

PLANNING DIVISION STAFF REPORT

August 26, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 139 West Wilson Street (District 4 – Alder Verveer)
Application Type: Demolition Permit, Conditional Use
Legistar File ID # [78634](#) & [78635](#)
Prepared By: Colin Punt, AICP, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director

Summary

Applicant: John Seamon; SEA Design; N3302 South Oakland Rd; Cambridge, WI 53538

Owner: Phil Hees; 139 W Wilson St; Madison, WI 53703

Requested Action: The applicant is seeking approval of a demolition permit for an existing mixed-use building and the following conditional uses:

- A multi-family dwelling with greater than eight (8) dwelling units (§28.076(2) MGO)
- A new building greater than twenty thousand (20,000) square feet or more than four (4) stories (§28.076(4)(c) MGO)
- A building or structure located within one mile of the center of the State Capitol Building exceeding the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum (§28.134(3) MGO)

Proposal Summary: The applicant is seeking approvals to demolish a four-story mixed-use building to construct a sixteen-story 320-unit residential building.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) M.G.O. Standards of approval for demolition permits are found in §28.185(6) M.G.O.

Review Required By: Urban Design Commission, Plan Commission

Summary Recommendations:

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and approve demolition permit for the existing building at 139 West Wilson Street subject to input at the public hearing and the conditions recommended by the reviewing agencies below beginning on page 10.

Based on the currently submitted plans, the Planning Division cannot conclude that Conditional Use standard of approval 8 for the requested conditional uses for a multifamily building with more than eight dwelling units, a new building greater than 20,000 square feet and more than four stories, and a building exceeding the capitol view height limit is met, and therefore the conditional use request cannot be approved as proposed. As such, the Planning Division recommends that the Plan Commission find that that Conditional Use standard of approval 8 is not met and refer the proposal to a future Plan Commission meeting with direction to the applicant to address recommended conditions of approval 1-5 found on page 10 of this report.

In the alternative, should the Plan Commission find that not all standards for conditional uses, specifically standard 8, are met, the Plan Commission can place the conditional use request on file without prejudice. If the Plan

Commission does so, it should identify the reasons standard 8 and/or any other standards are not found to be met.

Should the Plan Commission find that all standards for conditional uses are met, the Planning Division recommends that the Plan Commission approve the conditional uses at 139 West Wilson Street subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 10.

Background Information

Parcel Location: The subject site is 16,847 square feet located at the southeast side of West Wilson Street between South Carroll Street and South Henry Street. The site is within Alder District 4 (Alder Verveer) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned UMX (Urban Mixed Use), is currently occupied with a 26,000-square foot, four-story mixed-use building with a surface vehicle parking lot. The building was originally constructed in 1962.

Surrounding Land Uses and Zoning:

Northwest: Across West Wilson Street, the Dane County Courthouse and recently-approved six-story jail addition to the Public Safety Building, which is currently under construction, all zoned PD (Planned Development district);

Southwest: An eleven-story mixed-use building zoned UMX;

Southeast: Wisconsin & Southern Railroad and John Nolen Drive with Law Park beyond, zoned UMX and DC (Downtown Core district); and

Northeast: Construction site for an approved 15-story mixed-use building zoned UMX.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) for the site. The [Downtown Plan](#) (2012) recommends Downtown Core Mixed-Use.

Zoning Summary: The subject property is zoned UMX (Urban Mixed Use District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	17,193
Lot Width	30 ft	68 ft
Front Yard Setback	5 ft	5 ft
Max. Front Yard Setback	10 ft	5 ft
Side Yard Setback	None	5 ft, 20.7 ft
Rear Yard Setback	10 ft	10.7 ft
Usable Open Space	10 sq ft/bedroom = 3,240 sq ft	3,487 sq ft
Maximum Lot Coverage	90%	72%
Minimum Building Height	2 stories	16 stories/162 ft
Maximum Building Height	Capitol View	16 stories/162 ft

