

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of December 12, 2007**

RE: LD. # 07317: Zoning Map Amendment LD. 3294 & 3295, Rezoning 430 W. Dayton Street from R6 (General Residence District) to PUD-GDP-SIP

1. Requested Actions: Approval of a request to rezone 430 W. Dayton Street from R6 (General Residence District) to Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to allow construction of an apartment in the basement of an existing three-unit building and construction of a one-unit carriage house following the demolition of an existing detached single-family residence.
2. Applicable Regulations: Section 28.07 (6) of the Zoning Ordinance provides the framework and requirements for Planned Unit Developments; Section 28.12 (9) provides the process for zoning map amendments.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant & Property Owner: Brandon Cook; 924 Aldora Lane; Waunakee.
2. Development Schedule: The applicants wish to commence construction of the basement dwelling unit as soon as all regulatory approvals have been granted. Implementation of the second part of the project, which calls for the removal of the nonconforming single-family residence at the rear of the lot, has not been identified but will not commence until following the expiration of a lease on that structure in August 2008.
3. Location: A 4,356 square-foot (0.1-acre) lot located at 430 W. Dayton Street, Aldermanic District 4; Transition Area – Downtown Design Zone 2; Madison Metropolitan School District.
4. Existing Conditions: The site is developed with a three-unit flat building located at the front of the site and a one-unit carriage house located at the rear of the lot.
5. Proposed Land Use: The applicant proposes to add a dwelling unit in the basement of the three-unit flat initially, with a second phase to replace the existing single-family residence at the rear of the lot with a carriage house that will contain a dwelling unit above four first floor parking spaces. Five dwelling units would be located on the site following completion of the project.

6. **Surrounding Land Use and Zoning:**
 - North:** Two to four-unit apartment buildings; Hope Haven substance abuse residential treatment facility, all zoned R6 (General Residence District);
 - South:** Two to four-unit apartment buildings, zoned R6; a future 21-unit condominium building under construction, zoned PUD-SIP;
 - West:** Three-unit apartment building, zoned R6; a 10-unit, two-building apartment development, zoned PUD-SIP;
 - East:** Dayton Square Apartments, zoned R6.
7. **Adopted Land Use Plan:** This area is identified in the Mifflin-Bassett Downtown Mixed-Use Sub-district of the Comprehensive Plan, which generally recommends the area bounded by W. Dayton Street on the north, W. Wilson Street on the south, Broom Street on the east and Bedford Street on the west for two to four-story buildings consistent with the predominant scale of buildings in the area. The Comprehensive Plan recommends that specific recommended densities for individual blocks or properties be established in a detailed, City-adopted neighborhood plan or special area plan, such as the plan adopted for the Bassett Neighborhood south of W. Washington Avenue.
8. **Environmental Corridor Status:** The property is not located within a mapped environmental corridor.
9. **Public Utilities & Services:** The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the Planned Unit Development District standards.

PLAN REVIEW

The applicant is requesting approval of a zoning map amendment to rezone his property from R6 (General Residence District) to PUD-GDP-SIP to allow construction of an apartment unit in the basement of an existing three-unit building located at the front of a 4,356 square-foot parcel located at 430 W. Dayton Street. The planned unit development also proposes the construction of a detached carriage house at the rear of the property following the demolition of an existing detached single-family residence in the same general location some time in the future.

Background

The three-unit building at the front of the property is a 2.5-story structure comprised of one three-bedroom flat on the first and second floors and a three-bedroom apartment located on a third floor below the roof. The building, which was constructed in 1914 according to City records, is sided with horizontal lap siding and topped with a gable roof that features shed dormers on both sides. Front porches extend across the length of the first and second floors, while a smaller porch is provided for the top floor unit. The front of the building is located approximately seven feet from the W. Dayton Street right of way.

