

# PLANNING DIVISION STAFF REPORT

January 8, 2024



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2007 Roth Street (District 12, Ald. Latimer-Burris)  
**Application Type:** Major Alteration to a Conditional Use  
**Legistar File ID #** [81251](#) & [81252](#)  
**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Heather Stouder, AICP, Planning Division Director  
Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Kevin McDonell; Lincoln Avenue Capital; 401 Wilshire Blvd #1070; Santa Monica, CA 90401

**Contact:** Marc Ott; JLA; 200 W. Broadway #200; Monona, WI 53713

**Owner:** Kraft Heinz Food Company; 1 Ppg Place; Pittsburgh, PA 15222

**Requested Action:** The applicant is seeking approval of major alterations to approved conditional uses on Lot 1 (ID 81251) and Lot 2 (ID 81252) of property currently addressed as 2007 Roth Street.

**Proposal Summary:** The applicant proposes to narrow patio doors, replace balconies with juliet balconies, and replace horizontally-projecting roof features with a trim bands of a different color on a six-story 250-unit multifamily residential building and a seven-story 303-unit multifamily residential building.

**Applicable Regulations & Standards:** Standards for conditional use approval are found in §28.183(6) MGO.

**Review Required By:** Plan Commission

**Summary Recommendations:** If the Plan Commission can find that the standards for conditional uses are met for a conditional use alteration for changes to the architectural treatment of each building, the Planning Division recommends the following to the Plan Commission regarding the applications for 2007 Roth Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission could find that the standards for conditional uses are met for Lot 1 (ID 81251), subject to the conditions from reviewing agencies beginning on page 6;
- That the Plan Commission find that the standards for conditional uses are met for Lot 2 (ID 81252), subject to the conditions from reviewing agencies beginning on page 7;

## Background Information

**Parcel Location:** The subject site is generally bounded by Roth Street on the north, Commercial Avenue on the south, North Sherman Avenue and a Wisconsin & Southern railroad to the west, and a Canadian Pacific railroad to the east. The entire site is approximately 29.2 acres, and the two proposed development sites, located along the eastern edge of the parcel are approximately 3.12 and 8.47 acres. The site is within Alder District 12 and the Madison Municipal School District.

**Existing Conditions and Land Use:** Other than some parking and vehicle access drives, the site is currently vacant. Uses on adjacent parcel have encroached on the subject site. The eastern third of the site is zoned TR-U2 (Traditional Residential-Urban 2 district). The western portion is zoned CN (conservancy district).

**Surrounding Land Uses and Zoning:**

North: Two vacant lots zoned IL and a tavern zoned CC-T (Commercial Corridor-Transitional);

West: Beyond a large vacant lot zoned CN (Conservancy), small commercial buildings zoned CC-T and warehouse and industrial buildings zone IL (Industrial Limited district);

South: Warehousing, industrial, and commercial buildings zoned IL; and

East: Canadian Pacific Railway line zoned IL, with former Oscar Mayer campus beyond zoned IL and RMX (Regional Mixed Use district).

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends the site for Industrial land uses. The [Oscar Mayer Special Area Plan](#) (2020) recommends medium residential, high residential, and community mixed-use and height recommendations between 3 and 10 stories, depending on the specific location within the site as described in more detail below. The older [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2016) and [Northport-Warner Park-Sherman Neighborhood Plan](#) (2009), recommend employment uses at heights up to four stories.

**Zoning Summary:** The subject properties are zoned TR-U2 (Traditional Residential - Urban 2 District).

**Environmental Corridor Status:** Much of the western portion of the overall site, generally confined to Lot 3 of the CSM, is within a mapped Dane County environmental corridor.

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

## Previous Approvals

On December 12, 2022, the Plan Commission approved conditional uses to construct a six-story, 250-unit apartment building on Lot 1 ([ID 74056](#)) and a seven-story, 303-unit apartment building on Lot 2 ([ID 74721](#)) created via CSM ([ID 74065](#)) that was approved by Common Council on January 3, 2023. A third lot is intended for parks and open space purposes. The conditional uses for both buildings were referred to UDC for an advisory recommendation on the request of the area alderperson at the time. The UDC recommended against approval of the building on Lot 1, but did recommend approval of the building on Lot 2 with conditions. The applicant is currently finishing verification of conditions of approval for the conditional uses and final site plan review. Between the submittal of these land use applications and publication of this report, the associated CSM was recorded and addresses were assigned to the two lots. Lot 1 was addressed as 1003 Huxley Street and Lot 2 as 905 Huxley Street. However, to avoid confusion from renaming each parcel, this report continues to refer to "Lot 1" and Lot 2." Construction has not yet begun on either building.

## Project Description

The applicant is seeking approval of alterations to the conditional uses for two previously approved buildings on Lot 1 and Lot 2 of the parcel previously addressed as 2007 Roth Street. The two buildings are proposed on two building sites east of the proposed Huxley Street, one north (Lot 1) and one south (Lot 2) of the proposed extension of Coolidge Street.