Site Design	Required	Proposed
Number Parking Stalls	None	4
Electric Vehicle Stalls	None	None
Accessible Stalls	1	None <i>(see Zoning comment 11)</i>
Loading	No	No

Number Bike Parking Stalls	352	320 (see Zoning comment 12)
Landscaping and Screening	Yes	Yes (see Zoning comment 13)
Lighting	Yes	Yes
Building Form and Design	Yes	Large Multi-Family Building

Other Critical Zoning Items	Urban Design (UMX), Utility Easements
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Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator

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

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

Project Description

The applicant is seeking approval of a demolition permit for the existing four-story mixed-use building and several conditional uses to construct a sixteen-story residential building.

The [demolition photos](#) submitted by the applicant show a building with showing age, both in the interior and exterior, but without significant aesthetic, functional, or structural issues. According to the applicant’s letter of intent, the building and site are underutilized. There are no major structural issues known to Planning Division staff, who has not inspected the building.

Following demolition, the applicant proposes to construct a 16-story building with 320 dwelling units composed of 316 studios and four two-bedroom units. Resident amenities include a community lounge on the 16th floor with views of Lake Monona, a 16th-floor co-working space, and private garden at the rear of the building. The first floor includes a lobby, fitness room, mail room, package room, mechanical and utility spaces, and the shared vehicle parking. More than half of the first-floor footprint is dedicated to bicycle parking. An outdoor community terrace wraps the north side and the rear of the building.

The lower five stories of the northwesterly corner step back approximately 10 feet to create an entry area. The front entry doors are set in a 16-foot tall wood frame. The recessed entry, along with two other portions of the building are designed with a glass curtain wall and art wall assembly with internal lighting. Art images printed on aluminum composite panels are proposed to be mounted behind a glass curtain wall and internally lit with a neon-LED light source. The art wall locations are at the recessed Wilson Street entry space (51 feet tall, 20 ft wide, 10 ft deep and the interior walls of the car share garage (only art with no glass curtain wall).

The primary façade material is a prefabricated faceted acid-etched concrete panel system. Trim and accent materials include a dark bronze aluminum for window and door frames and louvers, a woodgrain-patterned aluminum panels system, and the aforementioned glass curtain wall and art wall assembly.

The top of the proposed parapet is approximately three inches below the Capitol View Height Limit (1032.8 feet above sea level). A penthouse located near the Wilson Street façade and housing the elevator overrun and stairway for Fire Department roof access extends approximately 7’-2 ½” above the parapet, which places the top of the structure 6’-11.2” above the Capitol View Height Limit. The elevator overrun is set almost 19 feet back from the front façade and is approximately 24 feet long and less than 16 feet wide. The provided roof drawings also include a rooftop photovoltaic array that is below the Capitol View Height Limit.

The only vehicle parking on site is for three vehicles in a residence car share program. All three vehicle parking stalls include electrical charging stations. Car share vehicles are accessed via and driveway at the northwest corner

of the site. The driveway to the car share vehicle parking is widened to double as a loading zone while still allowing pedestrians access to the rear garden and shared vehicles access to parking. The applicant has also indicated in the letter of intent that the management company will provide parking stalls as needed in the nearby Dane County parking structure. In addition, there are 320 indoor bicycle parking stalls on the first floor and 19 outdoor bicycle parking stalls.

Proposed landscaping includes some deciduous trees along the back lot line adjacent to the railroad right-of-way. Other landscaping is a mix of deciduous and evergreen shrubs, grasses and perennials, low groundcover, and hardscaping. The western corner of the site includes a community space that features a bocce court, grilling and eating areas, and a fire pit and seating areas overlooking Lake Monona.

According to the letter of intent, the applicant intends to start construction in spring 2024 with completion by spring 2025.