The residence at the rear of the property is a small two-story, two-bedroom single-family house located approximately 36 feet from the rear wall of the three-unit building and 3 feet from the rear property line. The area in between the two buildings is a partially improved surface parking area for three vehicles. An 8-foot wide driveway that extends along the western property line provides access to the rear parking area. The driveway is shared with the adjacent three-unit building at 434 W. Dayton Street under an existing easement agreement.

The letter of intent indicates that all four of the existing units on the site are student rentals, which follows the historically predominant land use pattern in the surrounding area. In addition to the adjacent three-unit building to the west, the site abuts the 57-unit, 2.5-story Dayton Square apartments. Properties north of the site along the 400-block of W. Johnson Street are developed with a variety of multi-family rental properties and the Hope Haven substance abuse residential treatment facility. The subject site is located across W. Dayton Street from a number of other two to four-unit rental properties located in converted one-, two- and two and one-half story houses. A 21-unit condominium building approved in 2006 and currently under construction is located just up the block from the site at 415-419 W. Dayton Street. The subject site is two doors east of a four-unit apartment building located at 438 W. Dayton Street, which was constructed in 2000 on the same property as a six-unit, 1914 apartment building addressed as 440 W. Dayton Street.

There is at present, no adopted neighborhood plan to guide development in the Mifflin neighborhood. This area is identified in the Mifflin-Bassett Downtown Mixed-Use Sub-district of the Comprehensive Plan, which generally recommends the area bounded by W. Dayton Street on the north, W. Wilson Street on the south, Broom Street on the east and Bedford Street on the west for two to four-story buildings consistent with the predominant scale of buildings in the area. The generalized future land use recommendations for this area might support consideration of higher densities in this portion of the downtown area. However, the Comprehensive Plan also recommends that specific recommendations for density and dwelling unit types be established in a detailed, City-adopted neighborhood plan or special area plan, such as the plan adopted for the Bassett neighborhood south of W. Washington Avenue. Such a neighborhood plan would include

recommendations for land uses, density, urban design, circulation, and provision of open space in the Mifflin neighborhood.

The site is also located in the Transition Zone attached to Downtown Design Zone 2. Downtown Design Zone 2 is the most intensive of the four design zones, with a maximum floor area ratio (FAR) of 6.0 allowed. The zone is home to a number of large student-oriented residential developments that have been constructed primarily along University Avenue W. Johnson Street between N. Lake and N. Broom streets. Design Zone 2 restricts the heights of buildings to ten stories with the opportunity for two bonus stories to be approved if the project meets additional interior and exterior design criteria. The Transition Zone along the north side of W. Dayton Street, however, is intended to lessen the intensity of new residential planned unit developments constructed moving south from W. Johnson Street into the lower-rise housing in the Mifflin neighborhood. In the Transition Zone, buildings are restricted in height to three stories and 40 feet of height. This reflects an expectation that the Mifflin neighborhood south of W. Dayton Street (not covered by the current Downtown Design Zones) would continue to be primarily characterized by smaller-scale, low-rise buildings, as presently exist.

Proposed Project

The applicant initially proposes to add a fourth three-bedroom apartment in the basement of the existing three-unit building. The letter of intent indicates that the applicant will occupy the new basement unit. A laundry room for use by occupants of the four-unit building is also proposed for the remodeled basement. The initial phase of improvements also calls for the addition of a parking stall in the rear parking area between the two buildings and the planting of three shrubs along the side of the front porch and a ginkgo tree at the rear of the property.

The second component of the planned unit development proposes to raze the two-bedroom single-family residence at the rear of the site to accommodate construction of a carriage house at some time in the future. The proposed carriage house will stand three stories in height along the eastern property line of the site. The outer dimensions of the new rear yard building will measure 48 feet of length parallel to the eastern line, with 22 feet of depth. The letter of intent indicates that the first floor of the carriage house will have parking for four vehicles, with a two-story single-unit residence above. The proposed building will be setback 1.5 feet from the eastern side property line and 10 feet from the rear wall of the proposed four-unit building at the front of the lot. The letter of intent suggests that additional landscaping improvements will occur with the second phase of the planned unit development, though those improvements are not depicted on the plans submitted.

