



Report to the Plan Commission

February 20, 2009

Legistar I.D. #13107
425 W. Washington Avenue
PUD Rezoning & Demolition Permit

Report Prepared By:
Timothy M. Parks, Planner
Planning Division Staff

Requested Action: Approval of a request to rezone 425 W. Washington Avenue from R6 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a mixed-use building containing a 10,865 square-foot fitness facility, 2,800 square feet of first floor retail space and 42 apartment units following demolition of an existing one-story medical office building.

Applicable Regulations & Standards: 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 Developments; Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits.

Summary Recommendation: If the Plan Commission can find the proposed project in conformance with the standards for approval for demolition permits, zoning map amendments and planned unit developments after giving due consideration to the recommendations in the Comprehensive Plan and Bassett Neighborhood Master Plan, the Commission should forward this proposal to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions that begin on page 10 of this report.

If the Plan Commission cannot find the proposed project in conformance with the standards for approval for demolition permits, zoning map amendments and planned unit developments, it should recommend that the Common Council **place this application on file** and should state the appropriate findings of fact.

Background Information

Applicant: Erik Minton, 20/15, LLC; 21 N. Butler Street; Madison.

Property Owner: Dr. John Bonsett-Veal; 425 W. Washington Avenue; Madison.

Proposal: The applicant wishes to demolish the existing one-story medical office building and construct a five-story mixed-use building containing a 10,865 square-foot fitness facility, 2,800 square feet of first floor retail space and 42 apartment units. The applicant wishes to begin construction in August 2009, with completion anticipated one year later.

Parcel Location: Approximately 0.38 acres (approximately 16,335 square feet) located at 425 W. Washington Avenue, between Bassett and Broom Streets, Aldermanic District 4; Madison Metropolitan School District.

Existing Conditions: The subject site is developed with a one-story medical office building, zoned R6 (General Residence District).

Surrounding Land Use and Zoning:

North: Two to four-unit apartment buildings, zoned R6 (General Residence District);

South: Two to four-unit apartment buildings, zoned R6, and the Tuscan Place and City Place apartments, zoned PUD-SIP on the north side of the 400-block of W. Main Street;

West: Five-story “AAA” office building and associated surface parking, zoned R6;

East: Two to four-unit apartment buildings, zoned R6 and two medical offices in converted residential buildings, zoned PUD-SIP.

Adopted Land Use Plan: The Bassett Neighborhood Master Plan recommends includes the subject site in a primarily residential zone that generally extends along both sides of W. Washington Avenue south to W. Wilson Street between Bedford and Broom streets. Development along W. Washington Avenue may also include commercial uses. The zone is recommended for “selective demolition and infill designed with a character and scale that compliments the existing blockface,” though rehabilitation of existing structures is encouraged. The density recommended for this zone ranges between 26 and 40 units per acre. The Comprehensive Plan includes the subject site in the Mifflin-Bassett Residential Sub-District, which generally calls for the development of high-density multi-unit residential buildings and mixed-use building in two- to four-story structures within the sub-district, and recognizes consistency with the existing residential scale as a key issue in this area.

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

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

Zoning Summary: The site is currently zoned R6 (General Residence District) and will be rezoned PUD-GDP-SIP with this request, which will be reviewed in the following sections. Of significance in the Zoning summary, the applicant has not provided the one designated off-street loading area required for this project, and therefore requests a waiver of this requirement as allowed as part of the granting of PUD zoning.

Previous Request

On November 29, 2005, the Common Council placed on file a request to rezone the subject site from R6 to PUD-GDP-SIP to allow construction of a nine-story mixed-use building containing 40 apartment units, a 24,000 square-foot fitness facility, 12,000 square feet of office space and 2,500 square feet of first floor retail following demolition of the existing one-story medical office building. The Council voted to place this matter on file following a unanimous recommendation by the Plan Commission to reject the proposal, citing concerns raised by Planning Division staff about the height and design of the project, the recommendation of the Urban Design Commission to reject the project, and the project's nonconformance with the Bassett Neighborhood Master Plan.

Project Review

The applicant is requesting approval to demolish a one-story commercial building located on the southerly side of W. Washington Avenue midway between Bassett and Broom streets to allow development of a five-story tall mixed-use building containing a 10,865 square-foot fitness facility, 2,800 square feet of first floor retail space and 42 apartment units. The subject site is a 99.6-foot wide, 16,335 square-foot parcel zoned R6 that will be rezoned to PUD-GDP-SIP to accommodate the proposed development.

