

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT**

November 28, 2007

Revised December 5, 2007

RE: ID # 07736: Zoning Map Amendment 3318 & 3319 Rezoning 1022 W. Johnson Street from R6 (General Residence District) to PUD-GDP-SIP

1. Requested Actions: Approval of a request to rezone 301-309 N. Mills Street and 1022 W. Johnson Street from R6 (General Residence District) to Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of two residential buildings and construction of a 14-story, 163-unit apartment building.
2. Applicable Regulations: Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (9) provides the process for zoning map amendments; Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits.
3. Report Prepared By: Timothy M. Parks, Planner and other Planning Division staff.

GENERAL INFORMATION

1. Applicant: John Leja, Ten Twenty-Two, LLC; c/o Bill White, Michael, Best & Friedrich, LLP; 1 S. Pinckney Street; Madison.

Agent: J. Randy Bruce, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

Property owners: Luther Memorial Evangelical Lutheran Church of Madison; 1021 University Avenue; Madison, and Francis Wayland Foundation; 1127 University Avenue; Madison.
2. Development Schedule: The applicants wish to commence construction in spring 2008, with completion scheduled for summer 2009.
3. Location: Approximately 0.66 acres located at the northeast corner of W. Johnson and N. Mills streets, Aldermanic District 8; Madison Metropolitan School District.
4. Existing Conditions: The subject site consists of two, two-story multi-family residential buildings located at 1022 W. Johnson Street and 307-309 N. Mills Street and an approximately 20-space surface parking lot located at 301 N. Mills Street, all in R6 (General Residence District) zoning.

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5. Proposed Land Use: A 14-story, 163-unit apartment building. [Note: Some of the plans submitted incorrectly identify 162 units instead of the 163 proposed.]
6. Surrounding Land Use and Zoning:
North: Luther Memorial Evangelical Lutheran Church, zoned R6 (General Residence District) and PUD-SIP;

South: University of Wisconsin Department of Educational Sciences, zoned R5 (General Residence District);

East: Porchlight residential building, zoned R6;

West: University of Wisconsin Daniels Chemistry Building, zoned PUD-SIP.
7. Adopted Land Use Plan: The Comprehensive Plan generally identifies the subject site and nearby surrounding properties as part of the University of Wisconsin Campus. Residential uses such as the building proposed are identified among the myriad uses identified within the “campus” designation that are intended to serve the educational institution.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the demolition standards of Section 28.04 (22) and the Planned Unit Development District standards.

PLAN REVIEW

The applicant is requesting approval of planned unit development zoning to allow construction of a 14-story, 163-unit apartment building on a 0.66-acre site located at the northeast corner of N. Mills and W. Johnson streets following demolition of two residential buildings and a parking lot.

Background

The subject site is currently developed with two student rooming houses located at 307-309 N.

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Mills Street and 1022 W. Johnson Street, which are operated by the Francis Wayland Foundation as part of their ministry based at 1127 University Avenue, and by an approximately 20-stall surface parking lot located at 301 N. Mills Street, which is owned by Luther Memorial Church. The northern edge of the site is formed by Conklin Place, which is a narrow one-way eastbound public alley extending between N. Mills and N. Brooks streets, with Luther Memorial Church located further north between Conklin Place and University Avenue. The eastern edge of the site is shared with an 84-unit single-room occupancy residential facility operated by Porchlight, Inc., which is located at 306 N. Brooks Street. The subject site and Porchlight currently share a driveway extending between W. Johnson Street and Conklin Place that serves parking areas for the multi-family building at 1022 W. Johnson Street and the 84-unit Porchlight facility. The site is characterized by a modest slope from north to south, with an approximately eight-foot grade change from the northwest corner of the site along N. Mills Street to the southeastern corner.

The Conklin House at 307-309 N. Mills Street is a two-and-one-half-story, wood frame, Queen Anne style house constructed in 1887. A major remodeling in 1905, designed by the influential architectural firm of Claude and Starck, created the appearance that the building has today. It is eligible to be designated as a Madison Landmark because it is a fine and relatively intact example of a Progressive Queen Anne house. The Progressive version of the Queen Anne style was particularly popular during a major Madison boom period and is therefore important to the existing fabric of our City.

