

PLANNING DIVISION STAFF REPORT

PREPARED FOR THE PLAN COMMISSION

September 18, 2023



Project Address: 131 West Wilson Street (District 4 – Alder Verveer)

Application Type: Conditional Use

Legistar File ID # [79018](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jake Bunz; T. Wall Enterprises, LLC; 1818 Parmenter St #400

Owner: The Moment, LLC; 131 W Wilson St; Madison, WI 53703

Requested Action: The applicant is seeking approval of a conditional use alteration.

Proposal Summary: The applicant is seeking approval of amended plans for exterior lighting on a previously-approved 15-story, 263-unit multifamily building.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) M.G.O.

Review Required By: Urban Design Commission, Plan Commission

Summary Recommendations: If the Plan Commission can find that the standards for conditional uses are met for a conditional use alteration for exterior lighting at a 15-story mixed-use building in a UMX district, then the Planning Division recommends this request be approved subject to the conditions from reviewing agencies beginning on page 4.

Background Information

Parcel Location: The 33,092-square-foot (0.76-acre) property is located on the southeast side of West Mifflin Street, adjacent to the Wisconsin & Southern Railroad, between South Henry Street and South Carroll Street. It is located within Alder District 4 (Ald. Verveer) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The property is zoned Urban Mixed Use (UMX) District and is developed with a building that was previously twelve stories with office and commercial tenant spaces and three levels of underground parking constructed in 1971. The existing building is currently under demolition and conditional uses for a 15-story mixed-use building with 263 residential units and approximately 6,900 square feet of commercial space has been approved.

Surrounding Land Use and Zoning:

Northwest: Across West Wilson Street, the Dane County Courthouse, zoned PD (Planned Development District);

Northeast: A vacant lot and an eight-story apartment building, both zoned UMX;

Southeast: Across the Wisconsin & Southern railroad and John Nolen Drive, Law Park and Monona Terrace; and

Southwest: A four-story mixed-use building zoned UMX.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) uses for the subject parcel. The [Downtown Plan](#) (2012) similarly identifies the site as Downtown Core Mixed Use.

Zoning Summary: The property is in the Urban Mixed Use (UMX) District

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

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

Previous Approvals

On June 27, 2022, the Plan Commission approved a demolition permit to demolish a twelve-story office building at this site. Demolition is currently in process. On January 9, 2023, the Plan Commission approved the necessary conditional uses to construct a fifteen-story mixed-use building with 263 residential units and approximately 6,900 square feet of commercial space on the first two floors. A certified survey map creating one lot for the development site was approved by Common Council on January 17, 2023.

Project Description

On January 9, 2023, the Plan Commission approved the necessary conditional uses to construct a fifteen-story mixed-use building with 263 residential units and approximately 6,900 square feet of commercial space on the first two floors.

The applicant is now proposing, as a modification to the previously-approved building, two architectural accent light fixtures; one to be mounted to the underside of the soffit of the 15th floor and one running the vertical length of the building on both the front (Wilson Street) and rear (Lake Monona) facades.

According to the previous letter of intent, the approved demolition is intended to be completed in summer 2023, with construction to follow immediately. Building completion and opening is expected in spring or summer 2025.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, which includes a recommendation from UDC, and finally a conclusion.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC), which represents the nucleus of downtown and accommodates a wide variety and mix of uses in large-scale buildings. The [Downtown Plan](#) (2012) recommends Downtown Core Mixed-Use for the site, with a maximum building height at the Capitol View Preservation Limit. The Downtown Plan also places the site within the Downtown Core district, which accommodates a wide variety of office, employment, retail, government, residential, and other uses in larger-scale buildings that comprise the most densely developed part of the city.

Conditional Use Standards

The applicant is requesting approval of a major alteration to the existing approved conditional uses within the UMX district for lighting on the proposed building. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Regarding standard of approval 9, that "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 (UDC) for comment and recommendation."