Project Site and Surrounding Uses

The subject site is located on the southwesterly side of W. Washington Avenue approximately midway between Broom and Bedford streets and is currently developed with a one-story medical office building occupied by the property owner's optometry practice. The building is a tan brick and stone structure with a flat roof constructed in 1955. Surface parking for 24 automobiles is located along the northerly wall of the building and along the eastern property line, with access via two driveways located along the northeasterly and southwesterly side walls of the building.

The site is surrounded by a variety of land uses, with multi-family residences generally containing between two and four units per building located along the northerly W. Washington Avenue blockface and on the south side of the street at the corners of Bassett Street and Broom Street. Office uses are located adjacent to the site on W. Washington Avenue, including two dental offices located in converted residential buildings zoned PUD-SIP immediately east of the site, and a five-story, 82-foot tall multi-tenant commercial office building occasionally referred to as the AAA Building adjacent to the west. The AAA Building was constructed circa 1964 and includes parking for approximately 30 automobiles in the northern and eastern yards of the site, which like the subject site, is zoned R6. The AAA Building is a nonconforming structure in R6 zoning, which does not permit standalone office buildings. South of the site, two newer apartment buildings have been developed on the northerly side of W. Main Street, including the 12-unit, three-story Tuscan Place Apartments, which features first-floor retail space, and the 39-unit, four-story City Place Apartments. The remainder of the north side of the 400-block of W. Main Street includes a mix of two- to four-unit converted residential buildings and 1960s-era apartment buildings.

The subject property is located on the northern edge of the Bassett neighborhood, which is generally bounded by W. Washington Avenue on the north, Pinckney Street on the east, Proudfit Street on the west and John Nolen Drive and Brittingham Park on the south. The Bassett neighborhood also includes the southwestern quadrant of the central business district and a mixed commercial/residential corridor between Bedford and Proudfit streets, with a mostly medium-density residential neighborhood consisting of a mix of residential types in between.

The Bassett Neighborhood Master Plan was adopted in 1997 to guide ongoing redevelopment in the neighborhood, which has seen a significant amount of mostly residential development over the last 10-15 years. The neighborhood plan recommends the two blocks of W. Washington Avenue between Bedford and Broom Streets – including the subject site – for preservation of the existing residential character, which features two and three-story multi-unit residences setback from the street. These buildings are generally “house-like,” with gable roofs and front porches. The plan encourages rehabilitation of these structures, with opportunities for selective demolition and infill with buildings “designed with a character and scale that compliments the existing block face.” Densities in this zone are recommended between 26 and 40 units per acre, with unspecified density bonuses to allow “high quality” projects to be built at the middle and top end of the density range. Though the two block faces in question are intended to be predominantly residential in nature, commercial uses may be included.

Condition of Existing Building

The applicant submitted four photos of the exterior of the existing building a detailed inventory of the building's fixtures as part of an extensive reuse and recycling plan with the 2005 request. An assessment of the physical condition of the building, however, has not been included with either the earlier or current applications to support the applicant's request for demolition. The Planning Division

has not toured the inside of the building, but is familiar with the building and considers its condition to be commensurate with a building of its age.

Should the Plan Commission approve the redevelopment project and the attendant demolition, the applicant will be required to submit a current reuse and recycling plan to the City's Recycling Coordinator for review and approval prior to the issuance of a wrecking permit.

Project Description

The proposed five-story building will extend across most of the property frontage along W. Washington Avenue, with an overall width of 88.5 feet on the 99.6-foot wide lot. The front wall of the proposed building will be set back 16 feet, 10 inches from the W. Washington Avenue right of way, with setbacks of 5 feet along the rear and 5.25 feet and 5.5 feet along the side walls. Overall, the building footprint will occupy 12,530 square feet of the 16,451 square-foot site, or 76.2%.

The ground floor of the mixed-use building will include two retail/commercial spaces of approximately 500 square feet and 2,200 square feet that will be accessible from entrances along the front façade and from an internal hallway leading from a prominent main entry to the building from W. Washington Avenue and a ground level parking area. The 2,200 square-foot space will also include a 700 square-foot mezzanine at the rear of the space. The ground floor of the building will also include lobbies for the proposed health club and residential units above. The first level of parking will provide 9 vehicular stalls (including 3 accessible stalls), bike lockers and a trash room, with the remainder of the ground floor to be occupied by ramps leading down to two levels of underground parking for 43 automobiles, 42 bicycles and 3 mopeds. Two elevators will serve the complex, with one serving all floors of the building and the other running only between the lowest parking level and the second floor health club.