The two-and-one-half-story wood frame Queen Anne house at 1022 W. Johnson Street was built ca. 1910 as a single-family residence. The house was built with many bedrooms and was used from early on as an owner-occupied rooming house for girls. It is still used as a rooming house, although the first floor living room, dining room, etc. are now also rented rooms. This house is of a type quite common throughout downtown Madison, with a gable roof facing the street, a first story front bay window, an intact neo-classical front porch and a Palladian window in the front attic gable. Although it is probably not distinctive enough to be eligible to be a Madison Landmark, the building is structurally sound and relatively intact on the interior and would be quite suitable for reuse as a single-family or multi-family house.

Luther Memorial Church was primarily built as a church for students, but it was also one of the first Lutheran churches in the area to hold all of their services in English. Built in 1921-1923, it is one of the most imposing and architecturally intact church buildings in Madison and is the best example of religious design by the prestigious and prolific local architectural firm of Claude and Starck. The church is clearly eligible to be designated a Madison Landmark.

The University of Wisconsin campus forms much of the neighborhood context surrounding the subject site. With the exception the Porchlight facility, Luther Memorial Church and St. Francis House (located at 1001 University Avenue) that comprise the rest of the block on which the site

is located, the surrounding area is developed with a variety of University uses. Nearby University uses include the Educational Sciences and Zoology buildings located across W. Johnson Street from the site and the Chemistry facilities located to the west across N. Mills Street. Accordingly, the Comprehensive Plan identifies the subject site and surrounding area for future “campus” uses. In the Comprehensive Plan, campus areas represent specialized sub-areas that include a wide diversity of uses associated with a primary education mission. Campus-area development is recommended to be compatible with surrounding uses and their design characteristics. A wide range of land uses are recommended in campus areas in addition to the uses traditionally related to education, including research and employment uses, student, faculty and employee housing, and student-oriented retail, service, dining and entertainment. Outside of the University of Wisconsin core campus area generally located west of N. Park Street and north of University Avenue, interlacing of University-related facilities with appropriate types of compatible non-University uses is specifically recommended.

Project Description

The proposed apartment building will contain 21 efficiency units and 33 one-bedroom, 37 two-bedroom, 27 three-bedroom and 44 four-bedroom apartment units. Parking for the project will be provided in 161 vehicular spaces and 73 bike parking spaces located on three levels of parking generally located below the building. Parking for an additional 37 bikes and 21 mopeds will be distributed along the perimeter of the building at street level. The entrance to the under-building parking levels will be located along the eastern wall with access provided by a reconstructed shared drive between the subject site and adjacent Porchlight property. The site plans propose 17 perpendicular parking spaces located along the east side of the reconstructed shared drive to replace 15 existing diagonal spaces. Trash service for the proposed apartment building will also be provided through the garage entrance, while loading for the project will occur along the north wall just off the travel lane for Conklin Place.

The lower four floors of the proposed building will be set back approximately 7 feet from N. Mills Street, 14 feet from W. Johnson Street and 11.75 feet from Conklin Place. The building will also be 15 feet from the eastern property line located in the driveway shared with Porchlight. A raised entrance terrace will be constructed at the southwestern corner of the building above the underground parking, with entrance doors facing both N. Mills Street and W. Johnson Street. The terrace area will be elevated slightly above the W. Johnson Street sidewalk with stairs proposed to connect the terrace to the public sidewalk. The terrace, which will include bench seating along the sides of landscaping planters constructed atop the parking facility roof, will be located at the grade of N. Mills Street. In addition to the building entry, the first floor will be occupied with an area identified as “apartment commons,” an elevator lobby and four dwelling units. The second through fourth floors will contain 15 units each. Above the fourth floor, the mass of the building steps back approximately 16 feet on all four elevations, with 11 units

located on each floor between the fifth and twelfth floors. Another lesser step back occurs between the twelfth and thirteenth floors, where the corners of the tower are indented to accommodate balconies for units on the top two floors. Thirteen units will be located on each of the thirteenth and fourteenth floors.

The lower four floors of the proposed building and the exposed walls for the under-building parking garage will be constructed using a combination of cut or cast stone and precast concrete panels with a precast concrete parapet located above the third and fourth floors. The fifth through twelfth floors of the building will primarily be faced with brick with the exception of the southwestern corner of the building, where precast panels will be used to provide vertical relief for the tower. A precast cornice will be used above the twelfth floor to aid the transition in materials from brick to an all precast concrete panel exterior for the top two floors with another precast parapet at the top of the fourteenth floor. All 163 apartments will have a private balcony or patio, which the letter of intent indicates will exceed 32 square feet in area. The plans also include a mechanical penthouse centered above the top floor of the building. While the exterior elevations included with the application materials are in black and white, a colored rendering of the building shown to staff indicates that both the precast concrete panels used at the top two floors, along the southwest corner and on portions of the lower four floors will be of a lighter color than the brick that comprises most of the fifth through twelfth floors, which will be darker in color.

