



PREPARED FOR THE PLAN COMMISSION

Project Address: 222 N. Charter Street (District 8 – Ald. Wood)
Application Type: Planned Development Zoning Map Amendment
Legistar File ID # [50129](#) and [49807](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Jim Stopple; Stopple Revocable Trust; 1202 Regent Street; Madison, WI 53715

Contact: Randy Bruce; Knothe & Bruce Architects, LLC.; 7601 University Avenue, Suite 201; Middleton, WI 53562

Requested Action: There are two requests before the Plan Commission: 1) A Planned Development zoning map amendment to change the zoning of property generally located at 222 N. Charter Street from TR-U2 (Traditional Residential - Urban 2) District to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District; and 2) a Demolition Permit to demolish the single-family residence located at 222 N. Charter Street in order construct a 12-story, 43-unit apartment building.

Proposal Summary: The applicant proposes to demolish the existing single-family house on the lot in order to construct a 12-story, 43-unit apartment building. The development team is requesting to rezone the lot from Traditional Residential - Urban 2 (TR-U2) to the Planned Development (PD) zoning district.

Applicable Regulations & Standards: This proposal is subject to the approval standards for Zoning Map Amendments [MGO §28.182(6)], Planned Developments [MGO §28.098], and Demolition Permits [MGO §28.185(7)]. The Urban Design Commission is also required to review and make a recommendation to the Plan Commission on both the GDP and SIP based on the design objectives in Subsection 28.098(1) and other PD requirements.

Review Required By: Urban Design Commission, Plan Commission, and Common Council.

Summary Recommendation: This proposal is consistent with some, but not all recommendations in adopted plans. As such, the Planning Division does not conclude that the standards for Planned Developments [28.098(2) (a), (b), (e), and (f)] or Demolition Permit standards [28.185(7)] are met, as proposed. Should the Plan Commission concur and move to recommend/place these items on file, it must provide findings of fact, listing the standards that have not been met and the reasons such standards were not met.

In the alternative, if the Plan Commission finds that the proposal meets the approval standards, it should forward Zoning Map Amendment IDs 28.022 - 00319 and 28.022 - 00320 to the Common Council with a recommendation of approval for the purpose of rezoning 222 N. Charter Street from the TR-U2 (Traditional Residential - Urban 2) District to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District. Additionally, the Plan Commission should find the standards met and approve the requested demolition permit. These recommendations are subject to the input at the public hearing and the comments and conditions recommended by reviewing agencies.

Background Information

Parcel Locations: The subject site is 5,780 square-feet (0.13 acres) in size and is located on the westerly side of N. Charter Street, between W. Johnson Street and W. Dayton Street. It falls within Aldermanic District 8 (Ald. Wood) as well as the Madison Municipal School District.

Existing Conditions and Land Use: The subject site is developed with a 2.5-story, 1,590-square-foot, single-family house with five bedrooms and two bathrooms. According to City Assessor’s records, it was originally constructed in 1901. The subject site is zoned TR-U2 (Traditional Residential-Urban 2 District).

Surrounding Land Uses:

North: A three-story academic/office building, The Meiklejohn House, zoned Campus Institutional (CI);

South: Across the railroad tracks is a six-story, 25-unit apartment building, zoned Planned Development (PD);

West: A surface parking lot for the UW-Madison campus, zoned CI; and

East: A surface parking lot for the UW-Madison campus, beyond which is a four-story academic building. Both are zoned CI.

Adopted Land Use Plans: The [Comprehensive Plan \(2006\)](#) recommends Campus Institutional (CI) uses for the subject site while the [Regent Street – South Campus Neighborhood Plan](#) recommends Academic/Research uses for the subject property. The Plan describes such land uses as one with buildings that house classrooms, offices, other academic uses, and research facilities. The plan also makes a series of recommendations for a variety of topics including land use, urban design, building heights, building setbacks, building stepbacks, streetscape enhancements, parking and traffic circulation among other topics. The [UW-Madison Campus Institutional District Master Plan \(2017\)](#) recommendations research uses for the subject site.

Zoning Summary: The property is zoned Traditional Residential – Urban 2 (TR-U2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plan.	As per submitted plan.
Lot Width	As per approved plan.	As per submitted plan.
Front Yard Setback	As per approved plan.	As per submitted plan.
Side Yard Setback	As per approved plan.	As per submitted plan.
Rear Yard Setback	As per approved plan.	As per submitted plan.
Usable Open Space	As per approved plan.	As per submitted plan.
Maximum Lot Coverage	As per approved plan.	As per submitted plan.
Floor Area Ratio	As per approved plan.	As per submitted plan.
Building Height	As per approved plan.	As per submitted plan.
Number Parking Stalls	As per approved plans.	16 moped stalls
Accessible Stalls	None	None
Loading	As per approved plans	As per submitted plans
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add’l bedroom (53) 1 guest space per 10 units (4) (57 total)	8 surface 93 underground (101 total)
Landscaping and Screening	Yes	Yes
Lighting	Not required	None
Other Critical Zoning Items	Urban Design (Planned Development (PD)); Utility Easements; Barrier Free (ILHR 69)	

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

Public Utilities and Services: This property is served by a full range of urban services. Regarding Metro Transit service, the nearest stop, which provides all-day service, is located just to the north at the intersection of N. Charter Street and W. Johnson Street.