The second floor of the building will be devoted to the health club, which is proposed to occupy 10,865 square feet of space and will include a four-lane lap pool at the rear of the floor. An upper platform of indeterminate size is also shown on this floor, with stairs leading up from the main second floor space.

Two full floors of residential units will be located above the health club, with a third residential floor (fifth overall) proposed to be stepped back. The third and fourth floors of the building are each proposed to include 11 efficiency units and 6 one-bedroom units.

The applicant has submitted two versions for the stepped back fifth floor of the building. In the version of the project plans submitted with the zoning map amendment application in December 2008, the fifth floor contains 5,010 square feet of floor area and consists of 5 efficiencies, 1 one-bedroom and 2 two-bedroom units. The exterior of the fifth floor is set back 37 feet from the W. Washington Avenue property line, 26 feet from the property line adjacent to the AAA Building and 23 feet each from the northeasterly side and southeasterly rear property line. (The step backs are measured from the property lines instead of the outer wall at the fourth floor to account for the recesses included in the lower four floors.)

Following input from the Urban Design Commission at an informational presentation on January 7, 2009, the applicant revised the plans for the fifth floor to increase both the floor area and prominence of the fifth floor. Plans submitted for UDC review on February 4 and 18, 2009 call for a 6,940 square-foot fifth floor with significantly reduced step backs on three of four sides. While the step back in the rear is still 23 feet measured from the property line, the step back along the southwesterly side wall adjacent to the AAA Building is reduced to approximately 11 feet and the step back along W. Washington Avenue is reduced to 22 feet (measured from the property lines) at the westerly front corner above the parking

entrance. The unit mix on the fifth floor is also varied from the earlier plans, with 3 efficiencies, 1 one-bedroom unit and 4 two-bedroom units.

Balconies will be provided for about half of the units on the third and fourth floors in both concepts, while each of the fifth floor units will include patios located in the stepped back area above the fourth floor. In both concepts for the fifth floor, shade structures are used above the fifth floor patios, though those shade structures become markedly more prominent with the February plans both due to the shifting of the fifth floor closer to the outer walls of the building below and design changes to the shade structures themselves. A cooling tower is also shown at the fifth floor level in both plans, though the location shifts from the front of the southwesterly side wall in the December plans to the rear wall in the February plans.

The exterior of the modern, angular building proposed will be clad in a combination of brick veneer and either metal or fiber cement siding above a cast stone base. The front façade facing W. Washington Avenue will include an emphasis on the retail/commercial entrances and the entrance to the health club. In addition to the street level commercial entrances, approximately a quarter of the ground floor façade will be devoted to an overhead door for the parking entrance. Windows have been incorporated into the side walls of the ground level in an effort to break up the cast stone wall comprising the first floor elevation.

Project Analysis

The applicant's project cannot be developed as proposed in the existing R6 zoning, therefore requiring use of Planned Unit Development zoning. Staff estimates that the floor area ratio (FAR) of the proposed mixed-use building is between approximately 2.55 and 2.69 depending on which version of the building is built, both of which are in excess of the 2.0 FAR maximum established in R6 zoning. The proposed health club use is also not identified as a permitted or conditional use in R6 zoning and the building as proposed would not provide the yards required in the existing zoning district.

In reviewing the proposed five-story development project for this site, the Planning Division recommends that the current project be considered on its own merits and without regard for the nine-story building previously proposed for this site, which was rejected for a host of reasons including its bulk and mass, architecture, nonconformity to the Bassett Neighborhood Master Plan and precedent-setting nature. Staff would note, however, that some of the issues central to the 2005 decision may be applicable to the current proposal, which although it is at a lesser scale than the earlier proposal, still represents the introduction of a new building form in this block of W. Washington Avenue that may not be supported by the neighborhood plan.

