



Report to the Plan Commission

May 21, 2012

Legistar I.D. #25973 and #25831
531 West Mifflin Street
Demolition and Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a single-family home and the rezoning of property at 531 West Mifflin Street from R6 (General Residence) to PUD-SIP (Planned Unit Development-Specific Implementation Plan) for the relocation of a three-story, three-unit residential building to this property.

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 approval of demolition requests, zoning map amendments, and planned unit developments cannot be met and forward the request to the June 12 meeting of the Common Council with a recommendation to **place on file** the request to demolish the existing single-family home and rezone 531 West Mifflin Street from R6 to PUD-SIP.

Background Information

Applicant/Property Owner/Project Contact: Brandon Cook; 531 W Mifflin, LLC; PO Box 694; Madison, WI; 53701

Proposal: The applicant proposes the demolition of an existing single-family home and a rezoning from R6 to PUD-SIP (Planned Unit Development- Specific Implementation Plan) to accommodate the relocation of a three-story, three-unit residential building to the site. The building proposed for relocation currently sits at 444 West Johnson Street, and was approved for demolition in June 2011 as part of a hotel redevelopment, which is scheduled to begin later this spring. If there are not scheduling conflicts with the hotel project, the applicant hopes to quickly complete demolition at 531 West Mifflin Street and relocate the other building to the site once all land use approvals have been granted.

Parcel Location: The property is located on the south side of West Mifflin Street, midblock between North Bassett Street and North Bedford Street. The 5,760 square foot parcel is 165 feet deep by 35 feet wide; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions: The 5,760 square foot property has a 1,292 square foot, 5-bedroom single-family home, constructed in 1894. A gravel driveway shared with the neighbor to the southwest leads to an unmarked gravel parking area in the rear yard, where up to eight automobiles can be stored.

Surrounding Land Use and Zoning: The property is generally surrounded by single, two, and three-unit residential buildings in the R6 (General Residence) District along West Mifflin Street and West Washington Avenue, many of which have gravel surface parking areas in the rear yards. Immediately behind this property is a five-story mixed-use building in the PUD-SIP District at 540 West Washington Avenue.

Adopted Land Use Plans: The Comprehensive Plan (2006) includes this area in the Downtown Mifflin-Bassett residential sub-district, where two to four story residential and mixed-use redevelopment consistent with the predominant scale of the buildings in the area is recommended.

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

Public Utilities and Services: The area is served by a wide range of urban services, including several nearby Metro Transit Routes.

Zoning Summary: R6 Zoning Criteria

Bulk Requirements*	Required	Proposed
Lot Area	6,000 sq. ft.	5,575 sq. ft. (existing)
Lot area for all D.U's	5,825 sq. ft.	5,575 sq. ft. (existing)
Lot width	50'	35' existing
Usable Open Space	1,050 sq. ft.	As shown on plans (See Condition No. 18, p. 8)
Front yard	20'	10'6" to open porch 18'6" to front exterior wall
Side yards	9' each side	5' right side, 3'7" left side
Rear yard	30'	86' ±
Floor area ratio	2.0	1.2 ±
Building height	FAR controlled	3 stories / 36' ±

Site Design	Required	Proposed
Number parking stalls	0	3
Accessible stalls	1	1
Number Bike Parking stalls	13	10 (See Condition No. 17, p. 8)
Moped parking	0	2 (See Condition No. 17, p. 8)
Landscaping	Not required	As shown on approved plans

Other Critical Zoning Items	
Urban Design	Yes (PUD)
Historic District	No
Landmark Building	No
Utility Easements	None shown
Barrier Free (ILHR 69)	Yes

**Since this project is being rezoned to the PUD district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the R6 district, because of the surrounding land uses
 Compiled by Matt Tucker, Assistant Zoning Administrator*

Project Description

Existing Conditions

The 5,760 square foot property has a 1,292 square foot, 5-bedroom single-family home, constructed in 1894. A gravel driveway shared with the neighbor to the southwest leads to an unmarked gravel parking area in the rear yard, where up to eight automobiles can be stored. Records indicate that this parking lot was not legally established. The structure is in fair condition, and has been leased for residential use in recent years.