The zoning text includes a reference to improving "the quality and appearance of this property," while the letter of intent alludes to unspecified exterior improvements to the proposed four-unit

building coinciding with the construction of the carriage house at the rear of the property. The scope of the exterior improvements is not described in the materials submitted for review.

ANALYSIS & CONCLUSION

The planned unit development the applicant is requesting approval of represents a site-specific solution to increase the density of his property beyond what would otherwise be permitted in the existing R6 General Residence District. While the existing number of units present on the site in the two buildings appears to conform to the R6 lot area requirements, the site is presently nonconforming in regard to the amount of usable open space required. The single-family residence at the rear of the property is also a nonconforming structure, as the Zoning Ordinance does not permit more than one principal residential building on a zoning lot. In order to establish the additional unit in the basement of the existing three-unit building and to demolish the single-family residence and replace it with a single-unit carriage house, Planned Unit Development zoning is required.

The request before the Plan Commission is comprised of two distinct components: the addition of the basement dwelling unit, and the demolition of the single-family home and construction of the carriage house. The applicant indicates that implementation of the project will begin with the remodeling of the basement of the existing three-unit building to accommodate the fourth three-bedroom dwelling unit. A project schedule has not been included with this application, but the applicant has indicated verbally that implementation of the second phase, which calls for the demolition of the rear residence and construction of the three-story carriage house, will not occur before the current lease for that unit ends in August 2008. No specifics are included with the application as to when construction of the second phase will occur.

The applicant has submitted no details regarding the existing conditions of the nonconforming single-family residence at the rear of the subject site that describe the condition of the building to review against the demolition standards. The applicant has also not provided staff with details of the proposed carriage house other than its proposed footprint and a note that it will be a three-story building. Staff cannot determine, therefore, whether or not the second phase of the proposal can meet the standards of approval.

Also, the subject site is located in the Transition Zone of Downtown Design Zone 2, which sets forth specific bulk and massing requirements for planned unit developments containing residential units. Buildings in the Transition Zone are limited to three stories and 40 feet in height, which the proposed carriage house will be required to meet when more detailed plans are presented for that portion of the applicant's planned unit development (the existing structure at the front of the lot will be, for all intents and purposes, grandfathered). Downtown Design Zone 2

also requires specific yards (applicable to new structures), including a 25-foot rear yard, which the proposed carriage house does not meet as shown.

As a result of the carriage house's failure to meet the required yards in Downtown Design Zone 2 and the lack of details on that building included with this application, the Planning Division recommends that the Plan Commission defer consideration of the future use of the rear of the subject site until the applicant can provide more information for staff to review. At such time as the applicant provides more details on the design of the carriage house, Planning staff will be able to fully assess the appropriateness of establishing such a building at the rear of the lot and the impact that such a development pattern could have on the 400-blocks of W. Dayton Street and W. Johnson Street and the larger Mifflin neighborhood.

That leaves the Plan Commission to consider the first phase of the development at this time. The Planning Division encourages the Commission to consider the standards of approval for planned unit developments in making its recommendation to the Common Council on the appropriateness of allowing the applicant to add an additional dwelling unit in the basement of the existing three-unit building. The Zoning Ordinance states:

"As a basis for determining the acceptability of a planned unit development district application the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design. For Planned Unit Development Districts with Residential Components in Downtown Design Zones, the Design Criteria adopted by the Common Council shall be used as guidelines for determining whether the following criteria are met:

1. *Character And Intensity Of Land Use. In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - a. *Are compatible with the physical nature of the site or area.*
 - b. *Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.*
 - c. *Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.*
 - d. *Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.**

2. *Economic Impact. Planned unit development district shall not adversely affect the economic prosperity of the City or the area of the City where the planned unit development is proposed, including the cost of providing municipal services.*
3. *Preservation And Maintenance Of Open Space. In a planned unit development district adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made."*

The Plan Commission is asked to determine if the planned unit development will produce significant community benefits in terms of environmental and aesthetic design. As proposed, the first phase calls for modest improvements to the exterior of the property, including the planting of one tree and three shrubs on the property and the addition of a fourth parking stall in the parking area between the two buildings. The applicant has not indicated the scope of any other improvements to the site with the first phase beyond these, instead stating that additional exterior improvements will be done with the second phase.