Planning staff believes that the developer has made a concerted effort to better relate the scale and mass of the proposed five-story building to the predominant scale present in the 400- and 500-blocks of W. Washington Avenue, which are largely developed with two- and three-story wood-framed residential structures representative of Victorian-era design with some Tudor influences. However, the building form proposed presents a clear departure from the predominant character and mass present in those blocks with the exception of the AAA Building located just to the west of the site, which staff noted earlier in this report is a nonconforming office building in the existing R6 zoning. Like the AAA Building, the applicant's proposal calls for a building consisting of a broad front facade running parallel to W. Washington Avenue as opposed to the narrower fronts of the residential building forms that comprise most of the rest of the block faces in the 400- and 500-blocks. The statute of the proposed building, which will stand 64 feet in height, also more closely matches the 82-foot tall AAA Building and will be

much taller than the predominant residential building forms, which are generally less than 40 feet in height. Both buildings also feature 90-degree wall and roof planes unlike the Victorian-influenced residential structures nearby, which feature a variety of wall elements, roof designs and front porches and stoops that break up their masses.

The Bassett Neighborhood Master Plan recommends the two blocks of W. Washington Avenue between Bedford and Broom streets, including the subject site, for preservation of the existing residential character. The neighborhood plan encourages rehabilitation of the predominant two- and three-story wood-framed residential structures, with opportunities for selective demolition and infill with buildings “designed with a character and scale that compliments the existing block face.”

Similar recommendations for the Bassett neighborhood are also included in the Comprehensive Plan, which includes the Bassett neighborhood south of W. Washington Avenue with the Mifflin neighborhood to the north between Broom and Bedford streets to form the Mifflin-Bassett Residential Sub-District. The Comprehensive Plan recommendation generally calls for the development of high-density multi-unit residential buildings and mixed-use building in two- to four-story structures within the sub-district, and recognizes consistency with the existing residential scale as a key issue in this area. This recommendation was derived from the 2004 Downtown Advisory Report, which was developed by the City to illustrate the preliminary planning goals and recommendations to be considered for Downtown during the preparation of the Comprehensive Plan. In addition to noting that infill development in the Bassett neighborhood be limited to a maximum of three or four stories, the report stated:

“Existing buildings along W. Washington Avenue should be preserved to provide a cohesive transition to historic residential neighborhoods north and south of this main corridor. Existing residential uses may transition to mixed residential/ commercial uses through selective infill development.”

This general recommendation follows an earlier recommendation in the 1989 Downtown 2000 plan, which called for selective redevelopment with three- and four-story apartment buildings along with the rehabilitation and reuse of existing housing stock in the 400- and 500-blocks of W. Washington Avenue (Area F, page 59).

However, despite the apparent scale, mass and character issues raised above about the applicant’s proposed building, staff feels there are many positive aspects of this proposal that should also be carefully considered. Unlike many other projects developed elsewhere in the Bassett neighborhood over the last 10-15 years, the proposed development does not propose to replace existing residential building stock historically synonymous with the rest of the neighborhood with a modern, non-residential building form like the one proposed. Instead, the project replaces an existing commercial building surrounded by surface parking that already deviates significantly from the predominant residential character with another, albeit larger, non-residential building form. This may provide an opportunity for the applicant’s proposed mixed-use building or some variation of the current proposal to be considered as a continued exception to the predominant residential building form present on most of this block since the subject site does not currently add to the highly valued residential fabric. The project does not remove Victorian-influenced residential buildings that make up the fabric that stands as the foundation for the planning recommendations for this area. The subject development essentially amplifies the inconsistent building form already present. Whereas the nine-story building previously proposed for this site was so completely oversized and out of character so as to even allow for such consideration, staff feels that the current proposal is much closer to the top end of the height recommendations in the Bassett Neighborhood Master Plan and Comprehensive Plan. Nonetheless, with the five-story bulk and density proposed and where the fifth story is as prominent as shown on the February 2009 plans,

reviewers of this project need to acknowledge that the project does not comply with all aspects of the recommendations in the Bassett Neighborhood Master Plan and Comprehensive Plan.

Staff believes that the current proposal is a much better designed building compared to what was previously brought forth for this site, which in addition to being considerably out of scale and character, proposed an aggressively modern/ industrial architectural style that staff felt was not complimentary to surrounding residential building forms. Staff also felt the earlier building lacked a strong interrelation between the building and the W. Washington Avenue sidewalk due to an under-whelming first floor facade that seemed to convey a very insular project. The new proposal, however, does a much better job of addressing the street, primarily through the provision of a much more active street-facing first floor facade, which will be activated by entrances into the first floor retail spaces, second floor health club and upper floor residences from the public sidewalk. The current proposal also proposes an architectural style that is generally more complimentary to the surrounding area.