Proposed Land Use

The applicant proposes to demolish the existing single-family home and replace it with an existing three-unit structure to be relocated to the site from nearby 444 West Johnson Street, where it has been approved for demolition associated with a hotel redevelopment project. Prior to its relocation, the applicant would prepare a new basement for the building, which would become a fourth unit with four bedrooms. The resulting proposed four-unit building has a total of 13 bedrooms, with one bathroom per unit.

Site and Building Design

Building Bulk and Placement- As proposed, the building would be placed 3 feet 7 inches from the left property line, and 5 feet from the right property line, where a driveway shared with the property to the west exists. The front yard setback is over 18 feet, matched to buildings on either side, and the rear yard is ample, though slightly less than the adjacent buildings.

Parking and Access- As most recently revised, the informal gravel parking area in the rear yard would be replaced by a concrete area with three automobile parking stalls, two moped stalls, and ten bicycle stalls, all open to the air. A small usable open space with pervious pavers is proposed in the middle of the rear yard. Finally, the five-foot width of driveway on the subject property (half of the driveway) would be paved with concrete.

Other Site Improvements- As part of the project, the applicant proposes a trash enclosure, two trees and fourteen shrubs planted in the rear yard. Building improvements include the replacement of siding on the exterior of the building with fiber cement siding, new shingles for the roof, and new paint on the trim of the building.

Building Interior- The applicant would be required to improve the interior of the building to meet contemporary building and fire codes. Aside from the new four-bedroom basement unit, very little reconfiguration is proposed in the interior of the relocated structure. At staff's suggestion, the applicant has agreed to replace two very small bedrooms, which were illegally added to the building in the past, with additional closet space near the front of the units on the second and third floors. A small laundry room accessible through an exterior door off the southeast side of the building is available for shared use by all tenants.

Public Input

Mifflin West District Steering Committee members from Capitol Neighborhoods, Inc. have been generally unsupportive regarding the proposal when speaking about it at Urban Design Commission meetings. Lack of support is largely due to the applicant's track record with other projects in the downtown area, and his inability to convince the committee that this proposal can be completed. Any written comments from the steering committee received prior to the Plan Commission meeting will be provided in the Plan Commission packet.

Related Approvals and Recommendations

The Zoning Board of Appeals on January 26, 2012 **rejected** an application for yard and open space variances on the property associated with the proposal under the existing R6 Zoning (the proposal presented to the ZBA did not include the new 4-bedroom basement unit). Thus, the applicant submitted a request for rezoning of the property from R6 to PUD-SIP to accommodate the relocated building, and in turn, modified the proposal to include the new basement unit.

The proposal has been reviewed by the Urban Design Commission (UDC) as a Planned Unit Development. On April 18, the UDC **referred** the proposal, noting that the applicant had failed to show adequate information about the surrounding context to make a case that the building to be relocated fits in well on this block. The UDC requested a massing model to better illustrate the proposed structure within its new context, additional attention to on-site stormwater management, and that the applicant attend a neighborhood meeting prior to returning to the UDC (see attached report).

On May 2, the UDC granted **final approval** for the design on a 6-1 vote (see attached report), requesting small changes to the landscaping, and a restoration of the front dormer and doors to reflect historical conditions of the building proposed for relocation.

Evaluation

Demolition

As noted by UDC members, the demolition of a vernacular single-family home constructed in 1894 could be problematic since it is in decent condition, even though it would involve the salvage of a larger structure which would otherwise be demolished. However, neither the Preservation Planner nor Landmarks Commission members had any comments recommending against demolition at this site.

Land Use

The proposed four-unit building is generally consistent with the Comprehensive Plan recommendations for this area, although the proposal would replace the smallest structure on the block with the largest structure with a greater number of bedrooms than any structure on the block.