Project History

On August 16, 2017, the applicant gave an Informational Presentation to the Urban Design Commission on an earlier version of this proposal. Given Planning Division staff's concerns about some of the proposal's inconsistencies with the [Regent Street – South Campus Neighborhood Plan](#), the UDC advised that the applicants should discuss the plan consistency issues with the Plan Commission before returning to the UDC.

At the October 16, 2017 Plan Commission meeting, the applicants gave an informational presentation to the Plan (File ID # [49145](#)). While the Plan Commission did not take a formal action, the individual commission members offered the following comments:

- I believe the proposed [12-story] height is appropriate and the higher density here is a bonus for the University. Pulling the density towards the University would also be better for the neighborhood.
- While not overly concerned with the height, I am concerned regarding the rooftop terrace for the safety of the residents on the rooftop as well as the pedestrians directly below. I would like to see it adequately fenced or somehow addressed.
- I want to see how the height of the building compares to the Capital View Preservation Height Ordinance.
- I'm concerned about the future of the bike path and the feeling one would have next to this tall building. I want to know if there is any way to step the building back along this corridor to make it appear that there is more of a setback.
- With all that surface parking at the southern part of the lot, I don't feel the arcade (which wraps around the ground floor level of the building's eastern and southern façades) would feel spacious. I feel it should be something that is available to use by tenants, rather than a parking lot.
- I like the arcade concept and feel it is a good way to address bike parking issues and provide pedestrians shelter when walking in a rainstorm.
- My biggest concern is the moped parking.
- The applicant should formalize the location of the exterior moped and bicycle parking stalls on the site plan and show exactly how they all fit on the site and have adequate access.
- The applicant should take a better look at how the internal bike parking stalls are accessed, including by elevator.
- The applicant should verify that convenience and cost factor is not skewing their numbers (i.e. verifying that none of their tenants are choosing to park their mopeds on the terrace in front of the building (which is more convenient), instead of paying for the parking sticker and parking underneath the building in a protected area).

On November 22, 2017, the UDC received a second informational presentation. There was discussion about such elements as the height and width of the ground-floor arcade; the 'multi-use' space located at the southeasterly

corner of the site, and how this space could be better activated; the easterly ground floor façade being pushed back and recessed behind columns, how this part of the façade could better activate the pedestrian experience; and wrapping the bottom two floors of the building with the base material, among other topics.

On February 21, 2018, the Urban Design Commission gave the project Final Approval. Comments from this meeting are summarized in the Analysis and Conclusion section of this report.

Project Description

There are two approval requests before the Plan Commission: 1) A Planned Development zoning map amendment to rezone the property from TR-U2 (Traditional Residential - Urban 2) to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) and 2) a Demolition Permit to demolish the single-family residence located at 222 N. Charter Street.

The building proposed for demolition is a 2.5-story, 1,590-square-foot, single-family house with five bedrooms and two baths. According to City Assessor's records, it was originally constructed in 1901. Photos of the interior and exterior of the building are included with the application materials, which appear to show a building in average condition.

The proposed development is a 12-story, student-oriented apartment building with 43 units. It includes 11 one-bedroom, 21 two-bedroom, one three-bedroom, and 10 four-bedroom units. Based on the 0.13-acre lot, there is a calculated density of 322 units per acre.

The building's main entrance is located along N. Charter Street. Its ground floor contains a commons area, office, fire command center, a restroom, and the trash room. Two stairwells and an elevator provide vertical circulation to the rest of the building, including the basement. The twelfth floor contains a roughly 750-square-foot community room and a roughly 670-square-foot roof terrace along the N. Charter Street façade.

Being student-oriented and adjacent to campus, no off-street parking is proposed. Only a single off-street parking stall has been located beneath the southeasterly arcade for loading and other temporary uses. In the basement are 93 long-term bicycle stalls – 47 of which are floor-mounted stalls and 46 are wall-hung. There are also six short-term bicycle parking stalls located to the south of the main entrance, beneath the building's southeasterly arcade. In addition, there are 16 moped stalls located at the westerly side of the building.

