

PLANNING DIVISION STAFF REPORT

December 17, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 222 N. Charter Street (District 8 – Ald. Wood)
Application Type: Planned Development Zoning Map Amendment, Demolition, & Official Map Amendment
Legistar File ID #s: [53608](#), [53276](#) and [53617](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner
Heather Stouder, AICP, Planning Division Director

Summary

Applicant & Owner: Jim Stopples; Stopples 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 three requests before the Plan Commission in order to construct a 12-story, 43-unit apartment building:

1. *Demolition Permit* to demolish the single-family residence located at 222 N. Charter Street
2. *Planned Development Zoning Map Amendment* to change the zoning of property generally located at 222 N. Charter Street from TR-U2 (Traditional Residential - Urban District to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District;
3. *Official Map Amendment* to reduce the width of an Official Map Reservation in order to construct a 14-foot wide multi-use path along the southern edge of the subject site.

Note: Based on the submitted materials, the Planning Division understands that this proposal is for the same development that was previously submitted and placed on file without prejudice. This included a Zoning Map Amendment request (Legistar File ID [50129](#)) that was Placed on File without Prejudice by the Common Council on April 10, 2018; the associated Official Map Amendment request (Legistar File ID [50909](#)) that was Placed on File without Prejudice by the Common Council on May 15, 2018; and the associated Demolition Permit request (Legistar File ID [49807](#)) that was Placed on File without Prejudice by the Plan Commission on March 19, 2018.

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], Demolition Permits [MGO §28.185(7)], and Official Map Amendments [MGO §16.25(6)]. 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. This request was also referred to the Joint Campus Area Committee for an advisory recommendation.

Summary Recommendation: The applicant has submitted a new application for a development which is the same as an application that was placed on file without prejudice earlier this year.

The Planning Division again 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. As discussed in this report, the Planning Division's primary concerns are with the proposal's inconsistencies with the Regent Street – South Campus Neighborhood Plan. Due to more specific recommendations in the updated Comprehensive Plan, adopted in August 2018, staff also have concerns regarding whether the standards for Zoning Map amendments, [28.182(6)] can be found met. Should the Plan Commission again concur, it should move to recommend/place these requests on file. The Plan Commission must provide findings of fact, listing the standards that have not been met and the reasons such standards were not met.

However, should the Plan Commission disagree and find that the proposal meets the approval standards, it should approve the demolition permit and forward the proposed Zoning Map and Official Map Amendments to the Common Council with recommendations of approval. These recommendations are subject to the input at the public hearing and the comments and conditions recommended by reviewing agencies. In this situation, the Planning Division requests that the Plan Commission's findings are specified. The Planning Division is concerned about setting future precedents for not following adopted plan recommendations for future redevelopments. Staff also have concerns regarding the consistent application of the standards related to this application, considering that the same development proposal was previously not found to have met the standards when reviewed earlier this year.

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 (2018) recommends Special Institutional (SI) 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.

Zoning Summary: The property is zoned Traditional Residential – Urban 2 (TR-U2) but is proposed to be rezoned to the PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District.

Requirements	Required	Proposed
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.
Maximum Building Height	As per approved plan.	As per submitted plan.
Number Parking Stalls	As per approved plans	16 moped stalls (See Comment #45)
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 (See Comment #46)
Landscaping	Yes	Yes (See Comment #47)
Lighting	Not required	Yes
Other Critical Zoning Items	Urban Design (PD); Barrier Free (ILHR 69); and Utility Easements	

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Previous Requests: At its April 10, 2018 meeting, the Common Council Placed on File without Prejudice a Zoning Map Amendment request (Legistar File ID [50129](#)) to rezone 222 N. Charter Street from the Traditional Residential – Urban 2 (TR-U2) District to the Planned Development (General Development Plan, Specific Implementation Plan) (PD(GDP-SIP)) District in order construct a 12-story, 43-unit apartment building. The Plan Commission found that the proposal did not meet Planned Development Zoning Map Amendment approval standards 28.098(2)(a), 28.098(2)(b), 28.098(e), and 28.098(f).

At its March 19, 2018 meeting, the Plan Commission Placed on File without Prejudice a Demolition Permit request to demolish a single-family residence at 222 N. Charter Street (Legistar File ID [49807](#)) in order construct a 12-story, 43-unit apartment building. The Plan Commission found that it did not meet the demolition standards in Section 28.185(7)(a)2 of the Zoning Code. 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 comments which are summarized as an attachment to this report

At its May 5, 2018 meeting, the Common Council Placed on File without Prejudice an Official City of Madison Map Reservation amendment request (Legistar File ID [50909](#)) to reduce the width of an Official Map Reservation – for future streets, highways and parkways parallel to the rail line across the zoning property located at 222 N. Charter Street – from 17 feet to approximately 2.6 feet in order to construct a 14-foot wide multi-use path along the southern edge of the subject site.

Current Application: The Common Council referred the Zoning Map Amendment to the Joint Campus Area Committee (JCAC) for an advisory opinion. That body is charged, in part, with making recommendations on private sector developments inside the campus boundary and for projects within a quarter mile of the UW campus boundary. Their advisory recommendation can include whether a project should be approved and/or strategies to mitigate negative impacts. At their November 7 meeting, the JCAC voted to recommend this request not be approved. The minutes of that meeting are provided as an attachment.

As with all Planned Developments, this project has also been reviewed by the Urban Design Commission (UDC) for an advisory recommendation. The UDC is to 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. As described in the report, at their November 21 meeting, the UDC recommended final approval, finding that these standards were met.

Project Description

There are three approval requests before the Plan Commission that include the aforementioned demolition permit, planned development zoning map amendment, and official map modification.