Site and Building Design

Building Bulk and Placement- The relocated structure will be larger than most, if not all other structures on the block, but would not be significantly out of scale. While very close to the left lot line, the three-story relocated building is proposed to be placed similarly to other structures in this area, and would need to meet all fire codes regarding building separation. The applicant's architect has provided assurances that conditions of approval by the Madison Fire Department can be addressed.

Access and Parking- Improvements to the rear parking area are among the most positive aspects of this proposal, due to the replacement of an informal, gravel parking area with formalized bicycle and moped parking, a small usable open space, three automobile stalls, and additional landscaping. It is unclear whether the paving of the shared driveway would occur on both sides of the west property line, or only on the subject property. While it would obviously be best to coordinate this with the adjoining property owner, this is outside of the realm of consideration for the proposed PUD on this property.

Standards and Criteria for Approval

MGO Section 28.12(9) – Standards for Approval of Rezonings

The Plan Commission should make a determination as to whether this rezoning request is in the public interest, or that it would solely benefit the applicant.

While the relocation of buildings is often desired as an alternative to demolition, this proposal involves the demolition of a one building and its replacement with another, which has already been approved for demolition. If the single-family home proposed for demolition was a public safety hazard, and/or if the structure proposed for relocation was a high-quality or historically significant structure, this could likely be found to be within the public interest. However, it is essentially an opportunity for the applicant to maximize the number of rentable bedrooms on this lot, with no net improvement to the quality of the units.

On the other hand, the proposed improvements to the rear parking area would positively impact the property, and perhaps set the stage for similar reorganization on nearby properties in the future, which could be a public benefit of the project.

MGO Section 28.07(6)(f) - PUD Criteria for Approval

a) Character and Intensity of Land Use-

i. Are compatible with the physical nature of the site or area.

On the whole, the structure is generally compatible with the area, although it is much larger than the existing single-family home on the site, and would be one of the largest on the block. In addition, a majority of structures on this block have gabled roofs, whereas the building proposed for relocation has a hipped roof. Despite these differences, upon careful consideration and based on an understanding of how this criterion has been applied in the past, staff believes that this criterion is met.

ii. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

Staff does not believe this criterion is adequately addressed. While minor exterior improvements to the building are proposed, it is difficult to find that this meets the high expectations for design associated with planned unit development zoning. The relocated building with typical three-and four-bedroom units for the student rental market would not necessarily raise the bar in this area.

iii. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.

Staff believes that this part of the criteria is met.

iv. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.

Staff believes that this part of the criteria is met.

b) Economic Impact-

The proposal would result in a higher value on this small property.

c) Preservation and Maintenance of Open Space-

Staff believes that this part of the criteria is met, as a small functional open space is preserved in the rear yard following a reconfiguration of the parking area.

d) Implementation Schedule-

Staff is concerned that the applicant cannot demonstrate the ability to meet this criterion. Given the applicant's track record in completing other projects in the Bassett Neighborhood (see detailed memorandum from Zoning staff), staff are very concerned that the applicant would not be able to complete the project in a timely fashion.

Importantly, even if well-planned and executed, the completion of this project is in and of itself extremely difficult, given the timeframe available. The structure proposed to be relocated to the site from 444 West Johnson Street was approved for demolition in conjunction with a hotel redevelopment that should be proceeding yet this spring. Final plans for that project are currently being reviewed by agency staff for signoff, and demolition of the building at 444 West Johnson Street could occur by right at any time, once the PUD-SIP is recorded.

Meanwhile, the steps the applicant would need to obtain final staff approval and prepare the 531 West Mifflin site for its (demolition and removal of the single-family home, construction of a new basement, and site work) will likely take at least one month, and most likely longer. There are no assurances available to guarantee that the structure proposed for relocation would not already have been demolished. Thus, there is a strong possibility that the existing single-family home at 531 West Mifflin Street could be demolished without the ability to fulfill the second part of the proposal (i.e. moving the building at 444 West Johnson Street to the new site).