The building is approximately 130.6 feet tall and has a footprint of roughly 60 feet wide (north-south) and 63 feet deep (east-west). The exterior materials used on the building consist primarily of a light beige cast stone for the building's base (i.e. the floors 1-3), a beige brick for the middle portion of the building (i.e. floors 5-10), and a slate grey composite metal panel cladding the top (i.e. floors 11 & 12). An accentuating detail to the building is a large plane or fin, which runs the height of the building and provides a roof overhang above the twelfth floor roof terrace. This feature is clad in a reddish-orange composite metal panel. The slate grey composite metal panel is also used as an inset in some of the window bays to allow for more variation to the grid composition. The private balconies are steel, the windows, doors and railings are aluminum and all are a dark bronze color.

Finally, the current plans now include an on-site, 14-foot wide multi-use path along the building's southwest side. The path runs beneath building floors 2-12. Further discussion on this path is included in the Analysis and Conclusion Section, under the Official Map heading.

Analysis and Conclusion

This request is subject to the Zoning Map Amendment standards [M.G.O. §28.182(6)], Planned Development standards [M.G.O. §28.098(2)], and Demolition Permit standards [M.G.O. §28.185(7)] of the Zoning Code. The analysis below begins with a summary of the adopted plan recommendations as the specific approval standards reference these documents. The Urban Design Commission is also required to review and make a recommendation to the Plan Commission on both the GDP and SIP based on the design objectives in Subsection 28.098(1) and other PD requirements.

Conformance with Adopted Plans

The [Comprehensive Plan \(2006\)](#) recommends Campus Institutional (CI) uses for the subject site. While this recommendation is due to the subject site's proximity to the University of Wisconsin-Madison Campus, the [Comprehensive Plan](#) does provide guidance for conditions where the site is not under University ownership. To that end, it states, "*Outside of the University of Wisconsin-Madison core campus area generally located west of Park Street and north of University Avenue, interlacing of University-related facilities with appropriate types of compatible non-University uses is specifically recommended*" and "*Campus development should be compatible with surrounding uses and their design characteristics, and mitigate potential negative impacts on adjacent areas.*" (Both from Page 2-104 of the Comprehensive Plan)

The subject parcel is also included within the boundaries of the [UW-Madison Campus Institutional District Master Plan \(2017\)](#). The Plan specifies the site as a "desired acquisition" parcel, recommends for it a research use, and proposes a 5-story, 84,470-square-foot research/academic building which the Plan specifies would be included in a 2029-2035 development phase.

The [Regent Street – South Campus Neighborhood Plan \(2008\)](#) was adopted as a supplement to the City's Comprehensive Plan on July 1, 2008. The plan makes a series of recommendations for a variety of topics including land use, urban design, building heights, building setbacks, building stepbacks, streetscape enhancements, parking and traffic circulation among other topics.

This proposal is consistent with some, but not all aspects of this plan. In regards to key areas of consistency, the plan notes the following:

- **Increase Density of Student Housing North of Regent Street.** The Land Use and Housing goals and recommendation generally promote increasing the density of student housing north of Regent Street to take advantage of proximity to UW and to promote student housing closer to campus. No density limits are specified in this plan. Specific Land Use goals include "Meet anticipated residential demand while being sensitive to current single-family neighborhoods in the surrounding area." Supporting this goal are recommendations to "Increase density of student housing to the north of Regent Street in order to take advantage of the area's convenient location relative to University Buildings;" and "Provide transition areas between the high-density, tall development north of Regent Street and predominantly single-family neighborhoods south of Regent Street."
- **Land Use.** The subject site is within the identified UW Campus Boundary which is recommended to include a mix of residential, commercial and University support services in this area. Specifically, the subject property is recommended for Academic/Research uses and Planning Division staff believes that student-oriented residential development is consistent with this mix. There is no requirement that such uses be owned or developed by the University.

- **Height.** The Plan recommends its tallest heights in this part of the planning area, noting that the University currently occupies most of this area and that any future redevelopment or infill opportunities should be tall enough to blend with UW facilities. For the subject site, the Plan recommends a maximum height of 12 stories and 172 feet. The proposed building is 12 stories and 130.6 feet in height, thus consistent with the maximum height recommendation.

However, the project remains inconsistent with several detailed setback and stepback recommendations in the plan. In total, approximately 27,500 of the roughly 51,000 square feet of above-ground proposed building space square feet or roughly 53 percent of the building, is located within the recommended setback and stepback areas.

Along Charter Street, the plan recommends a 10-foot street setback with additional 15-foot stepback above the third floor. As proposed, only some portions of the Charter Street ground floor façade comply with the recommended setback. This includes the main entrance and covered arcade features as shown in the submitted plans. The rest of the ground floor façade is set back just three feet. For the upper stories, the setback is 3-4 feet for Floors 2-3 and 4-5 feet for Floors 4-12.