Regarding the economic impacts of the project, the applicant indicates that the additional basement unit will be for his occupancy, stating in the letter of intent that owner-occupied housing is "greatly desired" in the Mifflin neighborhood. The Planning Division agrees with the applicant's general assertion about the desirability of owner-occupied housing in the downtown area. Staff encourages the Plan Commission to consider whether this outcome can be justified through the use of Planned Unit Development zoning.

In considering the request, the Plan Commission should consider the potential precedent approval of this planned unit development could set for other similarly developed properties in the Mifflin neighborhood and other neighborhoods. By itself, the addition of a basement unit to an existing building isn't strong justification for a Planned Unit Development rezoning. The addition of the carriage house at the rear of the property may better justify the use of PUD zoning, but there are currently no details available for that structure for the Plan Commission to consider.

However, staff has been told that the neighborhood association supports the request, as does the alder.

RECOMMENDATION

If the Plan Commission can find that the standards for approval for planned unit developments can be met, the Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3294 & 3295, rezoning 430 W. Dayton Street from R6 (General Residence District) to PUD-GDP-SIP, to the Common Council with a recommendation of approval for only the addition of the dwelling unit in the basement of the existing three-unit building, subject to input

at the public hearing and the conditions below. Consideration of the future carriage house should be postponed until the applicant has submitted additional information on that building when available.

The conditions of approval for the added basement dwelling unit are:

1. Comments from reviewing agencies.
2. That all of the application materials be revised to eliminate references to the demolition of the existing single-family residence and construction of a carriage house at the rear of the subject site prior to recording of the planned unit development and the issuance of any permits for the installation of the fourth dwelling unit.
3. That the zoning text be revised per Planning Division approval as follows:
 - a.) that the permitted uses be: "Multi-family residences as shown on the approved plans;"
 - b.) that signage in this PUD be limited to the maximum permitted in R6 zoning and as approved by the Zoning Administrator and Urban Design Commission.



Department of Public Works
City Engineering Division

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DATE: September 18, 2007
TO: Plan Commission
FROM: Larry D. Nelson, P.E., City Engineer
SUBJECT: *for* 430 West Dayton Street Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Provide detailed site plan to show existing and proposed drainage for the site and show existing and proposed sanitary sewer laterals for each building.
2. Provide revised detailed site plan to better identify the existing and proposed floor plans and primary access locations for all buildings and units.
3. Coordinate an updated address plan for this site with Engineering Program Specialist Lori Zenchenko via email lzenchenko@cityofmadison.com or 266-5952.
4. Provide revised detailed site plan to better identify the required features listed below.
 - 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
 - g) Lot numbers
 - h) Lot/Plat dimensions
 - i) Street names

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

NONE.

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City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: December 5, 2007	
TITLE: 430 West Dayton Street – Demolition of a House, Conversion of a Basement Into a Dwelling Unit in an Existing Three-Unit Building and the Construction of a New Three-Story House on the Rear of the Same Lot, PUD(GDP-SIP). 4 th Ald. Dist. (07292)	REFERRED:	
	REREFERRED:	
	REPORTED BACK:	
AUTHOR: Alan J. Martin, Secretary	ADOPTED:	POF:
DATED: December 5, 2007	ID NUMBER:	

Members present were: Lou Host-Jablonski, Chair; Bruce Woods, Richard Wagner, Bonnie Cosgrove, Marsha Rummel, John Harrington and Richard Slayton.