As noted in the Project Review section above, the essential form of the lower four floors of the building is the same from the December 2008 plans and February 2009 plans with the exception of some relatively less significant design details. The departure between the two plan sets is most significant in regards to the fifth floor. In the event that the Plan Commission and Common Council find the lower four floors of the applicant's building to be acceptable, the discussion must then turn to the inclusion of the fifth floor. Generally speaking, the question becomes whether a fifth floor is appropriate, and if so, how prominent the floor should be.

The Planning Division, while being generally supportive of a four-story building, has had concerns with the prominence of the fifth floor and believes that if a fifth floor is approved, that it be stepped back as much as possible so that the building reads from surrounding properties on all four sides as a four-story building. Staff was more encouraged by the approach to the fifth floor that the applicant proposed with the December plans, which called for the smaller, fully stepped back fifth floor, and much less so with the approach to the fifth floor proposed with the more recent February plans, which call for a larger and more prominent fifth floor. While staff acknowledges that the Urban Design Commission encouraged the applicant to proceed with the more pronounced fifth story, it is staff's opinion that while a four-story building at this site may be considered to be consistent with the Bassett Neighborhood Master Plan, it is more difficult to conclude that a five-story building is consistent with that document or the Comprehensive Plan. However, staff believes that the stepped-back fifth story, if carefully designed to have limited or no visibility from surrounding properties, might be an appropriate means of increasing the density of the project while adhering to the general principles and intent of the applicable plans.

Staff also believes that any consideration of a fifth floor for this building should also look at the exterior treatments proposed. In addition to the approximately 38% increase in floor area and the placement of the fifth floor walls closer to the front and southwesterly side facades of the lower four floors, the applicant also redesigned the fifth floor to include prominent shade structures that project out over the fifth floor patios. In some cases, the fronts of the shade structures align with the fourth floor façade below, essentially nullifying most of the step back and causing the building to quite clearly stand as a five-story structure. This stands in contrast to the earlier December plans that, in addition to having a fully stepped back fifth floor, also called for less prominent screening above the fifth floor patios, which staff believes calls less attention to the fifth floor and therefore causes the building to read less as a five-story building from surrounding properties.

The Urban Design Commission reviewed the proposed development and recommended initial approval on February 18, 2009 of the February 2009 plans, which include the larger and more prominent fifth floor (see attached reports).

Other Factors to Consider

The questions surrounding the scale, mass and character of the proposed mixed-use building and its conformance to the recommendations in the Bassett Neighborhood Master Plan and Comprehensive Plan and the ability of the project to meet the standards for approval for zoning map amendments and planned unit developments are perhaps the most significant to be considered in reviewing this project. The density of the project and its potential precedent for other development projects, however, also merit discussion.

The subject proposal proposes a density of 110.5 units per acre, which on its face far exceeds the density envisioned for this site in the Bassett Neighborhood Master Plan. The plan recommends that infill projects developed in the portion of the Bassett neighborhood generally bounded by Bedford and Broom streets and W. Washington Avenue and W. Wilson Street have a density of 26 to 40 units an acre. However, since the adoption of the plan in 1997 in cases where the neighborhood, staff, Plan Commission and Common Council felt that the scale and design of new residential developments were generally compatible with the scale and building mass envisioned under the Bassett NMP and supported the plan's implementation goals to provide a variety of housing opportunities in the neighborhood, the density recommendations in the plan have been given less importance. Recent developments such as City Place at 432 W. Main Street (72.2 units per acre), Tuscan Place at 450 W. Main Street (92.3) and Lake Park Apartments at 451 W. Wilson Street (114.3) have also significantly exceeded the density recommendations in the neighborhood plan. But in reviewing those projects, staff and others felt that the higher than recommended density of those projects was offset by the design of the projects, which were generally believed to be in keeping with the physical development recommendations of the plan (scale, massing) and the surrounding context.

In the case of this proposed 42-unit residential component of the mixed-use project, staff believes that the higher than recommended density is consistent with other approvals within the neighborhood and could be found to be acceptable if the design of the overall project housing the density is found to be acceptable. One area that might modestly lower the density of the residential component would be through the inclusion of more two- and three-bedroom dwelling units. The project currently calls for 25-27 efficiencies, 13 one-bedroom units and 2-4 two bedroom units to be included depending on which fifth floor plan is used, which represents a high ratio of efficiencies in staff's opinion. The applicant should explore opportunities to transition some of the efficiency units into a combination of larger one-bedroom units, additional two-bedroom units and possibly some three-bedroom units to provide a broader spectrum of living options.

