

Plan Commission  
Meeting of March 25, 2019  
Agenda item #13, Legistar #54482

### **Existing Plans**

"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans." MGO 28.183(6)(a).

#### Risk to birds, particularly migratory birds.

Comprehensive Plan, Green and Resilient, Strategy #5: Improve and preserve urban biodiversity through an interconnected greenway and habitat system.

"It is also important to reduce conflict between the built environment and the natural environment. For example, birds can collide with glass clad buildings. As the city becomes more developed, preservation of urban biodiversity is not only essential for protecting wildlife and the natural environment, but it also adds richness to urban life."

Using bird-friendly glass was discussed at the neighborhood level, but the proposal does not seem to have incorporated glass that reduces bird hits.

#### View of the State Capitol

The Downtown Plan, page 32, identifies preservation of Capitol views as important.

"Key views, from both near and far, are important contributors to the character of Downtown and once they are diminished or destroyed it is unlikely they will ever be reclaimed. Eight major streets have views that terminate on the State Capitol and provide premier corridors for views to and from the Capitol."

The Capitol Gateway Corridor Plan also identifies the East Washington views as important. After a discussion of maximum allowable heights, the Plan continues on to say:

"The view of the Capitol from East Washington Avenue also is of utmost importance. The Capitol comes into view just east of First Street. Although development will never directly block the view of the Capitol base and rotunda, as has occurred along John Nolen Drive, redevelopment fronting East Washington Avenue will affect the "framing" of the Capitol view."

How will an all-glass tower affect the nighttime view of the Capitol? The new buildings on the 800 block appear to leave lights on all night. If this glass tower did such (and particularly if the lights are bright LED lights) the soft glow of lighting surrounding the Capitol would be overwhelmed by the glass tower. And, if nothing else, that large area of light would detract from the Capitol's glow.

### **Standards 1, 3, and 12**

Standard #1: The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

Standard #3: The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.

Standard #12: When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

#### Glare/lighting of the night sky

The UDC recommended that "a building (glass) reflection study be done and presented to the Plan Commission (i.e. glare impact on adjacent buildings and soccer field." Shouldn't that be something for this Commission to consider to ensure glare will not create a negative impact?

It is not only the glare from sun reflections, but also the lighting of the night sky if lights are left on all night.

#### Traffic

Traffic impacts on the neighborhood have not been discussed. This building could potentially employ 800-1,000+ people, not including the hotel and the first-floor commercial. Condition #42 reflects that a Traffic Impact Analysis study has been completed and accepted by Traffic Engineering. But shouldn't his Commission, for a project of this scope, be reviewing the analysis? The neighborhood fought the closing of several streets by the railroad, yet that is what is happening: S. Livingston is right turn only, S Paterson is to have a turn lane (proposed condition #45). A dedicated turn lane, unless the street is expanded to 3 lanes going north, will make crossing through the isthmus at S. Paterson virtually impossible.

The impact of this development on non-auto modes of transportation have not been discussed. The Traffic Impact Analysis could provide information as to what measure, if any, are being taken to ensure the safety of pedestrians and bikes.

#### Capitol View

As discussed above, the nighttime view could be undermined by the interior lights of the proposed building.

### **Standard 6**

Standard #6: Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

Proposed condition #43 would require preparation of a TDM and approval by the City Traffic Engineer. These measures are important since the garage is not large enough to handle a car for every user of the property – hotel guests and staff, commercial users (perhaps a restaurant), office employees. Not only could parking spill over into the neighborhood, but gridlock has the potential to be horrendous.

Measures need to be taken through a TDM to reduce impact. And that impact is best reduced *before* the Plan Commission signs-off on the conditional use.

### **Standard 7**

Standard #7: The conditional use conforms to all applicable regulations of the district in which it is located.

Clearly the 929 E. Washington proposal does not conform to all applicable regulations. Thus, there is a proposed amendment, Legistar 54783, on the agenda. But until such time that the Council adopts the amendment and the amendment becomes effective, it does not seem that the project can meet all regulations.

MGO 28.084(3): maximum lot coverage is 85%. Proposed condition #74 would require: "Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%." The Plan Commission does not appear to know at this time whether the proposal meets the 85% requirement.

MGO 28.173(6)(c): Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. The first floor does not appear to have articulation every 40 feet. Rather there is a segment of 141', a recessed entry, and a segment of 125'. Unless the stone veneered supports that create the outdoor area count as articulation, it does not appear this requirement is met.

MGO 28.183(6)(a), states "No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present: ..." Neither the 85% maximum lot coverage nor the articulation standards for podium building can be found to be present.

A side issue, but why is proposed condition #18 even included? This addresses a phase of the development not under consideration and listing the future condition could perhaps imply a favorable response for future development phases.

Respectfully Submitted,  
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