Along the adjacent rail line, the plan recommends a minimum 10-foot building setback. A ten-foot stepback is called for above the third floor with an additional 10-foot stepback above the eighth story. The Plan also recommends that parking facilities should be set back at least 10 feet from the property line. While the majority of southerly ground floor façade sits roughly 18.5 feet back from the property line, columns to support the upper floors are set back 2.5 feet. The upper floors along this elevation sit 2.5 feet back.

Please See **Attachment 1** for a graphic comparing this proposal to these recommendations.

Finally, the Plan also calls for locating path-activating spaces along the future path frontage. For residential buildings its lists such uses as entries, vestibules, foyers, lobbies, frequently-used activity rooms, leasing offices, living rooms, home offices, live-work spaces and similar spaces. The Plan further promotes path activation by recommending the path-facing façades of residential buildings have at least 30 percent glazing and stating that blank walls are not appropriate along the path side. Staff acknowledge that the current design solution in which an on-site path runs beneath and within a development was not anticipated in the drafting of those recommendations.

Demolition Permit Standards

In order to approve a demolition, the Plan Commission must find that both the requested demolition or removal and the proposed use are compatible with the purpose of the demolition section and the intent and purpose expressed in the PD (Planned Development) Zoning District. The purpose of the Demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

These standards further state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed use should be compatible with adopted plans. Due to the above questions related to Plan inconsistency, the Planning Division has questions on the possible impacts on normal and orderly development of surrounding properties.

Finally, these standards also state that the Plan Commission shall consider the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission. At their November 20, 2017 meeting, the Landmarks Commission found that the building proposed for demolition had no known historic value.

Zoning Map Amendment Standards

These standards state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furtheres or does not contradict the objectives, goals and policies contained in the comprehensive plan." As discussed above, the proposal is believed to be consistent with the general recommendations Comprehensive Plan. Despite the inconsistencies, the Planning Division it would be possible to find this proposal is consistent with the broad Zoning Map Amendment standards.

Planned Development Standards

Planned Developments are intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. Specific design objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans. See Zoning Code Section 28.098(1) for further information on these objectives.

The specific approval standards for Planned Developments are provided in Section 28.098(2) of the Zoning Code. Despite several positive aspects of this proposal, staff have questions as to whether the project meets some of the approval standards, specifically Standards (a), (b), (e), and (f). A summary of the recommendation of the Urban Design Commission is included under the below discussion of Standard (e). The Planning Division believes it is possible that the other standards can be found met.

Standard (a) states that the applicant shall demonstrate that ***"No other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the PD objectives of Section 28.098(1)."***

Based on early discussions, the applicant expressed concerns about the limited development potential under the existing TR-U2 district. In response, the project team prepared some preliminary studies which concluded that only a much smaller building could be developed while meeting the setback and other standards. Given the Regent Street Plan's recommendations for increased density in this area, Planning Division staff were supportive of an exploration of PD zoning, though staff had consistently noted the importance of Plan consistency as noted in various meetings, reports, and correspondence. With the current proposal, staff remain concerned about the proposal's inconsistency with setback and stepback recommendations and question whether this standard and the referenced Planned Development objectives are met with this proposal.

Standard (b) states that the ***"Planned Development district plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans."***

As discussed above, the Planning Division believes the project to be consistent with some, but not all recommendations in the adopted plans. Should the Plan Commission find that the standards are met, the Planning Division urges the Plan Commission to make specific findings as it relates to the Plan Consistency and any site-specific considerations.

Standard (e) states that the ***“Planned Development district plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.”***

Given the mixture of nearby campus buildings in a mixture of architectural styles and employing a variety of materials, the Planning Division does not have concerns regarding the palette of materials or overall architectural aesthetic of the proposed building. Staff’s primary question relates to the mass and building form. At their meeting on February 21, 2018, the Urban Design Commission granted the proposal final approval. As part of their deliberation, members of the commission discussed the addition of the multi-use path below part of the building; the location of the N. Charter Street ground floor façade being pulled closer to the sidewalk; the quality and quantity of usable open space provided; the building setbacks and stepbacks from the eastern and southern property lines; and the lack of space for canopy trees along N. Charter Street. In the end, the project was approved on a 4-2 vote. In considering this standard, the Plan Commission should consider the advisory opinion of the Urban Design Commission in concert with the concerns raised above.

Standard (f) states that the ***“ The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.”***

The proposed development has roughly 3,865 square feet of usable open space which includes the 1,430 square feet on the ground (both around the site and underneath the building overhang), the roughly 439-square-foot rooftop deck, and the roughly 1,995 square feet of area which is the total of the building’s 41 private balconies. Please note that only two units do not have balconies.