With the nine-story proposal that preceded the current proposal for the site, staff expressed significant concern about the precedent that approving such an outsized and out of character project could have on the development of other projects along W. Washington Avenue and in the adjacent Bassett and Mifflin neighborhoods. Staff is somewhat less concerned, however, by the precedent approval of the applicant's current proposal could establish. While the earlier nine-story proposal for the site would clearly have called into question the future applicability of the recommendations for the 400- and 500-blocks of W. Washington Avenue in the Bassett Neighborhood Master Plan, the current proposal has been scaled down significantly. While it is still likely that developers of other future projects in the 400- and 500-blocks will point to this project as a precedent, staff believes the Plan Commission and Common Council could distinguish a similar project on another site possessing the residential building forms proposed for preservation and rehabilitation from this application because the building being replaced on the subject site is so different from the predominant residential building stock elsewhere.

Conclusion

Regardless of the project ultimately approved for the subject site, the Planning Division is supportive of the property owner's desire to redevelop his property, which is currently a severely underutilized parcel located along a very significant, high-visibility corridor leading into the City's central business district and the State Capitol. Staff considers the existing one-story suburban-style medical office building and surrounding surface parking on the site to be as out of keeping with its surroundings and as nonconforming as the AAA Building next door and feels it can meet the standards for demolition permits once a determination is made regarding the appropriateness of the proposed alternative use.

In considering the current proposal to demolish the one-story office building and replace it with a five-story mixed-use building containing a 10,865 square-foot fitness facility, 2,800 square feet of first floor retail space and 42 apartment units, Planning staff feels the applicant has made considerable progress regarding the design of the project, especially compared to what has previously been discussed for the subject site. However, several issues remain that require careful consideration.

First, a determination must be made whether the essential bulk and form of the building proposed can meet the standards for zoning map amendments and planned unit developments. The standards for zoning map amendments require the Plan Commission to find the zoning map amendment in the public interest and shall not recommend a proposed amendment without due recognition of the master plan for the City (Bassett Neighborhood Master Plan and the Comprehensive Plan). The criteria for approval of a planned unit development requires the Plan Commission to consider, in part, the character and intensity of development and its compatibility with the area as well as the preservation and maintenance of open space. While there is limited usable open space being provided, the project is similar in that respect to some other projects previously approved in the Bassett neighborhood. The Plan Commission will need to determine if the project has the potential of producing significant community benefits in terms of environmental and aesthetic design, as is called for by the Zoning Ordinance.

In general, the neighborhood plan encourages rehabilitation of the predominant two- and three-story wood-framed residential structures and infill development "designed with a character and scale that compliments the existing block face," while the Comprehensive Plan recommends that two- to four-story buildings be developed but recognizes that consistency with the existing residential scale and more detailed neighborhood plans is a key consideration. The applicant's proposed plan represents a clear departure from the predominant character present throughout most of the 400- and 500-blocks of W. Washington Avenue, given both the relative height and broad front facade proposed. It should also be noted that the existing building already represents a deviation from the predominant building forms present elsewhere in these block faces, and is adjacent to the AAA Building, which is also a significant deviation.

Two variations of the proposed development have been offered for review since the application to rezone the site to PUD zoning was submitted in December 2008. One calls for a fully stepped back fifth floor element of the project that is largely centered on the four-story mass below. The other, more recent version increases both the floor area and prominence of the fifth floor by pushing it closer to the street-facing facade and highly visible southwesterly side facade, which causes the building to read much more as a five-story building in staff's opinion. Both versions call for some amount of screening above the fifth floor, but the later version of the plan also makes those screening structures more visible and causes the building to further read as a five-story structure. The Planning Division believes that a four-story building could be acceptable at this location and comply with the standards for approval. Staff also believes that the original submittal in December, which reduced the prominence of the fifth floor, was heading in a better direction and was closer to the recommendations in the adopted plans than the

current version, which was recommended for initial approval by the Urban Design Commission. If a fifth story is approved, the Planning Division feels that it should be fully stepped back as originally proposed so that its visibility from surrounding properties is minimal or non-existent. Staff feels that this should include any screening above the fifth floor, which if included, must have as minimal a visual impact from surrounding properties as possible.