Analysis

This request is subject to the standards for demolition permits and conditional uses. This section begins with a summary of adopted plan recommendations, demolition permit standards, and conditional use standards, which includes a description of Urban Design Commission findings.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC), which represents the nucleus of downtown and accommodates a wide variety and mix of uses in large-scale buildings. The [Downtown Plan](#) (2012) recommends Downtown Core Mixed-Use for the site, with a maximum building height at the Capitol View Preservation Limit. The Downtown Plan also places the site within the Downtown Core district, which accommodates a wide variety of office, employment, retail, government, residential, and other uses in larger-scale buildings that comprise the most densely developed part of the city. Staff believes the proposal can be found to be consistent with the adopted plans.

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove approval of the proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, *“That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”* At its July 27, 2023 meeting, the Landmarks Commission found that the existing building at 139 West Wilson Street has no known historic value.

Conditional Use Standards

The applicant is requesting approval of conditional uses for a multi-family dwelling with greater than eight (8) dwelling units, a new building greater than twenty thousand (20,000) square feet or more than four (4) stories, and a building or structure located within one mile of the center of the State Capitol Building exceeding the elevation of the base of the columns of said Capitol Building within the UMX district to construct the proposed development. In regard to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. Planning staff provide the following comments regarding standards 5, 8, and 16.

Standard of Approval 5

Regarding standard of approval 5, which states that "adequate utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements have been or are being provided," staff had previously expressed concerns to the applicant about the flow of traffic onto, from, and around the site. Many of the concerns regarding this standard of approval stem from the limitations of the proposed scale of development within the confines of a 66-foot-wide lot. While the lack of vehicle parking is not an applicable issue to this conditional use request, Staff has concerns that the small on-site loading space and vehicle access drive to the site may cause issues with resident move-in and move-out arrangements, trash pick-up, and delivery operations. As noted above, the vehicle parking on site for three vehicles in a residence car share program is accessed via a driveway at the northwest corner of the site. The driveway is widened to double as a loading zone while still allowing pedestrians access to the site and shared vehicles access to parking. While there are parking meters on the opposite side of West Wilson Street, there is little on-street stopping or loading space nearby. The presence of the pedestrian walkway shared with the driveway-loading space raises concerns about pedestrian-vehicle conflicts and on-site pedestrian safety that would be better addressed with separated vehicle and pedestrian facilities.

Further, while the proposal provides adequate resident bicycle parking, it does not provide the required minimum amount of visitor bicycle parking as dictated by the zoning code. While the applicant has requested and been granted a guest bicycle stall reduction from the Office of the Zoning Administrator, Planning Staff continue to have concerns about the general lack of bicycle storage, especially considering its location along the West Wilson cycle track and the supposed reliance of its residents on non-vehicle transportation options. Further, concerns have been brought to Traffic Engineering staff regarding the high usage of delivery and rideshare in this area of West Wilson Street. This proposal would contribute to the number of delivery and rideshare vehicles using the Wilson Street on-street cycle track as a loading zone for these uses, in addition to move in/move out operations, due to the limited on-site loading options. Given the urbanized development pattern and many competing uses in the public right of way, few solutions are available to the Traffic Engineering Division. If the proposal goes forward, the applicant shall work with Traffic Engineering to address these concerns.

Related to these issues, City Staff had previously raised concerns regarding the need for Transportation Demand Management Plan (TDM) measures to address traffic congestion and site access concerns. The City's TDM standards have recently been revised and apply to both conditional use and permitted uses. As such, while there is no longer a specified conditional use standard related to TDM, TDM requirements exist. However, standard 5 still applies to the issues raised above and the applicant has submitted a Transportation Demand Management Plan (TDMP). In addition to working with the Parking Utility staff on a TDMP, the applicant has worked with Traffic

Engineering Division staff regarding traffic concerns, Zoning staff on a guest bicycle parking stall reduction, and Planning Division staff regarding a management plan. In acknowledgement of the coordination between the applicant and various City agencies, Staff believes the Plan Commission could find standard 5 met with the recommended conditions of approval, but believe it is necessary to bring the number of issues concerning standard 5 to the Commission's attention.