Staff estimate that this amounts to approximately 65 percent of the 6,020 square feet of usable open space which would be required if the lot were developed under the TR-U2 District requirements. Staff acknowledge that some useable open space was lost with the incorporation of the 14-wide multi-use path which was added in response to concerns from the City Traffic Engineer. The on-site path does provide an important amenity to the area. In a previous design iteration, this area contained a large covered patio area intended for the building’s residents to congregate.

Official Map

During the review of this submittal, it was determined by City Engineering that the project was not consistent with the City’s Official Map which includes a 17-foot reservation for future streets, highways and parkways parallel to the rail line across the subject property. The purpose of the Official Map is to establish the exterior lines of planned new streets, parkways, highways, historic districts, and other improvements. No building permits may be issued for buildings within reservation areas shown on the Official Map. The City’s Traffic Engineer has indicated that this reservation would provide an important future bike and pedestrian connection between the Southwest Path, Union South and the University Avenue protected bike lane.

Upon learning of this issue, the applicant's team has participated in several staff discussions and considered plan modifications. The current plans now include an on-site, 14-foot wide multi-use path along the building's southwest side. The path runs beneath building floors 2-12. While the refined project does not meet the Officially Mapped setback, both the City Engineer and Traffic Engineer support the proposed connection and would support a subsequent modification to the Official Map for this property based on the proposed plan. A condition of approval is noted in the Recommendation Section noting that such an amendment must be approved by the Common Council, after Plan Commission review, prior to the recording of plans and issuance of building permits.

Public Input

The only public comments received to date have expressed support for the project given its location and the need for high-density student housing near campus. At the time of report writing, staff was also aware of concerns from the University of Wisconsin on this request, though formal correspondence to the Plan Commission had not been provided at the time of report writing.

Conclusion

The applicant proposes to demolish an existing single-family residence in order to construct a 12-story, 43-unit student-oriented apartment building. The subject property is an irregularly shaped-site with an area of 0.13 acres (5,812 square feet). The applicant has proposed to rezone the property from the TR-U2 (Traditional Residential – Urban 2) District to the PD (Planned Development) District.

The Planning Division believes careful consideration should be given to the adopted plan recommendations and approval standards. Despite being consistent with some aspects of adopted plans, including encouraging higher-density housing in this area, the Planning Division cannot definitively conclude that the approval standards for Planned Developments and Demolition Permits are met. Key points of inconsistency from the [Regent Street – South Campus Neighborhood Plan \(2008\)](#) include setback and stepback recommendations, which did not anticipate this large of a development on a parcel of this size. While the applicants have refined their concept to increase ground-level setbacks, including the accommodation of a 14-foot-wide multi-use path amenity beneath the building's southerly façade, the Planning Division estimates that more than half of the proposed building floor area above grade is located within areas recommended for setbacks and stepbacks.

As discussed in this report, this item was previously before the Plan Commission for an informational presentation. While the Commission took no formal action on this request, feedback was provided by Commissioners at that meeting. Based on the feedback provided, no significant concerns regarding plan consistency, setbacks, or stepbacks were raised. Staff notes that issues related to height, design, and ground floor building setbacks, were discussed by the Urban Design Commission and that body recommended final approval at their February 21, 2018 meeting.

Should the Plan Commission find that the project can meet the applicable standards and that inconsistencies with adopted plans are justified, the Planning Division advises the Plan Commission to provide clear findings on the specific factors it used to reach this conclusion. The Planning Division is concerned about setting future precedents for not following the plan recommendations for future redevelopments.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135))

This proposal is consistent with some, but not all recommendations in adopted plans. As such, the Planning Division does not conclude that the standards for Planned Developments [28.098(2) (a), (b), (e), and (f)] or Demolition Permit standards [28.185(7)] are met, as proposed. Should the Plan Commission concur and move to recommend/place these items on file, it must provide findings of fact, listing the standards that have not been met and the reasons such standards were not met.

In the alternative, if the Plan Commission finds that the proposal meets the approval standards, it should forward Zoning Map Amendment IDs 28.022 - 00319 and 28.022 - 00320 to the Common Council with a recommendation of approval for the purpose of rezoning 222 N. Charter Street from the TR-U2 (Traditional Residential - Urban 2) District to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District. Additionally, the Plan Commission should find the standards met and approve the requested demolition permit. These recommendations are subject to the input at the public hearing and the comments and conditions recommended by reviewing agencies.

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. There is an Official Map Reservation for Future Streets, Highways and Parkways over the southwesterly 17 feet of this site. Buildings are not permitted within an Official Map reservation. Prior to final sign-off and recording of this Planned Development, the necessary amendments to the Official Map shall be approved by the Common Council.