In closing, staff believes that the scale and massing of the project and its very prominent fifth floor could serve as a basis for rejecting the mixed-use building proposed when it is reviewed against the standards for zoning map amendments, planned unit developments and the long-established planning recommendations for the area. However, the proposed development also includes some very merit-worthy elements that could serve as a basis to support the development in one form or another. These include an exciting mixed-use development to be housed in a well-designed and better-scaled building. The Plan Commission should carefully consider the testimony at the public hearing and the comments on this proposal to determine if the standards for a planned unit development rezoning can be met, and if so should also identify the changes that should be made to the project that it believes are needed.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

If the Plan Commission can find the proposed project in conformance with the standards for approval for demolition permits, zoning map amendments and planned unit developments after giving due consideration to the recommendations in the Comprehensive Plan and Bassett Neighborhood Master Plan, the Commission should forward Zoning Map Amendment ID 3399-3400, rezoning 425 W. Washington Avenue from R6 (General Residence District) to PUD-GDP-SIP, to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions below.

If the Plan Commission cannot find the proposed project in conformance with the standards for approval for demolition permits, zoning map amendments and planned unit developments, it should recommend that the Common Council **place this application on file** and should state the appropriate findings of fact.

If approved, the Planning Division recommends the following conditions:

1. That the footprint and location of the fifth floor be as shown on the December 2008 plans (smaller floorplan, fully stepped back) per Planning Division approval. The revisions to the rest of the (February 2009) plans, including detailing of the lower four floors, landscaping, etc. as approved by the Urban Design Commission, should be retained.
2. That the development plans be revised per Planning Division approval prior to recording as follows:
 - 2a.) a section of the five-story building showing the floor to floor heights of each level, including any proposed mezzanines and the pool;
 - 2b.) the height of the building depicted on each elevation as measured at the four corners of the structure;
 - 2c.) the floorplans revised to specifically identify all spaces shown on the plans, including the square footage of all the interior spaces identified including the square footage of the elevator shafts and stairwells at each floor above grade;

- 2d.) the site plan revised to label the setbacks from the nearest point of the building to all property lines, including any overhanging elements;
 - 2e.) a final detailed floor area ratio calculation for the building;
3. That the family definition for the proposed residential component correspond to the R4 district.
 4. That the applicant submit an easement or other similar agreement with the property owner at 432 W. Main Street to allow for the temporary removal of landscaping elements on his/her property during construction. Said agreement shall also permit the installation of the landscaping shown along the common property line between the subject and adjacent sites. A minor alteration to the PUD for 432 W. Main Street may be required to implement the applicant's landscaping plan.
 5. That the applicant work with Planning Division staff and the Zoning Administrator prior to final approval and recording of the PUD-GDP-SIP to specifically enumerate the permitted and accessory uses to be allowed within the planned unit development. The applicant may use the list of permitted uses in C2 General Commercial zoning as a basis for developing this specific list.
 6. Due to the particular nature of the mixed-use development, that applicant shall provide a parking management plan for Planning Division approval prior to recording of the PUD-GDP-SIP that discusses the allotment of parking stalls for the project, including the hours of operation specific spaces will be available and to whom, and any monitoring mechanisms that will be employed.
 7. That the applicant work with the Planning Division prior to recording of the PUD-GDP-SIP to revise the mix of dwelling units contained in the development. Specifically, the applicant should diversify the mix of units to decrease the number of efficiency units and provide a combination of larger one-bedroom units, additional two-bedroom units and possibly some three-bedroom units throughout the residential component.
8. That the applicant submit a current reuse and recycling plan to the City's Recycling Coordinator for review and approval prior to the issuance of a wrecking permit.

The following conditions have been submitted by reviewing agencies:

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

9. Any damage to the W. Washington Avenue pavement will require restoration in accordance with the City's Patching Criteria.
10. Provide additional drainage detail for underground parking entrance. Proposed plan must demonstrate protection from the 100-year flood with design by a Professional Engineer.
11. Provide projected sewer flows to City Engineer for review. The existing public sewer system may not be adequate to support this development.
12. Proposed 6" sewer lateral connecting to 6" sewer main requires connection at a manhole.
13. The General Notes found on Plan Sheet No. 3 indicate site boundary is based on a Calkins Engineering, LLC prepared site survey. Provide a copy of the site survey with the plan set to clarify what appear to be discrepancies with the configuration of this property.