Conclusion

The building and use proposed for relocation to this property is generally consistent with the Comprehensive Plan (2006), which recommends two to four story residential and mixed-use redevelopment consistent with the predominant scale of the buildings in the Downtown Mifflin-Bassett Residential Sub-District.

However, the proposal would replace what is now a satisfactory single-family structure with a marginal multi-family building already approved for demolition. While the proposal would involve exterior improvements such as paving the parking area and replacing the siding on the building, the result still falls short of the high design standard intended for the planned unit development zoning district. Further, it is difficult to determine that the rezoning of the property is in the public interest, but rather seems to be solely in the economic interest of the applicant as a way to maximize the number of bedrooms on the property.

Importantly, staff is concerned that the applicant will not be able to complete the project due to incompatibility with the intended schedule for construction on the hotel site, especially when taking into account this applicant's record of past building code violations and inability to complete projects in a timely manner. After careful consideration, staff does not believe that the proposal meets the standards for rezoning, nor the criteria for Planned Unit Development zoning. Thus, the demolition of the existing single-family home and rezoning cannot be supported.

The Planning Division recommends that the Plan Commission find that standards for demolition and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) cannot be met, and forward this request to the June 12 meeting of the Common Council with a recommendation to **place on file** the request.

Alternatively, if the Plan Commission approves the demolition and recommends approval for the rezoning, staff recommends that the approval be subject to testimony at the public hearing and the conditions below.

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 rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) cannot be met, and forward this request to the June 12 meeting of the Common Council with a recommendation to **place on file** the request.

Alternatively, if the Plan Commission approves the demolition and recommends approval for the rezoning, staff recommends that the approval be subject to testimony at the public hearing and the conditions from reviewing agencies below:

Planning Division (Contact Heather Stouder, 266-5974)

1. Prior to receiving a demolition permit for the existing home at 531 W Mifflin, the applicant shall submit for staff review and approval supporting documentation detailing the schedule for the project, including the removal of the single-family home, site preparation, and relocation of the multi-family building.
2. The applicant shall submit for staff review and approval verification that the relocation of the building at 444 West Johnson Street can be accommodated within the schedule for the proposed hotel redevelopment at the northeast corner of Johnson Street and Bassett Street. This shall be submitted in the form of a letter signed by the project manager for the hotel redevelopment.

3. Prior to receiving a demolition permit for 531 West Mifflin Street, the applicant shall submit verification for approval of the relocation and moving plan for the building at 444 West Johnson Street, signed by City of Madison Building Inspection staff.
 4. This PUD-GDP-SIP involves the relocation of an existing building at 444 West Johnson Street, and cannot be construed as an approval to construct a similar new building on this site. If any of the following occur, the PUD-GDP-SIP zoning is null and void, and the zoning of the property shall revert to R6 (or a similar district following adoption of the new zoning code).
 - a) Demolition of the structure at 444 West Johnson Street is initiated in conjunction with the approved hotel redevelopment project; or
 - b) Demolition of the existing single-family home at 531 West Mifflin Street occurs, and the approved structure is not relocated to the property for any reason; or
 - c) This PUD-GDP-SIP is not recorded at the Register of Deeds Office within one year of Common Council approval.
 5. Should a demolition permit be granted to the property owner for the structure at 444 West Johnson Street prior to the demolition permit being granted for the single-family home at 531 West Mifflin Street, this approval shall be null and void.
 6. Prior to recording of the PUD-GDP-SIP, details on the proposed trash enclosure and bike parking racks shall be provided for staff review and approval.
 7. The zoning text shall be revised to state that the occupancy of the building shall be limited to a maximum of one person per bedroom.
 8. As per the Urban Design Commission conditions of approval, final elevations submitted for review and approval by Planning and Urban Design staff shall reflect a new front door and reconstructed front dormer to restore the building to its historical condition.
 9. Prior to recording the PUD-SIP, the applicant shall provide proof of financing in the form of a signed construction contract and a signed letter from a lender, for review and approval by the Director of the Department of Planning and Community and Economic Development.
10. A revised landscape plan including a landscape schedule with the proposed species and planting sizes shall be submitted for review and approval by Planning and Urban Design staff.