Engineering Division (Main Office) (Contact Timothy Troester, (608) 267-1995)

2. The Developer shall construct public sanitary sewer in North Charter Street.
3. The UW has a steam tunnel project proposed on N Charter Street and W. Johnson St. Applicant shall coordinate with UW's representative Mike Payant (payantm@ayresassociates.com) to make sure that the steam tunnel facilities are correctly located.
4. The parties have agreed that a 14' permanent limited easement for public bike path purposes shall be created from the east to the west lot line, generally on the south side of the site. The easement language shall consider provisions for future lighting and railing requirements.
5. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

6. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
7. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
8. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
9. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
10. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
 - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc.) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttrvester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

11. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttrvester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2))

PDF submittals shall contain the following information:

- 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) Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words unplatted
 - h) Lot/Plat dimensions
 - i) Street names
 - j) Stormwater Management Facilities
 - k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
12. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
14. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
15. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
16. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. (MGO 16.23(9)(d)(6))
17. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
18. 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)

19. 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)
20. All damage to the pavement on Charter St, 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)
21. The Applicant shall Construct right of way improvements/restoration to a plan as required by City Engineer.

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

22. There is an Official Map Reservation for Future Streets, Highways and Parkways over the southwesterly 17 feet of this site. Buildings are not permitted within an Official Map reservation.
 23. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
 24. The address of 222 N Charter St will be retired with the demolition of the single-family house. The address of the proposed apartment building is 224 N Charter 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.
25. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

26. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5-foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.

27. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on N. Charter Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
28. There is an Official Map Reservation for Future Streets, Highways and Parkways over the southwesterly 17 feet of this site. Buildings are not permitted within an Official Map reservation.
29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
30. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
31. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
32. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
33. Per Section MGO 12.138(14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
34. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
35. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
36. Dimensions of the driveways shall be noted on the plan including the width of driveway and width of driveway flares or curb cut.
37. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

38. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
39. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
40. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
41. Submit the Zoning text for review and approval by Zoning and Planning staff.
42. Moped or scooter parking is not required, however where it is provided, it shall meet the standards of Section 28.141(12). Show the dimensions of the moped stalls and drive aisle on the site plan. Spaces shall be a minimum of three (3) feet by six (6) feet in size with a vertical clearance of six (6) feet and with a drive aisle of five (5) feet.
43. Submit bike rack details for the floor mounted and wall mounted bike racks.
44. Submit the landscape worksheet to accompany the landscape plan. Provide details of the proposed green roof.
45. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
46. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

47. Sheet C1.2 indicates the use of Charter Street as the code required aerial access lane; however, on Sheet L1.0, The proposed landscaping indicates (2) large trees along Charter Street blocking aerial access.

Parks/Forestry Review (Contact Kate Kane, (608) 261-9671)

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| <ol style="list-style-type: none">48. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 17171 when contacting Parks about this project. |
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49. Street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - Please contact Brad Hofmann regarding proposed street trees for spacing/location, species selection, size of tree, & tree grate size.
50. Add the following note to the site plans: Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to forming concrete and constructing tree grates to determine tree locations.
51. Add the following note to the site plans: Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

52. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
53. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
54. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
55. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions or approval.

ATTACHMENT 1

COMPARISON OF PROPOSAL TO SETBACKS AND STEPBACKS RECOMMENDED IN THE REGENT STREET SOUTH CAMPUS NEIGHBORHOOD PLAN

Image 1: Floor Plans (Areas Inconsistent with Plan are Shaded)