### **Lot 1 (Age-Restricted Building)**

The proposed northern building on Lot 1 is six stories tall and includes 250 age-restricted dwelling units. Under the original approval, most units had private balconies and two first-floor units along Roth Street (north façade) and two first-floor units along Coolidge Street (south façade) feature walk-up entrances. The first and fourth floors also include community spaces such as meeting rooms, exercise rooms, and other gathering spaces. The building, with three wings extending east, includes two roof decks above the parking structure between the three residential wing towers. The two rooftop decks include walking paths, seating areas, and intensive and varied green roof planting areas. The primary entrance on Huxley Street is accessed via a looped driveway with *porte cochere*. A masonry veneer is the primary first-floor exterior material and extends up the lower four stories of the tower wing over the main entrance and *porte cochere*. The primary façade materials for the upper five floors are a light gray fiber cement panel, a light gray vertical siding-style fiber cement panel, and a dark gray horizontal siding-style fiber cement panel. Accent materials include wood-tone and yellow accent fiber cement panels. The applicant has also indicated they will be working with Dane Arts to engage local artists for a potential mural on the east façades of the two parking structures, which face the railroad corridor.

The applicant proposes to narrow all individual unit patio doors from 9'-0" wide to 6'-0". The applicant proposes removing all individual balconies between the second and sixth floors, inclusive, and replacing them with juliet balconies. The applicant proposes to remove the horizontally-projecting "eyebrow" roof features above the fifth and sixth floors, replacing it with a trim band of a lighter material color.

### **Lot 2 (Family Building)**

The proposed southern building on Lot 2 is seven stories tall and includes 303 dwelling units. The building plan resembles two back-to-back "E" shapes, with two courtyards facing west and one facing east between the residential wing towers, with the other east-facing "void" occupied by a parking structure. The primary entrance on Huxley Street in the center tower wing, which also includes offices and community rooms near the entrance. The first floor also includes a clubroom opening onto the swimming pool and a community service and job training space. Four first-floor units along the north façade (Coolidge Street) and five first-floor units along the south façade have private walk-up entrances. There are also several secondary entrances on the north, south, and east façades, and within the courtyards. Under the original approval, most units had private balconies. A red-brick masonry veneer is the primary first-floor exterior material, and features primarily on the lower four stories of the central tower wing over the two-story glass main entrance. The primary façade materials for the upper five floors are a light gray fiber cement panel and a dark gray vertical siding-style fiber cement panel. Accent materials include wood-tone and blue accent fiber cement panels. The applicant has also indicated they will be working with Dane Arts to engage local artists for a potential mural on the east façades of the two parking structures, which face the railroad corridor. The northeast courtyard is primarily open space with turf grass with seating areas and grilling and picnicking space. An enclosed dog run is located just east of the courtyard. The northwest courtyard includes a swimming pool, as well as seating areas and grilling and picnicking spaces. The southwest courtyard is programmed with a playground, benches, and picnic tables.

The applicant proposes to narrow all individual unit patio doors from 9'-0" wide to 6'-0". The applicant proposes removing all individual balconies between the second and sixth floors, inclusive, and replacing them with juliet balconies. The applicant proposes to remove the horizontally-projecting "eyebrow" roof features above the fifth and sixth floors, replacing it with a trim band of a lighter material color.

## Analysis & Conclusion

These requests are subject to the standards for conditional uses as these are considered major alterations to the previously approved conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

### Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends the site for Industrial land uses. The [Oscar Mayer Special Area Plan](#) (2020) recommends medium residential for the area nearest the planned open space, high residential to the east of that and in the northeast corner of the site, and community mixed-use immediately west of the CP railroad. Staff notes that the adopting resolution for the [Oscar Mayer Special Area Plan](#) states the Plan and recommendations contained therein are adopted as a supplement to the [Comprehensive Plan](#) and therefore the land use recommendations should supplant those of the [Comprehensive Plan](#). As before, Staff believe the proposal is generally consistent with the most contemporary land use recommendations. In regard to Urban Design recommendations, the Oscar Mayer Special Area Plan only includes broad guidelines geared largely at ground level activation and does not include specific recommendations related to upper levels of buildings in this area.

### Conditional Use Standards

Regarding 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) MGO are met. With regards to the City's adopted plan recommendations, as mentioned above, the Planning Division believes that the proposal can be found consistent with the recommendations of the [Comprehensive Plan](#) and [Oscar Mayer Special Area Plan](#). 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.

### **Lot 1 (ID 81251)**

Staff provide the following comments regarding conditional use approval standard nine, which states 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."* The Urban Design Commission did not review this current request. During the previous review of the original conditional use request, former District 12 Alder Abbas requested a referral of this proposal to the UDC to make an advisory recommendation to Plan Commission regarding the design and aesthetics of the proposal. While ultimately approved by the Plan Commission, the UDC recommended that Plan Commission not approve the development. Please see the [UDC report](#) for November 30, 2022 for more information regarding that earlier UDC discussion. While the current changes result in lessening the articulation, primarily along the building's upper levels, the general design of stacked openings, horizontal patterns, and colors and materials remain the same from the original design approved by Plan Commission.