Zoning Administrator (Contact Matt Tucker, 266-4569)

11. The existing backyard gravel parking area does not appear to have been legally installed, and should not be considered a legal aspect of the property in consideration of the legal existing condition.
 12. The legal description for the property indicates the lot to be 35' wide where the submitted plan represents a 34' lot width. A survey shall be prepared to resolve this discrepancy.
 13. Note the revised plan page (4/2/12) showing removal of illegal 4th bedrooms in 2nd and 3rd floor units, replaced with closet space.
14. 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.
15. MGO Sec 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 of recycling and reuse within 60 days of completion of demolition.

16. Put addresses of the buildings and number of units in each building on the final plan sets pursuant to MGO Sec. 10.34(2). Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
17. Bike/scooter parking is provided at a one per bedroom ratio.
18. Identify usable open space areas and calculations when SIP is submitted for sign-off.
19. If outdoor lighting is provided, it must comply with MGO Sec. 10.085, outdoor lighting standards.
20. Pursuant to MGO Sec. 28.08(7)(j), Refuse Storage, in the R6 District all refuse receptacles, cans, dumpster carts, or bins will be screened from view from the street and abutting property. Provide detailed drawings of refuse storage area.

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

21. The plans submitted do not clearly show an ingress-egress door into the new basement. Clarify with final plans and coordinate with Engineering Mapping staff when finalizing addresses for this site.
22. Due to the proximity of the existing building, the applicant shall demonstrate how any foundation work required for the relocated building will be constructed without impacting the adjacent properties.
23. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
24. 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).
25. 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).
26. 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 or 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).
27. All damage to the pavement on W. Johnson Street and W. 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).
28. 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).
29. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement (POLICY).
30. 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 izenchenko@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))

- 31. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.
- 32. Prior to approval of the rezoning, 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 (POLICY). This permit application is available on line at: <http://www.cityofmadison.com/engineering/permits.cfm>.

Water Utility (Contact Dennis Cawley, 261-9243)

- 33. The Madison Water Utility shall be notified to remove the water meters prior to demolition.
- 34. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Divison (Contact Kay Rutledge, 266-4714)

- 35. This development is within the Vilas-Brittingham impact fee district (SI27). The developer shall pay approximately \$5,498.35 for park dedication and development fees for the new 4-unit building after a credit is given for the existing 1 single-family unit currently located on the property.

New Development:

Fees in lieu of dedication = (4 MF @ \$1,631) =	\$6,524.00
<u>Park development fees = (4 MF @ \$628.92) =</u>	<u>\$2,515.68</u>
Total fees =	\$9,039.68

Credit for Existing Development:

Fees in lieu of dedication = (1 SF @ \$2,563) =	\$2,563.00
<u>Park development fees = (1 SF @ \$978.33) =</u>	<u>\$978.33</u>
Total credit =	\$3,541.33

\$9,039.68 Fees - \$3,541.33 Credit = \$5,498.35 Fees Due

- 36. The developer must select a method for payment of park fees before signoff on the PUD-SIP.
- 37. 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.

Fire Department (Contact Bill Sullivan, 266-4420)

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| <ul style="list-style-type: none">38. Exterior walls shall be rated per IBC Table 602.39. Provide automatic fire sprinklers for the addition of the fourth unit.40. Provide emergency escape openings per IBC 1029. |
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- 41. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503.
- 42. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training Division at (608) 246-4587 to discuss possibilities.

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

- 43. This agency submitted a report with no conditions of approval for this request.