



# Report to the Plan Commission

May 24, 2010

**Legistar I.D. #18512**  
**237 Langdon Street**  
**New Fraternity Approval**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of a new fraternity (lodging house) permitted in the R6 (General Residence) District as a condition of approval of the demolition of the previous fraternity building.

**Applicable Regulations & Standards:** The proposal meets all of the requirements for construction in the R6 (General Residence) District. The restrictive covenant executed prior to the demolition of the former Sigma Phi Epsilon fraternity house on this property requires Plan Commission approval of the new building based on demolition standards in Section 28.12(12).

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds that the applicable standards can be met and **approve** the request to construct a lodging house in the R6 (General Residence) District.

## Background Information

**Applicant/Project Contact/Owner:** Barry Norem; Sigma Phi Epsilon; 6113 Fairfax Lane; Madison

**Proposal:** Construction of a new three-story fraternity house to replace former fraternity house destroyed by fire and fully demolished in 2008.

**Parcel Location:** 237 Langdon Street is located on the south side of Langdon Street between North Frances Street and North Henry Street; Langdon Street National Historic District; Aldermanic District 8 (Eagon); Madison Metropolitan School District.

**Existing Conditions:** The site is currently vacant, since the 2008 demolition of the former Sigma Phi Epsilon fraternity building, which had been severely damaged by fire.

**Surrounding Land Use and Zoning:** The property is surrounded on the west, north, and east by similar multifamily residential uses and lodging houses in the R6 (General Residence) District. To the south is the Women's Building, a local Landmark Building currently used as Samba Restaurant, in the C2 (General Commercial) District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) places this property within the Langdon Downtown Residential Sub-District, where recommended land uses include multi-unit residential, mixed-use buildings, and other uses. The Downtown Plan in progress will include recommendations for this area.

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

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

**Zoning Summary:** The property is in the R6 District.

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	7,656 sq. ft. existing
Lot width	50'	58' existing
Front yard	20'	20'6"
Side yards	5' +2' per story over 1 = 9'	9' RS / 9' LS
Rear yard	30'	30'
Usable open space	1330 sq. ft.	1330 sq. ft.
Floor area ratio	3.0 maximum	Less than 2.0
Building height	5 stories maximum	3 stories

**Site Design**

No. Parking stalls	0 (Sec. 28.08(1)(i))	0
Accessible stalls	N/A	
Loading	1 (10' x 35')	1 (10' x 34') scaled (see Condition No. 19, p. 5)
No. Bike Parking stalls	7	8 (see Condition No. 17, p. 5)
Landscaping	No	N/A
Lighting	No	(see Condition No. 20, p. 6)

**Other Critical Zoning Items**

Urban Design	Yes
Utility Easements	Yes
Waterfront Development	No
Adjacent to Landmark	Yes

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

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**Existing Conditions**

The property has been vacant since the 2009 demolition of the former Sigma Phi Epsilon fraternity building, which had been severely damaged by fire. The site has been backfilled and seeded with grass. The former driveway has been removed, but the curb cut remains on the southwestern half of the property.

**Site and Building Plans**

The applicant proposes a new three story lodging house with a partially submerged basement (four floors of living space in total) in the center of the site. Eight bicycle parking stalls are proposed along the east side of the building, and garbage and recycling containers are proposed to be stored along the west side of the building. To the rear of the building is a 1,300 square foot paved patio area doubling as a basketball court, which is surrounded by a low brick wall and can be accessed from either side of the building, as well as through rear doors on the first level of the building.

At a height of just over 43 feet, the massing of the proposed building is similar to that of the former fraternity house on the site. The basement level includes common areas such as the kitchen, dining room, and laundry facilities. The first floor includes a single one-bedroom apartment along with common lounge, study, and library areas. The second and third floors include common bathroom facilities and the eighteen lodging rooms, which have space for 36 beds in a mix of rooms with 1, 2, 3, or 4 beds.

The north (front) elevation includes a covered front porch and second story balcony, both of which encroach into the required front yard by seven feet. The south (rear) of the building includes balconies on second and third floors, each 4' x 24'. East and west elevations include well-distributed window openings in the center portion of the building, but windows have been omitted from the stairwell areas and walls adjacent to loft-style beds and closets. The exterior of the building a proposed will be covered primarily with brick on the lower half of the building and real stucco on the upper half, as indicated on the elevations.

Outside of the building footprint, the vast majority of the site is paved, but the landscape plan includes a few shrubs immediately in front of the building, and one honey locust tree in the rear patio.

### **Related Approvals**

At their April 26 meeting, where this project was reviewed due to its adjacency to a local landmark (the Women's Building at 240 West Gilman), the Landmarks Commission voted unanimously to recommendation approval for the project (see attached staff report dated April 26, 2010).

### **Evaluation and Conclusion**

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The proposal meets all of the requirements for construction in the R6 (General Residence) District. It is being reviewed by the Plan Commission based on a condition placed on the 2008 demolition approval that required a restrictive covenant executed prior to the demolition of the former Sigma Phi Epsilon fraternity house on this property in 2009. The covenant requires Plan Commission approval of the new building.