All of the units within this development will be rental units. Therefore, inclusionary zoning does not apply.

Though the plans do not indicate a specific building coverage, the proposed apartment building will occupy most of the subject site, save for the setbacks along N. Mills and W. Johnson street sides. The project proposes a net density of 247 dwelling units per acre with a site population of approximately 385 persons based on the number of bedrooms proposed. This density equals 583 bedrooms an acre. The apartment building will total 175,810 square feet of gross floor area for a floor area ratio (FAR) of 6.29.

ANALYSIS & CONCLUSION

The applicant is requesting approval to demolish two multi-family residential buildings to allow construction of a new 14-story, 163-unit apartment building at the northeast corner of N. Mills and W. Johnson Streets. The proposed building cannot be constructed under the existing R6 zoning, thereby requiring that Planned Unit Development zoning be sought. Unlike conventional R6 zoning, which requires a uniform amount of lot area, usable open space and off-street parking spaces per type of dwelling unit, planned unit developments are provided for in the Zoning Ordinance to establish individual lot area, usable open space and parking requirements to suit an

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individual development based primarily on outstanding design that may otherwise require relief from conventional zoning standards.

The Comprehensive Plan identifies the subject site and surrounding area for uses related to the University of Wisconsin campus. Among the uses identified within the campus area are student, faculty and employee housing, with no density range identified. In the absence of a more specific neighborhood plan for the area, the Planning Division believes that the proposed use of the site for high-density residential development generally conforms to the land uses recommended in the Comprehensive Plan.

In reviewing projects developed since 1990, the densest development in the downtown and campus area as a whole is The Embassy Apartments located at 505 University Avenue (at N. Bassett Street). That project, which was developed in 2001, has a net density of 315.9 units per acre (126 units on 0.399 acres). Of the projects that have been developed since 1990 in the south campus area, which generally extends from and includes University Avenue on the north, Frances Street on the east, N. Randall Avenue on the west and Regent Street on the south, project densities have ranged from 53.8 to 178.2 units per acre. The proposed development will exceed this range at approximately 247 units an acre. Staff believes that despite the fact the project will exceed the density range established by other projects in the south campus area, the intensity of the project is generally appropriate given the highly developed nature of most of the nearby properties, including the UW Chemistry and Education Sciences facilities to the west and south, respectively.

There are significant concerns about the proposed demolitions of a potential local landmark and a reusable residential building in good condition to facilitate the proposed development. To address these concerns the applicant commissioned a local architect to study the two buildings (this report is attached). After reviewing this study and their staff report, the Landmarks Commission recommended that the two houses should not be demolished, but that if appropriate sites could be found to move the buildings, the City could consider allowing the houses to be moved. The Urban Design Commission has recommended that if the two existing buildings cannot be moved or relocated, the project is “moot (project cannot proceed).”

Concerns have also been raised regarding the physical compatibility of the 14-story project with Luther Memorial Church to the north of the site, in particular the effect of the new building on the visual prominence of the tower on the church, which is located on the southwestern corner of the building across Conklin Place from the proposed building. The Landmarks Commission believes that the building is clearly eligible to be a Madison Landmark and that the size of the proposed building would be so large, and its design so visually intrusive as to harm the historic character and context of the potential landmark (see report of the Landmarks Commission attached). The Landmarks Commission discussed with the applicant potential avenues to explore

to mitigate the adverse effect on the church. These included lowering the height of the proposed building, reducing the complexity of materials and details on the proposed building to provide a clearer “backdrop” for the tower, assessing the materials and their color of the proposed building to reduce the visual competition of the new building with the historic tower, changing the massing to further set back the new building where it is closest to the tower, and deleting the proposed change in materials in the north elevation of the proposed building which was intended to reference the old tower. The issue is not with the loss of views of the tower but with the loss of its visual prominence.

In reviewing this project, the Plan Commission is first asked to determine if the demolition standards can be met with this request. The development team has not provided any information for consideration that would suggest that the buildings are not structurally sound, not suitable for rehabilitation or repair or that their preservation or relocation would be economically unfeasible. The applicant has indicated that they are working diligently to find suitable sites to which the buildings could be relocated, but that the width of the Conklin House may make it difficult to find a suitable site.