Standard of Approval 8

Staff's primary concerns regard Conditional Use standard of approval 8, that "the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission (UDC) for comment and recommendation." In regards to specific concerns, staff notes the following issues that are among those discussed throughout this review by both staff and the UDC:

- **Façade Composition and Materials.** The proposed building composition includes limited façade modulation with the exception of the recessed main entry on West Wilson Street. Staff believes that it is important to strike a balance between having adequate articulation and modulation, without creating an unnecessarily complicated façade at this highly prominent location. Staff believes that a concrete panel façade could be an acceptable material, though there remain significant questions regarding the proposed details that consists of an etched concrete panel. Each panel in the concrete panel system is comprised of angles and dimension. During deliberations on this project, some members of the Urban Design Commission raised questions on the scale, design, and grouping of the proposed panels so as to not create an overly complex façade and other concerns. Due to the site's prominent location, staff have also raised concerns regarding the building's long views, including along all visible upper levels (which includes the west facing façade). Finally, there are also concerns regarding consistency with adopted design guidelines to have an appropriately articulated façade, especially at the base, middle, and top.
- **Building Entrance and Illuminated Art Considerations.** The illuminated entrance feature is among the more prominent and unique aspects of the proposal's design. The UDC raised questions on several details including the appropriateness of the scale, light levels, and transitions of this feature. Staff notes and appreciates the removal of a similar feature from the John Nolen side of the building that was included in earlier versions.
- **Street-Facing HVAC Louvers.** As noted on the elevations, wall pack units are proposed on all elevations, including along the prominent West Wilson Street- and Lake Monona/John Nolen Drive- fronting façades. While it has been the current practice to discourage wall packs on street facing or highly visible facades, they have been approved in some situations when found to be well integrated into the façade's overall design.
- **Lighting.** Staff have concerns regarding the overall lighting levels of the illuminated art fixture and believe that realistic night perspectives would be helpful to fully illustrate nighttime lighting. Illumination has been a significant concern for other nearby buildings.

This proposal has been reviewed by the UDC as required for the UMX zoning district, under [Legislative File ID # 70108](#). The UMX District is one of two Downtown zoning districts that specify that additional design review is required. Specifically, the UDC is required review projects for conformity to the design standards in Sec. 28.071(3) and the [Downtown Urban Design Guidelines](#) and shall report its findings to the Plan Commission. In the [January](#)

[24, 2024 Staff Report to the UDC](#) various design considerations were summarized based on issues raised by the Commission at their earlier reviews.

At its January 24, 2024 meeting, the UDC made an advisory recommendation to deny the proposal based on several design considerations, which is not a common recommendation made by that body. In the motion to recommend denial, the UDC specifically advised their opinion that:

- The UDC finds that Conditional Use Standard #9 (*now re-numbered as standard 8*) is not met.
- The UDC has concerns about the site circulation in relation to Conditional Use Standard #6 (*now re-numbered as standard 5*)
- The UDC finds that some of the Downtown Urban Design Guidelines are not met, including, but not limited to those that generally speak to lighting, a higher level of visual interest, and site circulation guideline for minimizing visual presence of vehicular circulation.

See Legislative ID [70108](#) or the [meeting report](#) for more information.

A summary of relevant guidelines from the adopted [Downtown Urban Design Guidelines](#) is included below. Please see the linked document for additional information. These guidelines informed the recommendations of Planning and UDC staff and the deliberations of the UDC.

- **Architecture Section 1 (Massing):** Designing with a sensitivity to context (proportions/scale, relationships with adjacent buildings (in this case both existing, under construction, and approved), maintaining datum lines, size and rhythm of windows/openings, etc.) of the built environment,
- **Architecture Section 2 (Building Components):** Delineating building components (base, middle, top), including consideration to elements along the lower two or three floors to better visually anchor the proposed tall building on all sides.
- **Architecture Sections 3 & 4 (Visual Interest and Door & Window Openings):** Incorporating balanced vertical/horizontal articulation and proportions of design elements (windows, doors, accent materials, maintaining human scale, creating visual interest without creating an overly cluttered facade, integrate a variety in massing, etc.),
- **Architecture Section 5 (Building Materials):** Utilizing high quality, durable materials and design continuity in their application across all elevations, etc. It is specified that the palette of materials shall not be overly complex. Precast concrete panels are an allowable building material in downtown zoning districts, but they shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials [§28.071(f) MGO], but the application, scale, and detailing of the panels should be so to be consistent with the Downtown Design Guidelines.