14. The portion of the legal description found on Sheet 1 calls out Lot 4 and city records indicate this should be Lot 5.
15. The site plan makes it appear that the trees proposed to be removed are not on the applicant's property.
16. Submit a PDF of all floor plans to Lori Zenchenko lzenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. 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.
17. 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.
18. The approval of this project does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
19. The applicant shall replace all sidewalk and curb and gutter that 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.
20. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. A Professional Engineer must stamp the soil retention system. The City Engineer may reject or require modifications to the retention system.
21. A City licensed contractor shall perform all work in the public right-of-way.
22. The site plans shall be revised to show the location of all rain gutter down spout discharges.
23. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces and 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.
24. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks,

parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

25. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
26. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
27. 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.
28. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
29. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
30. Prior to approval of the conditional use 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.
31. 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.

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

- | |
|---|
| <p>32. A condition of approval shall be that no residential parking permits shall be issued for 425 W. Washington Avenue, as would be 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 shall submit for 425 W. Washington Avenue a copy of the lease noting the above condition in the lease when submitting plans for City approval.</p> |
|---|

33. City of Madison radio systems use microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the City Traffic Engineer to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
34. The applicant shall modify the bike parking area so that the bicycle parking spaces do not encroach on the public right-of-way. Any encroachment onto the public right-of-way will need to be approved by City of Madison Real Estate Division prior to plans being submitted for approval.
35. The applicant shall indicate the type of bicycle racks to be installed both inside and outside.
36. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side, 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'.
37. The applicant shall modify the driveway and approach according to MGO 10.08(3)(b), which states that no entrance shall be closer than 5 feet to an adjacent property line.
38. 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 20 feet from the behind the property line to the garage door that will not be blocking the public sidewalk to the lake access. If the applicant is required a loading area on site that may require the garage door to be 30 feet from the property line.
39. The ramp down to underground parking percent of sloped shall be designed to accommodate low-clearance vehicles for a transition. The applicant shall provide a profile of the ramp showing the slopes critical clearance, when plans are submitted.
40. A "Stop" sign shall be installed at a height of 7 feet at the driveway approach. 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.
41. 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" per each space, when plans are submitted for approval.
42. 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.
43. 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)

44. 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 with this request. Otherwise, the project shall provide one 10' X 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space. Identify this area on the plan. Post a sign in the stall.

45. Show canopies and roof structures on the site plan.

46. Show the building height on the elevation drawings per "City Datum". The building shall not exceed 187.2' City Datum per MGO 28.04(14).

47. Meet applicable building codes, including accessible requirements.

48. Provide a detailed landscape plan. Show species and sizes of landscape elements.

49. Provide 47 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Show the stalls on the plans.

50. Meet all applicable State accessible requirements, including but not limited to:

- a.) Provide a minimum of 1 van accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
- b.) Show signage at the head of the stalls.
- c.) The stalls shall be as near the elevator as possible.

51. In the zoning text, address the following:

- a.) In the permitted use section, include, 42 apartments, a 10,865 sq. ft. health club, 2,795 sq. ft. of commercial/retail [to be specified by Planning Division condition above].
- b.) Accessory uses to the above uses, including but not limited to accessory parking and home occupations as defined in Chapter 28 of the Madison General Ordinances.
- c.) Signage for the commercial spaces may use C1 or C4 signage as approved by the Urban Design Commission.

52. If outdoor lighting is provided, it must comply with City of Madison outdoor lighting standards.

53. The site plan indicates that the outside bike racks will encroach into the city right of way. Contact Jerry Lund (267-8718) with the City's Office of Real Estate Services to discuss an encroachment agreement for bike racks.

Parks Division (Contact Tom Maglio, 266-6518)

54. The developer shall pay approximately \$83,708.10 for park dedication and development fees for 42 new multi-family units (Fees in lieu of dedication = $(42 @ \$1,407) = \$59,094.00$; Park development fees = $(42 @ \$586.05) = \$24,614.10$). The developer must select a method for payment of park fees before signoff on the SIP.

Fire Department (Contact Bill Sullivan, 266-4420)

55. The project shall comply with all applicable Fire Codes (MGO, IFC, IBC).

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this project.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.