Further, regarding the request to remove balconies, Staff notes for comparison's sake that the CDA is not considering individual unit balconies on the first phases of new properties as part of the Triangle redevelopment. Rather, the CDA is opting for larger, outdoor community spaces such as courtyards and potentially rooftop spaces.

## **Lot 2 (ID 81252)**

Staff provide the following comments regarding Conditional Use approval standards nine, which states 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.”* As with Lot 1, this current request was not forwarded to UDC, though copies of their previous comments are linked. Please see the [UDC report](#) for November 30, 2022 for more information regarding the previous UDC discussion. The UDC previously noted that the previous version had adequate street activation and that the mass and height were acceptable, along with other findings. While the UDC previously discussed that the upper levels in the previous version were adequately articulated, there were no further conditions established. Again, staff believes that the removal of the balcony and architectural projections near the roofline reduce the articulation of mass and void and modulation of the facade. However, the general design of stacked openings, horizontal patterns, and colors and materials remain the same from the originally approved design. Again, this proposal holds similarities to the CDA’s design emphasizing larger, outdoor community spaces such as courtyards and rooftop spaces over individual balconies.

## **Conclusion**

No changes to the size, placement, or uses of the building are proposed. As such, as before, staff believes that the proposed development and requested conditional uses are consistent with underlying land use recommendations of the [Oscar Mayer Special Area Plan](#).

The applicant had initially sought the requested changes be considered as an administrative “minor alteration.” Due to concerns on the changes and inconsistencies with what was previously approved, staff declined to approve this through that process and the applicant has filed these major alteration requests for Plan Commission consideration. Staff recommend that careful consideration be given to these requests related to the applicable conditional use standards. In both cases, staff believes that the primary conditional use standard for consideration is Standard 9, as the removal of balconies and changes to the roofline significantly impact the design of both of these very large buildings and prominent facades. Staff also has a general concern regarding the impacts on the quality of the living space due to removal of personal balconies. However, both the approved and proposed building designs with their large at-ground and structured rooftop courtyards have far more useable open space than required by the zoning code and are located directly across Huxley Street from a large public greenspace.

On balance, staff believes it may be possible for the Plan Commission to find the conditional use standards met for the proposed changes to the doors, balconies, and roofline. While the Plan Commission has jurisdiction over conditional uses and major alterations to approved conditional uses, the zoning code also provides the Plan Commission the procedural option to further refer the modifications to the Urban Design Commission for an advisory opinion, should that be found necessary in order to find Conditional Use standard 9 is met.

Staff have received at least one public comment regarding these requests from the public, which has been attached in the Legislative Information Center.

## 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 changes to the architectural treatment of each building, the Planning Division recommends the following to the Plan Commission regarding the applications for 2007 Roth Street. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission could find that the standards for conditional uses are met for Lot 1 (ID 81251), subject to the conditions from reviewing agencies beginning below;
- That the Plan Commission find that the standards for conditional uses are met for Lot 2 (ID 81252), subject to the conditions from reviewing agencies beginning below;

If the Plan Commission cannot find that the standards for conditional uses are met for a conditional use alteration for changes to the architectural treatment of each building, the Planning Division recommends the Plan Commission place the requested alteration to a conditional use on file without prejudice. The requests for each proposed building are separate and the Plan Commission can act separately on each request.

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

#### **Lot 1 (ID 81251)**

### Planning Division (Contact Colin Punt, 243-0455)

1. On both buildings, the applicant shall alter the projection of the trim material that has been substituted for the building-top “eyebrows” to create relief and shadow on the building façade.
2. Should the applicant find it possible to reincorporate some or all of the balconies during the permitting and construction process, this change can be initiated as a Minor Alteration for consideration by the District 12 Alder and administrative review by Planning Division staff.

### Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

3. Submit a revised useable open space exhibit. Provide calculations for the required useable open space areas, and clearly show the useable open space areas on the final plans. A minimum of 10,000 sq. ft. of useable open space is required. Identify each qualifying at-grade usable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
4. Submit a revised bird-safe glass exhibit. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

**City Engineering Division – Mapping Section** (Contact Jule Smith, 264-9276)

5. The building address is 1003 Huxley St. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 

***Lot 2 (ID 81252)***

**Planning Division** (Contact Colin Punt, 243-0455)

1. On both buildings, the applicant shall alter the projection of the trim material that has been substituted for the building-top “eyebrows” to create relief and shadow on the building façade.
2. Should the applicant find it possible to reincorporate some or all of the balconies during the permitting and construction process, this change can be initiated as a Minor Alteration for consideration by the District 12 Alder and administrative review by Planning Division staff.

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

3. Submit a revised useable open space exhibit. Provide calculations for the required useable open space areas, and clearly show the useable open space areas on the final plans. A minimum of 12,120 sq. ft. of useable open space is required. Identify each qualifying at-grade usable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
4. Submit a revised bird-safe glass exhibit. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

**City Engineering Division – Mapping Section** (Contact Jule Smith, 264-9276)

5. The address of the building is 905 Huxley St. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.