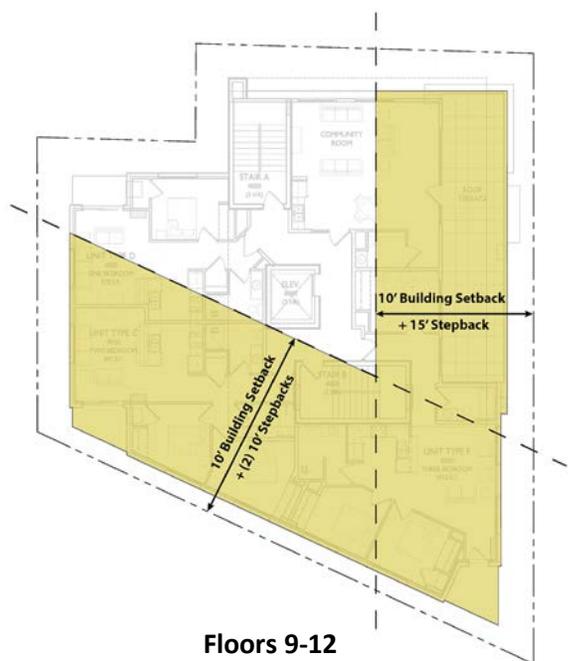
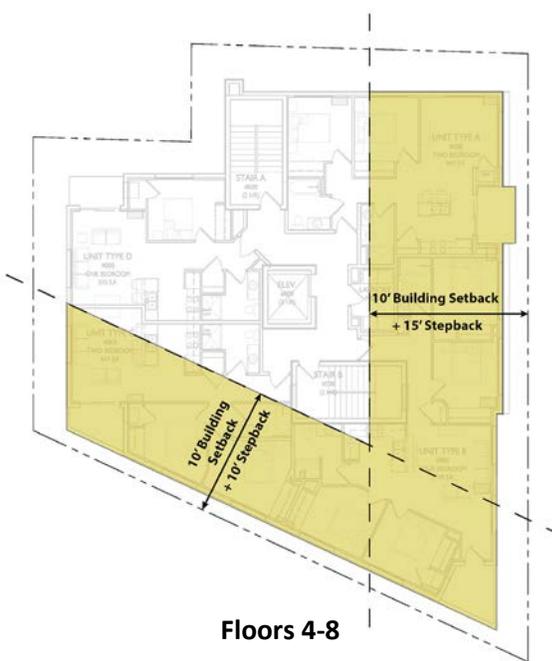
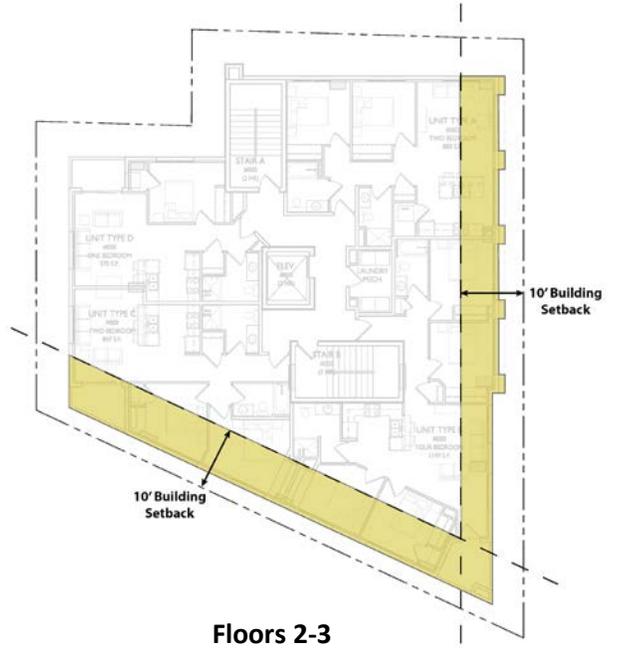
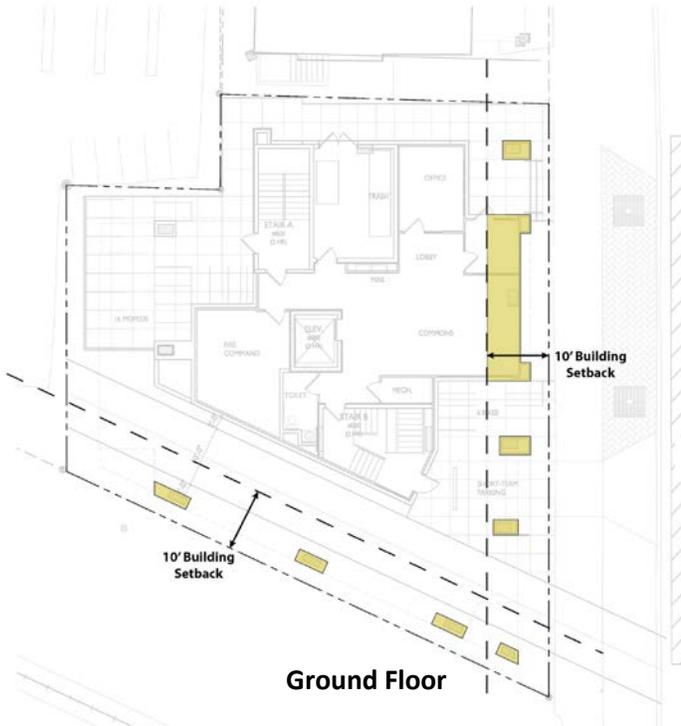
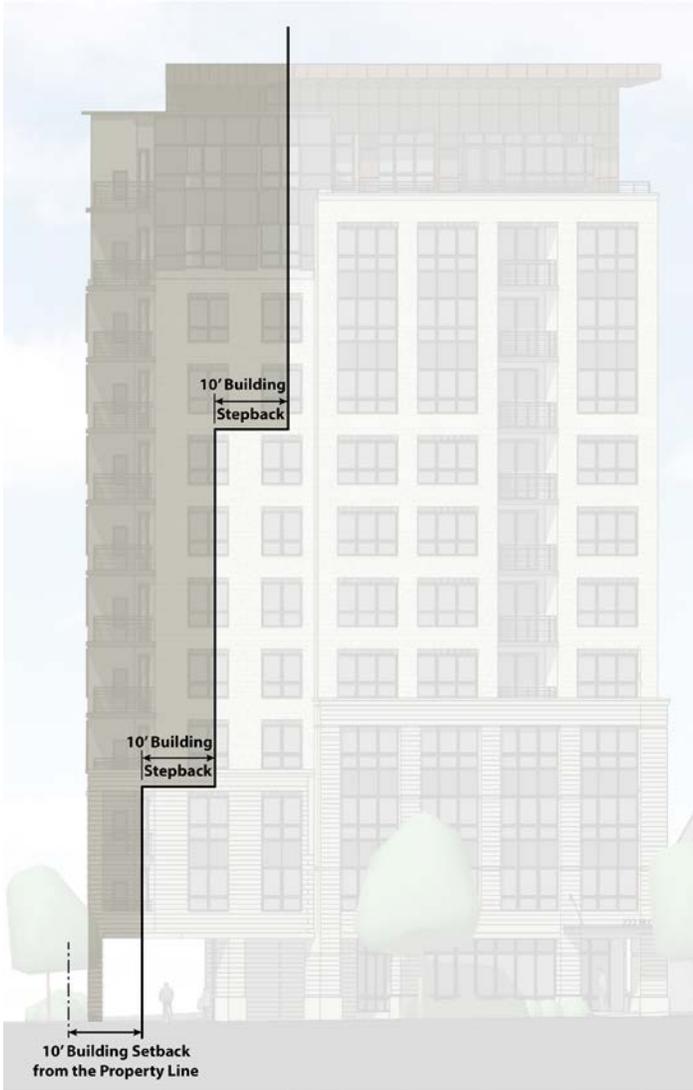