In consideration of this standard, staff notes that the project site is located within the [Downtown Plan](#) and is subject to the [Downtown Urban Design Guidelines](#). Generally, the intent of guidelines is to create interest and a safe welcoming environment and recognize that the right amount of lighting and appropriate fixtures can reinforce architectural features, structural elements or windows, however excessive lighting or inappropriate fixtures can also detract from the desired ambience and create glare. More specifically, with regard to lighting, the Downtown Urban Design Guidelines state:

- Full cut-off fixtures should be used. Lighting should not spill into the sky, encroach on neighboring properties, nor cause excessive glare.
- The lighting on the top of a building should not compete with the view of the Capitol dome in views of the skyline.
- Exterior Lighting to accentuate building architecture and landscaping should not be excessive in either amount of intensity.
- Building-mounted fixtures should be compatible with the building facades.

This proposal has been reviewed by the UDC at its September 6, 2023 meeting as required by §28.076(4)b) MGO, which states that "*All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines.*" Additional information is found in Legislative File [79549](#).

The [Staff Report to the Urban Design Commission](#) summarized this request and related considerations and provided analysis on the Rooftop/Upper Level lighting (Fixture L3) and the Vertical Accent lighting (Fixture L4). In both cases, there were believed to be code compliance issues with the lighting as proposed. The UDC granted initial approval by a vote of 5-1 (one non-voting) with the following conditions:

- Fixture L3 (*Note – Upper Level Lighting*), lighting the top of the building finding that it is consistent with the Downtown Design Guidelines, granted that a cap (U shaped mounting versus J shaped mounting) is added to prevent direct view of the fixture,
- Fixture L4 (*Note- Vertical Accent Lighting*) is modified to be compliant with cutoff requirements, and
- Both fixtures shall return to the Commission for Final Approval.

Planning staff note that due to accuracy concerns raised by Building Inspection and UDC staff, the applicant provided updated night renderings which staff believes more accurately depict existing and proposed light levels compared to what was provided in the initial Plan Commission submittal.

Staff emphasize the potential precedent-setting nature of this decision, especially for similarly-sited areas along Lake Monona and Madison's Downtown skyline. While there are some instances of architectural lighting in the City and Downtown, this site has an especially prominent location, with long views from Lake Monona and John Nolen Drive due to its location and its height at the Capitol View Height limit.

Conclusion

Staff recommend that careful consideration be given to this request related to the applicable conditional use standard and factors noted in this report, including the detailed design guidelines related to lighting and findings of the UDC. On balance, staff believes that if the fixtures can be made to comply with lighting code, it may be possible for the standards to be found met, especially considering the action of the UDC. Staff notes that both UDC and Plan Commission are approving bodies on this request. While the Plan Commission has the option to act prior to UDC making its final decision, Plan Commission also has the option to refer until final code compliant details have been reviewed by UDC per the conditions of its motion for initial approval.

At time of writing, Staff is unaware of any written comment from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

If the Plan Commission can find that the standards for conditional uses are met for a conditional use alteration for exterior lighting at a 15-story mixed-use building in a UMX district, then the Planning Division recommends this request be approved subject to the conditions from reviewing agencies below.

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Planning Division Recommendations (Contact Colin Punt 243-0455)

1. That the prior to final sign-off, all lighting has been determined to meet applicable requirements by the Building Inspection Division and that final approval by the UDC has been granted. This approval shall be consistent with the concept conditionally approved by the Plan Commission and further modifications may require additional Plan Commission review under MGO 28.183.

Urban Design Commission (Contact Jessica Vaughn, 267-8740)

2. The applicant shall return to the Urban Design Commission for Final Approval pursuant to the following conditions regarding each lighting fixture:
 - Fixture L3, lighting the top of the building finding that it is consistent with the Downtown Design Guidelines, granted that a cap (U shaped mounting versus J shaped mounting) is added to prevent direct view of the fixture,
 - Fixture L4 is modified to be compliant with cutoff requirements.

The Office of the Zoning Administrator, City Engineering Division, City Engineering-Mapping Section, Traffic Engineering Division, Fire Department, Parks Division, Forestry Section, Water Utility, and Parking Utility have reviewed this request and have recommended no conditions of approval.