Staff cannot definitively conclude that conditional use standard 8 is met, based on concerns raised by UDC and the resulting advisory recommendation for denial. Specifically, as noted elsewhere within this report, the UDC staff report, and the UDC findings, concerns regarding the building's very large and somewhat unarticulated facades; the concrete panel facade cladding system; lack of pedestrian scale of the tall entry; general lack of delineating base, middle, and top building components to better visually anchor the height of the building; and sensitivity to context, specifically with regard to maintaining datum lines with adjacent buildings lead Planning Staff to conclude that conditional use standard of approval 8 cannot be found met. If the Plan Commission believes standard of approval 8 can be met despite the UDC recommendation, the Commission should state its findings with regard to how standard 8 is met. Staff further note that recommended conditions of approval 1-5 have been recommended to address these design concerns.

Standard of Approval 16

Under Wisconsin State Statute and Madison General Ordinance (MGO), certain projections are permissible into the Capitol View Preservation area, if approved by the Plan Commission as a conditional use. Section 28.134(3) MGO states, with regard to Capitol View Preservation (CVP), that “no portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building...Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses.” Conditional Use standard of approval 16 states that when applying the Conditional Use standards to an application for allowable projections into the Capitol View Preservation Area, the Plan Commission shall “only approve the projection if it determines the encroachment is the minimum necessary and does not significantly impact the long views of the State Capitol building.”

The top of the proposed parapet is approximately three inches below the Capitol View Height Limit (1032.8 feet above sea level). A penthouse located near the Wilson Street façade and housing the elevator overrun and stairway for Fire Department roof access extends approximately 7'-2 ½" above the parapet, which places the top of the structure 6'-11.2" above the Capitol View Height Limit. The elevator overrun is approximately 24 feet long and less than 16 feet wide.

In considering similar conditional use approvals, taller elevator penthouse projections and mechanical yard screens have been approved elsewhere in Downtown. 1 North Pinckney Street (American Exchange Building environs) was approved with mechanical equipment 12'-7" above the CVP height limit, mechanical yard screening of 12'-5" above the limit, and an elevator over-run 15'-11" over the height limit. 223 South Pinckney Street (Block 105) and 216 South Pinckney Street (Block 88) were both approved with mechanical screening walls that projected 16 feet above the CVP height limit, but the Block 88 mechanical yard was revised to just under 10 feet above the CVP height limit. Block 89, between Doty Street and Capitol Square, was approved with two mechanical yard projections 16 feet over the CVP height limit of approximately 1,755 square feet and 4,134 square feet, though the second was built to be approximately 1,200 square feet. The East Wilson Street Hilton Hotel includes an approximate 13 foot CVP height limit screening projection that covers an approximate area of 1,040 square feet. Most recently, the redevelopment of the Lake Street public parking structure at 415 North Lake Street was approved with an extension of approximately 8 feet above the CVP height limit for an elevator penthouse. At 131 West Wilson Street, the building's elevator over-run extends approximately 5'-8" above the CVP height. At 121 East Wilson Street, the building's elevator over-run extends approximately 14'-8" above the CVP height and the two mechanical yards approximately 12'-4". The two mechanical yards are approximately 1,969 square feet and 2,366 square feet.

The applicant has provided, at the request of staff, [long view studies](#) from Olbrich Park and John Nolen Drive illustrating the building's height and the projection and the relationship to the Capitol building. Such views are important studies to evaluate the impacts of both the height and area of the projections. Such views do not specifically depict the extent of the overrun, though based on the provided information, staff notes that the projection is smaller than others that have been approved both in terms of height and area. Based on the provided information, staff believes that standard 16 can be found met.

