Zenchenko of the Engineering Division Office of GIS/Mapping Services (addressing@cityofmadison.com, 266-5952). NOTE: This application noted a 45-unit apartment building, yet plans referenced 46-units. The applicant confirmed with staff this will in fact be a 46-unit plan. (*Note: Most recent plans are for a 44-unit apartment building*)
28. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
29. 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).
30. 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).
31. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department- dkahl@cityofmadison.com pr 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
32. All damage to the pavement on West Mifflin Street 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).
33. The site plans shall be revised to show the location of all rain gutter down spout discharges (POLICY).
34. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used (POLICY and MGO 10.29).
35. 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.
36. 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) acre, 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).

37. 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 Misc. 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

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))

38. 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.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

39. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit (MGO 10.05(6)).

40. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work (MGO 10.05(6)) and MGO 35.02(4)(c)(2)).

41. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)).

42. Prior to approval of the rezoning application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

43. 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)).
44. 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)

Permits applications for Nos. 35-37 above are available on line at
<http://www.cityofmadison.com/engineering/permits.cfm>.

Traffic Engineering Division (Contact John Leach, 267-8755)

45. No residential parking permits shall be issued for 416, 420 & 424 West Mifflin Street, which is consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant should submit for 416, 420 & 424 West Mifflin Street a copy of the lease noting the above condition in the lease when submitting plans for City approval. Please contact William Knobeloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding the above items.
46. The ramp down to underground parking should not exceed 8 percent of sloped and shall be designed to accommodate low-clearance vehicles for a transition. The applicant shall provide a profile of the ramp showing the slope's critical clearance, when plans are submitted for approval.
47. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
48. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach to Atwood Ave. and a "Stop" sign shall be installed at a height of seven (7) feet at the S. First St. and S. Second St. driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
49. The driveway aisle shall be so designed so a minimum of 10 ft sight triangle on both sides of the driveway intersection with the public sidewalk for pedestrian safety. The 10 ft triangle projections will provide adequate vehicular vision clearance.
50. The applicant shall submit with the parking lot plans a letter of operation of the garage door to the underground parking area, and modify the ingress/egress showing a detail drawing of the area showing queuing of at least one vehicle of 20 ft. from the behind the property line to the garage door that will not be blocking the public sidewalk to the lake access.
51. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The "One Size Fits All" stall shall be used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.

- 52. Per ordinance, the small car stalls shall not exceed 25% of the total number of Medium and Large Vehicles and Small Vehicles stalls for the facility. The site plan shall show small car parking spaces identified and properly controlled with a sign "Small Cars Only", when plans are submitted for approval.
- 53. 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 and handholes, including labor, engineering and materials for both temporary and permanent installations.
- 54. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Water Utility (Contact Dennis Cawley, 261-9243)

- 55. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
- 56. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Fire Department (Contact Bill Sullivan, 266-4420)

57. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows: Fire lands shall be unobstructed; there are obstructions shown on the fire lane which must be removed. Examples of obstructions: including but not limited to parking stalls, loading zones, changes in elevation, power poles, trees, buses, fences or posts. The middle Red Sugar Maple tree along Mifflin Street will need to be omitted in order to use Mifflin Street as your required aerial access lane (*Note: Most recently submitted plans reflect the removal of the middle maple tree.*)

Parks Divison (Contact Kay Rutledge, 266-4714)

- 58. The developer shall pay approximately \$96,323.32 in park dedication and development fees for the 46-unit apartment building; credit has been given for the existing single-family structure on the property. This development is within the Vilas-Brittingham Park impact fee district (\$127).
- 59. The developer must select a method for payment of park fees before sign-off on the rezoning. The fees were calculated at the new 2011 rates. Based on the existing ordinance, park fees will be assessed based on the year in which they are paid if it is not 2011.

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| 2011 Fee Calculation | | |
| fees in lieu of dedication = (44 mf units X \$1,554.00 per unit) | = | \$ 68,376.00 |
| park development fees = (44 mf units X \$613.83 per unit) | = | \$ 27,008.52 |
| | Subtotal fees: = | \$ 95,384.52 |
| Less Credit = (1 sf unit x \$3,396.86 combined fee per unit) | = | \$ 3,396.86 |
| | Total fees = | \$ 91,987.66 |

NOTE: Approval of plans for this project does not include any approval to prune, remove, or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.