Regarding review of the planned unit development, staff believes that the proposed use of the property for high-density residential development is appropriate and believes that there are alternatives available to the Plan Commission to address the final scale and massing of the project. During the discussions regarding the proposed development’s impacts on the adjacent Luther Memorial Church, the Landmarks Commission discussed options including reducing the height of the proposed building that could lessen the impact on Luther Memorial Church, while other members suggested that simplifying the design of the building to lessen the potential impact. Similar comments have been expressed at the Urban Design Commission during its review at three meetings, including the November 21 meeting where initial approval was recommended.

Staff believes that the Plan Commission can request that the project be redesigned to be less than 14 stories in height if it believes that reducing the height of the building will have a beneficial effect on the context surrounding Luther Memorial Church. Staff also feels that it may be appropriate for the Commission to require the applicant to provide an alternative design at the top of the apartment building, regardless of the final height determined, if that too would lessen potential impact on the church. Alternatives for the Commission to consider include stepping the top floors of the building further away from the northern property line adjacent to Conklin Place or revising the architectural treatment of the top floors to simplify the appearance. Among the possible ways the appearance of the top two floors could be altered would be through the removal of the building material transition above the twelfth floor, where a precast cornice is currently proposed to mark the boundary between the darker colored brick below and the lighter colored precast panels above. This removal could potentially draw less attention to the top of the

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building and result in a simpler backdrop for the church, but depending on how it's done this treatment could also draw more attention to the top of the building.

The Urban Design Commission recommended approval of the project subject to conditions which require the applicant to address several remaining design issues. The Plan Commission, in the past, has allowed projects to move forward following the Urban Design Commission's granting of initial approval on projects, recognizing that the projects will still need to go back to the Urban Design Commission following approval by the Common Council to resolve the final issues related to the design of the project and to finalize design details related to signage, lighting, building colors and landscaping for example. The Plan Commission has the option of recommending that the project be referred back to the Urban Design Commission to resolve the conditions recommended by the Urban Design Commission. If the Plan Commission chooses this option, staff recommend that the Plan Commission provide its recommendations on the scale and massing of the project to provide some direction for the Urban Design Commission.

In addition, both the Landmarks Commission and Urban Design Commission have recommended that the Conklin House and the second house on the property be preserved and that the proposed redevelopment project not move forward until a suitable alternative location has been found for these buildings. Staff support these recommendations especially as it relates to the Conklin House and believe that a suitable alternative location for the Conklin House and the other house should be found prior to the project receiving final approval by the Common Council.

Given the design issues which have been raised in this staff report, and by the Landmarks Commission and Urban Design Commission, staff believe that the project should be referred to allow more time for the applicant to address these design issues and to allow the applicant to resolve issues related to the preservation of the buildings on the site.

RECOMMENDATION

The Planning Division recommends that the Plan Commission open the public hearing on this item, and consider the appropriateness of the use, scale, mass and final design of the proposed 14-story, 163-unit apartment development and review the project carefully against the standards for demolition, zoning map amendments and Planned Unit Developments. Based on the recommendations of the Landmarks Commission and Urban Design Commission, and the issues raised in the staff report, the Planning Division recommends that the project be referred to allow the applicant additional time to consider the design recommendations and issues raised by the Commissions and Planning Division staff, and to allow the applicant to resolve the preservation of the Conklin House and other house on the property. These issues should be resolved prior to the Commission forwarding, to the Common Council for approval zoning map amendment 3318

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and 3319, rezoning 301-309 N. Mills Street and 1022 W. Johnson Street from R6 (General Residence District) to Planned Unit Development, General Development Plan-Specific Implementation Plan (PUD-GDP-SIP). Any approval of the project should be subject to the conditions below.

1. Comments and conditions from reviewing agencies and commissions.
2. That the zoning text be revised per Planning Division approval as follows:
 - a.) that the list of uses be revised to note “ multi-family residential uses as shown on the approved plans;”
 - b.) signage shall be limited to the maximum permitted in the R6 district as approved by the Urban Design Commission and Zoning Administrator.
3. That the applicant provide a cross-access easement and maintenance agreement for the shared driveway between the proposed apartment development and adjacent Porchlight property at 306 N. Brooks Street prior to the final approval and recording of the planned unit development. These easement agreements shall be executed by the owners of both properties and be in a form approved by the Planning Division.
4. The buildings at 307-309 N. Mills Street and 1022 W. Johnson Street shall be preserved and relocated. All land use approvals and permits for the relocation shall be approved prior to recording the PUD.