Conclusion

The applicant is seeking demolition and conditional use approval to raze an existing a four-story mixed-use building to construct a sixteen-story 320-unit residential building.

The project's current version has been in an applicant-requested referral since January 2024, after the applicant received an advisory recommendation for denial from the City's Urban Design Commission (UDC). Prior to that, the proposal had been to the UDC multiple times, though several design-related concerns raised throughout the process were not found by the UDC to have been adequately addressed. Additionally, an earlier version of this development was denied a variance at the Zoning Board of Appeals regarding the use of a metal cladding material, which was found to not meet the Zoning Code by the Zoning Administrator. The current plans have been revised with a different pallet of materials, resolving that specific issue.

With regard to the requests before the Plan Commission, Planning Division staff believes that the standards of approval for demolition permits can be found to be met. Staff's primary concerns regarding this request relate to the Conditional Use standards of approval. As discussed in this report, staff have raised questions regarding standards 5, 8, and 16. While staff believes that it is possible for the Plan Commission to find Standards 5 and 16 are met with the recommended conditions of approval, staff cannot definitively conclude that Standard 8 is met, especially as currently proposed.

Standard 8 relates to the aesthetic qualities of a project and requires that a project's design is found to be compatible with the existing or intended character of the area. Staff acknowledges that the applicant has made some adjustments based on early concepts, but several design concerns remain. As noted in this report, staff's primary design concerns relate to façade composition and material details, building entry, inclusion of street-facing HVAC louvers and site lighting. As a UMX zoned property in the Downtown, the area is subject to specified Design Review processes, including an advisory review by the UDC. This request is subject to both mandatory Design Standards in the Zoning Code and a series of additional advisory Design Guidelines, intended to supplement the standards. While the Zoning Administrator has not identified compliance issues with the mandatory standards, concerns remain on the current proposal's ability to meet the design guidelines related to Massing, Building Components, Visual Interest and Door & Window Openings, and Building Materials. Considering these guidelines and the recommendation to deny the project from the UDC, staff have significant questions regarding this conditional use approval standard. As a result, staff do not believe that this standard is met based on the current design. However, modifications may be able improve several key design considerations for this highly prominent site. Staff have recommended several specific design-related conditions (see recommended conditions of approval 1-5) that are believed to better align this proposal with the area Design Guidelines and therefore the conditional use approval standard.

In the event the applicant would make modifications, staff believes that it may be appropriate to refer this item to a future meeting or possibly conditionally approve. However, absent significant design modifications to address the concerns noted in this report, staff does not believe the Plan Commission can find standard 8 to be met. However, if the Commission finds that standard 8 is met, it should specify its findings with regard to that decision.

At time of writing, Staff has received written comment from the public, including from the neighborhood association, which are available with the legislative file as part of this request.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and approve demolition permit for the existing building at 139 West Wilson Street subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

Based on the currently submitted plans, the Planning Division cannot conclude that Conditional Use standard of approval 8 for the requested conditional uses for a multifamily building with more than eight dwelling units, a new building greater than 20,000 square feet and more than four stories, and a building exceeding the capitol view height limit is met, and therefore the conditional use request cannot be approved as proposed. As such, the Planning Division recommends that the Plan Commission find that that Conditional Use standard of approval 8 is not met and refer the proposal to a future Plan Commission meeting with direction to the applicant to address recommended conditions of approval 1-5 below.

In the alternative, should the Plan Commission find that not all standards for conditional uses, specifically standard 8, are met, the Plan Commission can place the conditional use request on file without prejudice. If the Plan Commission does so, it should identify the reasons standard 8 and/or any other standards are not found to be met.