Generally, the use, massing, and architecture of the building seem to fit in nicely with the Langdon Street area. The paved patio / basketball court in the rear is likely to be heavily utilized by residents and visitors alike. The brick wall surrounding it should provide adequate screening from adjacent properties, while providing an architectural linkage between the building and the rest of the property. The landscape plan includes foundation plantings in the front yard and a tree in the rear. While landscaping is minimal, staff believes that it adequately meets standards for approval for this request.

As noted in Zoning Condition No. 16, the second floor balcony proposed on the front of the building is not a permitted encroachment into the front yard. While it may remain as the roof of the porch below, zoning staff has indicated that it may not be used as a balcony, and that the door shown to lead to it will either need to be replaced with a window or be made nonfunctional. While specifications for downtown area zoning districts have not yet been developed, there is a chance that this balcony area *may* be permissible within a future zoning district applied to this property. If this is the case, the owner may wish to request a minor alteration to the conditional use proposal at that time, in order to make use of the space.

Planning Division staff recommends that the Plan Commission finds that the applicable standards can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

### **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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#### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the applicable standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

#### ***The following conditions have been submitted by reviewing agencies:***

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

1. Applicant shall provide sizing information for the 8" PVC proposed along the rear property line to pass water through the lot.
2. The applicant's utility contractor shall obtain a Permit to Excavate in Public Right-of-Way for the installation of utilities to serve this project.
3. The "BR#s shown on plans do not conform to the City of Madison address ordinances. In accordance with MGO 10.34 – Street Numbers: submit a PDF of each floor plan to Engineering Mapping – Lori Zenchenko ([addressing@cityofmadison.com](mailto:addressing@cityofmadison.com)) to coordinate approval of an interior

addressing plan. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

4. 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.
5. 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)
6. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

7. 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 Miscellaneous 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 [addressing@cityofmadison.com](mailto:addressing@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))

8. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6)) and MGO 35.02(4)(c)(2))
9. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7)
10. Prior to approval of the conditional use application, 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)

**NOTE:** Permits for Nos. 8-10 are available on line at <http://www.cityofmadison.com/engineering/permits.cfm>

**Traffic Engineering Division** (Contact John Leach, 267-8755)

11. No residential parking permits will be issued for 237 Langdon Street, as is consistent with other projects in the area. In addition, the applicant shall inform all tenants. The applicant shall submit for 237 Langdon Street a copy of the lease or notice regarding the above condition when submitting plans for City approval. Please contact William Knobeloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding the above item.
12. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side, signage, percent of slope, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
13. The applicant shall redesign the driveway according to the design criteria for a "Class III" driveway in accordance to MGO Section 10.08(4). The applicant shall modify the westerly driveway according to MGO 10.08(3)(b). No entrance shall be closer than five (5) ft. to an adjacent property line. The commercial driveway approach shall have minimum 5-foot flares at the proposed approach making the driveway approach curb cut of 25 feet and should be revised on the plan. The applicant shall modify the plan so no part of the driveway approach shall extend in front of the property belonging to a person other than the permittee unless both property owners sign a joint application for a permit or driveway radii waiver letter prior to submittal of plans for approval.
14. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
15. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

16. This project includes a second story deck which is not an allowable encroachment into the front yard. Final plans shall address this. Contact Zoning staff for further assistance with this matter.
17. Bike parking shall comply with MGO Sec. 28.11. Provide seven (7) bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The racks shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location.  
**NOTE:** A bike-parking stall is two feet by six feet with a five-foot access area.
18. Provide a detail drawing for the proposed dumpster enclosure pursuant to MGO Sec. 28.08(7)(j), including materials for the screening fence and gate.
19. Parking and loading shall comply with MGO Sec. 28.11(4). Provide one 10'x35' loading area with 14' vertical clearance to be shown on the plan. The loading area shown scales to less than 10'x35'.

- 20. If exterior lighting is provided, it must comply with MGO Sec. 10.085, outdoor lighting standards. Lighting will be limited to .10 watts per square foot.
- 21. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Ch. 31, Sign Code, and MGO Ch. 33, Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Bill Sullivan, 261-9658)

- 22. The Fire Department does not object to this proposal, provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 261-9243)

- 23. 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 Division** (Contact Kay Rutledge, 266-4714)

- 24. This development is within the Vilas-Brittingham park impact fee district. The developer shall pay \$1,034.75 in park dedication and development fees for 1 additional rooming house unit, which is the remaining amount due after a credit is given for the former structure as shown below (17-room rooming house and one apartment). The developer must select a method for payment of park fees before signoff.

fees in lieu of dedication =	(1 MF @ \$1477)	=	\$ 1,477.00
	(18 E-SRO @ \$738.50)	=	\$ 13,293.00
park development fees =	(1 MF @ \$592.50)	=	\$ 592.50
	(18 E-SRO @ \$296.25)	=	\$ 5,332.50
	<b>Total Fees</b>	<b>=</b>	<b>\$ 20,695.00</b>
credits =	(17 E-SRO @ \$1,034.75 combined fee)	=	\$17,590.75
	(1 MF @ \$2,069.50 combined fee)	=	\$ 2,069.50
	<b>Total Credits</b>	<b>=</b>	<b>\$19,660.25</b>

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.