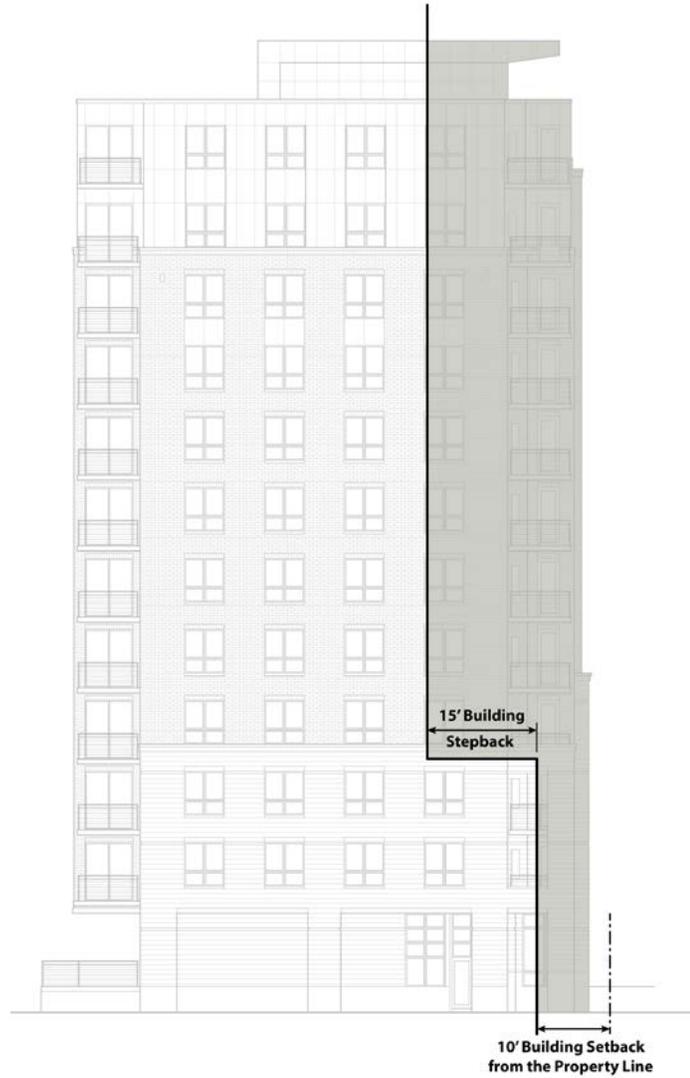


Image 2: Elevations (Areas Inconsistent with Plan Are Shaded)



Charter Street Elevation



South Elevation (Along RR Tracks)