SUMMARY:

At its meeting of December 5, 2007, the Urban Design Commission **GRANTED INITIAL APPROVAL** of a PUD(GDP-SIP) located at 430 West Dayton Street. Appearing on behalf of the project Brandon Cook, and Robert Holloway, representing the Capital Neighborhood Association. Prior to the presentation staff and Cook noted changes to the project as currently proposed as a departure from the version reviewed by the Commission on August 22, 2007. The previous version provided for development in two phases, with Phase One providing for an addition to the rear of the existing 3-unit, 3-level building at the site incorporating an attached garage at the lower level and additional living space on the second and third floor stories and the creation of a basement 3-bedroom unit. Future Phase Two of the project involved the demolition of an existing two-story house at the rear of the property to be paved for additional parking, in addition to the addition at the rear of the existing structure. The current proposal provides for the creation of the basement unit within the front 3-story, 3-unit building as part of Phase One, with Phase Two providing for the demolition of the existing 2-story single-family structure to the rear with a proposed three-story “carriage house” with parking on the ground floor level and a residential unit on the second and third stories. The carriage house plan consists of only a site plan showing a proposed building footprint in relationship to adjoining lot lines. The development of a basement unit within the existing structure as part of a Phase One combined with the future development of the proposed carriage house as Phase Two constitutes the PUD-GDP component of the rezoning on the property with consideration of approval of the creation of the basement unit as Phase One as a PUD-SIP. Following a review of the plans staff noted a problem with the structure of the modified proposal not being consistent with the ordinance for the redevelopment of the site as originally introduced, which did not reflect separate provisions of the project as currently proposed. Ald. Verveer appeared and spoke in favor of the proposed project, noting support of the neighborhood association and provisions for owner-occupancy within the proposed basement unit. Following the presentation the Commission noted the following:

- The previous review of the project requested that the applicant examine the development of a true “carriage house” structure that would provide for the development dwelling units on the upper level and

enclosed parking on the lower level such as found in various areas around the Williamson Street corridor. The submittal and presentation were absent of any building plans and details on the proposed carriage house, outside of a site plan which lacked sufficient details on parking, access, landscaping and other elements.

- Specific details on the number of stories, the appearance, style and overall architecture of the building to be developed as part of Phase Two need to be provided.
- The future Phase Two building has location issues relevant to the adjoining lot line; construction and firewall issues with considerations for zero lot line development requested as an alternative.
- Relevant to the exterior of the existing 3-story, 3-unit building the issue was restated relevant to the relationship of the upper 3rd story balcony with the lower two balcony structures and the need to provide for a more consistent design to eliminate the support poles for the third floor balcony that obstructed the lower level balconies as extended down to the ground level.
- The coloration of the building, yellow and green was also questioned.
- The Commission generally felt uncomfortable with approving a PUD-GDP for future phase two without a more detailed proposal on the appearance, size and architecture of the proposed structure, as well as its relationship to adjoining properties.
- The development of a basement unit as part of the phase one approval was generally supported.

The Commission requested staff advice a motion that would allow for approval of the creation of a basement unit with an SIP level of approval and still resolve the issues with consideration of the Phase Two carriage house as part of the overall PUD-GDP due to the lack of sufficient details and plans.

ACTION:

On a motion by Slayton, seconded by Woods, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a unanimous vote of (7-0). The motion required address of the above stated concerns upon final review of the project, and the following:

- Revise balconies and porches on front to look like more traditional with front end posts that come down the sides of the upper third floor level balcony and don't obstruct the front view of the lower two tiers of balconies and porches.
- Provide more detailed plans for the carriage house design, including specific plans, site design and footprint information and proposed landscaping to include consideration of zero lot line, architecture and details of the proposed three-story structure with more extensive landscaping and plantings, especially within the interior of the property.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 1, 4.5, 5, 5, 5.5 and 6.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 430 West Dayton Street

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	4	5	4	-	-	-	5	4.5
	-	-	-	-	-	-	-	5.5
	-	-	-	-	-	-	-	6
	1	1	0	-	-	-	-	1
	5	5	-	-	-	-	5	5
	5	5	4	-	-	5	6	5

General Comments:

- This is a fine start, but we need many more details the next time we see it.
- Good idea, but needs more details and resolution.