Should the Plan Commission find that all standards for conditional uses are met, the Planning Division recommends that the Plan Commission approve the conditional uses at 139 West Wilson Street subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

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

Planning Division (Contact Colin Punt, 243-0455)

1. As submitted, HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. The louvers are the same color and material as the surrounding window unit frame. As part of this approval, the applicant shall revise end/corner unit configurations (or make other adjustments) so as to locate HVAC louvers on side elevations and not on street-facing (Wilson and John Nolen/Lake) elevations. If, after consultation with the development team and Building Inspection Director, the Planning Division Director (or designee) finds this will result in a substantial change in the number of units as approved by the Plan Commission, or other factors, street facing louvers may be approved after further study and consultation by the applicant on alternative designs to minimize the extent of their appearance. Unless specifically approved by the Plan Commission, a change to add additional wall packs under the current configuration on street-facing walls or a change to the louver color or material are not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time
2. That the base of the building shall be revised to create a higher level of visual interest. Revisions shall be approved by the Planning Division Director (or designee) and include changes in material, color, and/or texture. Treated or colored concrete may be an appropriate option, provided it is found to provide sufficient detail. Consideration should be given to creating a base treatment that visually makes the base more prominent, including consideration of façade treatments that create the appearance of a taller base that extends into the second floor to better match the height datum established on the buildings to either side.
3. The upper levels of the building shall be revised to provide more visual distinction at that top of the building. Revisions shall be approved by the Planning Division Director (or designee) and include changes in material, color, and/or texture. It is expected that the treatment should wrap the building or have a complementary appearance on all sides. It is important that consideration is given to the upper levels of the western façade, which will have visibility above the existing building to the west.
4. Additional vertical articulation and or modulation shall be incorporated along the long east and west facades. Revisions shall be approved by the Planning Division Director (or designee).

5. Concrete exterior walls are allowable, though the applicant shall submit further study on other treatments or etching patterns to determine if an alternative pattern will create a pattern that is not overly complex. Information should also be provided on anticipated staining and maintenance of the material. This determination and final exterior materials shall be approved by the Planning Division Director (or designee).
6. Prior to final sign-off, the applicant shall work with Planning and Building Inspection Division staff to identify ways to lower and minimize the overall area and height of the projections into to the Capitol View limit so they are the minimum necessary to screen rooftop the mechanical equipment. Further justification shall be approved by the Planning and Building Inspection Divisions should no further reduction be proposed. Note that an increase in the height or the area beyond what is shown in the conditional use submittal will require consideration of either a minor (administrative) or major alteration to this approval, depending on the scope of the changes.
7. The illuminated art walls shall be illuminated at low level as an ambient feature. If a brighter fixture is desired, it shall be turned off every night prior to 10 p.m.
8. Due to lack of illustrative information to depict architectural lighting, no architectural lighting (other than lighting required to meet code) is included in this approval. Additional ordinance requirements may be identified at a later time by the Building Inspection Division lighting code reviewer.
9. That in order to address concerns related to deliveries, rideshare, refuse pickup, and move in/move out operations, the applicant submit an updated management plan on the management plan form provided by the Zoning Administrator that specifies, amongst other changes as necessitated through coordination with Traffic Engineering and other staff, that refuse and recycling collection occur after 9:00 a.m. Future amendments to the management plan could be considered as a minor alteration to this conditional use if the amendments are found to meet the conditional use approval standards in §28.183(6) MGO.
10. That the applicant shall work with Traffic Engineering staff to maintain safe pedestrian and bicycle access along West Wilson Street to the greatest extent possible during construction.

Zoning Administrator (Contact Jacob Moskowitz, 266-4560)

11. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the required van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stall.
12. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4) (g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 320 resident bicycle stalls are required plus a minimum of 32 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
13. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
14. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building

façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.

15. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

City Engineering Division (Contact Tim Troester, 267-1995)

16. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
17. Applicant shall revise plan to show the proposed sanitary sewer lateral for the development connecting to the City sewer located in the rail corridor as a condition for plan approval.
18. No storm discharge shall be allowed to the South - all storm shall be directed to Wilson Street and directly connected to the storm sewer system.
19. Storm sewer discharge shall be directed to Wilson Street not to the RR corridor.
20. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
21. Construct sidewalk, terrace, curb and gutter and pavement to a plan as approved by City Engineer
22. 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))
23. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
24. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
25. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
26. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department

of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.

27. Revise the site plan 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)
28. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
29. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public Right of Way (ROW). (POLICY)
30. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
31. This project will require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>
This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. 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. (POLICY)
This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
32. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the

10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

33. 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 ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

34. Grant a Public Sidewalk Easement(s) to the City required by City Traffic Engineering for adequate sidewalk and terrace areas. Provide a map and legal description to Jeff Quamme (jrquamme@cityofmadison.com) for review and set up of the required Real Estate Project to accommodate the required sidewalk location by Traffic Engineering.
35. Applicant/contractor/owner are collectively responsible to obtain permits as necessary from the Wisconsin Department of Transportation (WisDOT) and associated Operating Railways for any demolition or construction related activities or entry for the existing and proposed retaining wall that would require occupying any portion of the Railroad Right-of-Way for any use.
36. The building and underground parking structure on the parcel to the northeast is under construction with a new residential development. Coordinate site construction accordingly. Provide recorded copies of any required agreements for the construction and/or maintenance of improvements (retaining walls and private storm sewer) along the common lot line.
37. There are numerous erroneous addresses shown on various pages of the plans. Remove references that show this site as being 179 W Wilson St and the adjacent property as 319 S Henry 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.
38. The address of 139 W Wilson St will be inactivated and archived with the demolition of the building. The address of the new apartment building is 143 W Wilson 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.
39. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. 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 verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction.

until final inspection by the Madison Fire Department. 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.

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

40. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Wilson Street.
41. Note: Concerns have been brought to Traffic Engineering regarding the high usage of delivery and rideshare in the area. This site will contribute to the delivery and rideshare vehicles using the Wilson Street on-street cycle track as a loading zone due to the limited on-site loading, for which Traffic Engineering has few solutions. The neighborhood has expressed concerns with the current delivery usage of the Wilson Cycle Track. The applicant shall work with Traffic Engineering on addressing this concern.
42. Applicant shall submit for review a residential moving plan. This plan shall include detailed information regarding the scheduling and area to be used for move in/move out operations.
43. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
44. 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.
45. 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.
46. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
47. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
48. 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.
49. 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.

50. 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 three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
51. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
52. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
53. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
54. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
55. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements and trash pickup location.
56. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on W. Wilson 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.

Fire Department (Contact Matt Hamilton, 266-4457)

57. Additional comments maybe warranted as the project design progresses to address fire & safety code requirements i.e. FDC locations and decorative fire feature safety.
58. Provide documentation for fire access and compliance with 2024 IFC 503 and appendix D and MGO 34.503

Parks Division (Contact Ann Freiwald, 243-2848)

59. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 23040 when contacting Parks about this project.

Forestry Section (Contact Brad Hoffman, 267-4908)

60. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
61. On this project, the installation of a pavement support system (Silva Cell®, GreenBlue® or equivalent as approved by city) surrounding tree grate locations is required where the terrace is concrete. The Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations before support system installation. Add as a note on both the site and street tree plan set.
62. No later than five business days prior to forming concrete and constructing tree grate sites, the Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations. The Contractor will be required to obtain the grate, matching frame and/or tree guard. Tree grate type and matching frame: Neenah 4x8 (R-8815-A). Tree guard Neenah (R-8501-4818). Add as a note on both the landscape and street tree plan set.

Water Utility (Contact Jeff Belshaw, 261-9835)

63. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.

Metro Transit (Contact Tim Sobota, 261-4289)

64. Metro Transit operates daily all-day transit service along East Wilson Street at the South Henry Street intersection near this property - with trips at least every 30 minutes.
65. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 88 Weekday & 34 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 246-5806)

66. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.