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 standards and procedures for Demolition Permits [MGO §28.185(7)], Zoning Map Amendments [MGO §28.182(6)], Planned Developments [MGO §28.098(2)] and Official Map Amendments [MGO §16.25(6)]. The analysis below begins with a summary of the adopted plan recommendations as the specific approval standards reference these documents.

Conformance with Adopted Plans

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 proposed above-ground building floor area or roughly 53 percent of the building, is located within the recommended setback and stepback areas. Please See **Attachment 1** at the end of this report for a graphic comparing this proposal to these recommendations.

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.

Finally, the Regent Street 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.

Since review of the previous submittal earlier this year, the City has adopted an updated Comprehensive Plan. The [Comprehensive Plan \(2018\)](#) recommends Special Institutional (SI) uses for the subject site. The Plan provides guidance for conditions where the site is not under University ownership. Map Note 5 states that if such privately-owned parcels redevelop, *“their use and design should be consistent with adopted sub-area plans, the most relevant of which, as of the adoption of this Plan, is the Regent Street-South Campus Neighborhood Plan. In the rare case where private redevelopment is proposed for an area that is not covered by a sub-area plan, multifamily residential and mixed-use development shall be considered appropriate, so long as the scale, massing, and design of the building fits in with the surrounding context, as determined by the Plan Commission and City Council.”*

Further, this Plan also recommends that SI uses should be served by public transit, if feasible, and good bicycle and pedestrian access should be provided to and within the site. Accessing the site via biking and walking should be encouraged with site design elements such as placing the building close to the street and providing bicycle parking close to building entrances. It also states that large SI uses are often highly visible and should be designed to fit gracefully with, rather than dominate, their surroundings.

While Staff does not believe the proposed use is inconsistent with the Plan’s Special Institutional (SI) land use recommendation, staff note that the proposal is consistent with some, but not all of the specific design recommendations of the Regent Street-South Campus Neighborhood Plan, as discussed above.

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 "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." Concerns related plan consistency are discussed in the above section and staff have significant concerns whether this proposal can be found consistent with the Comprehensive Plan, due to specific reference to the Regent Street – South Campus Neighborhood Plan.

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 again 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 November 21, 2018, the Urban Design Commission found that the Planned Development Standards were met and recommended approval of the proposal on a 4-3 vote.

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

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.

As with the previous submittal, the current proposal has also been determined by City Engineering to not be 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 proposed amendment would reduce the reservation from 17 to approximately 2.6 feet. The current plans include an on-site, 14-foot wide multi-use path along the building’s southwest side. The path runs beneath building floors 2-12. If approved, a public easement would be granted to provide access for the bike path. During

the review of the previous submittal, City Traffic Engineering stated that the reservation would provide an important future bike and pedestrian connection between the Southwest Path, Union South, and the University Avenue protected bike lane.

In regards to the process and standards for amending the official map, the Common Council, whenever and as often as it deems necessary for the public interest, may amend the official map of the City so as to establish the exterior lines of the airports, airport affected areas, planned new streets, highways, waterways and parkways, railroad rights-of-way, public transit facilities, parks or playgrounds; or to widen, narrow, extend or close existing streets, highways, waterways and parkways, railroad rights-of-way, public transit facilities, parks or playgrounds. The Common Council must hold a public hearing, upon sending required notice, upon the amendment. The Common Council shall refer any proposed amendment to the official map to the City Plan Commission for review and report thereon prior to adoption.

Public Input

Public comment both in support of and in opposition to the request has been provided at the time of report writing. Copies are included with the Plan Commission materials.

Conclusion

The applicant has submitted a new application for a development which is the same as an application that was placed on file without prejudice earlier this year. As with the previous submittal, the applicant proposes to demolish an existing single-family residence in order construct a 12-story, 43-unit student-oriented apartment building. 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 again believes that careful consideration should be given to the adopted plan recommendations and approval standards. Despite being consistent with some aspects of the [Regent Street – South Campus Neighborhood Plan \(2008\)](#), including encouraging higher-density housing in this area, the Planning Division cannot definitively conclude that the approval standards for Planned Developments, Zoning Map Amendments, and Demolition Permits are met. Key points of inconsistency from the Plan include setback and stepback recommendations, which did not anticipate this large of a development on a parcel of this size. While Staff acknowledge that the building does accommodate a 14-foot-wide multi-use path amenity beneath its 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.

However, 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 that 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 adopted plan recommendations for future redevelopments. Staff also have concerns regarding consistent application of the standards related to this application, considering that the same development proposal was previously not found to have met the standards when reviewed earlier this year. If approved, staff requests that findings also include the specific factors used in determining why this development proposal, which has not been altered since previously being placed on file, has now been found to meet the various approval standards.

Recommendation

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

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. Due to more specific recommendations in the updated Comprehensive Plan, adopted in August 2018, staff also have concerns regarding whether the standards for Zoning Map amendments, [28.182(6)] can be found met. Should the Plan Commission concur, staff recommend that the Zoning Map Amendment IDs 28.022 - 00350 and 28.022 - 00351 be forwarded to the Common Council with a recommendation to **Place on File** and that the Demolition Permit be **Placed on File**. The Plan Commission should also then recommend the Official Map Amendment be Placed on File.

In the alternative, if the Plan Commission finds that the proposal meets the approval standards, it should forward Zoning Map Amendment IDs 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. It should also recommend approval of the Official Map Amendment to the Common Council. 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.
2. The applicant shall update the Official Map Exhibits, Exhibit “C” in particular, based on agency feedback related to the associated Certified Survey Map (Legistar File ID [50870](#)).
3. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on outward-facing walls is not included in this approval and will require approval of an alteration to this conditional use should they be proposed at a later time.

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

4. Developer will be required to build City sanitary sewer on North Charter Street north to West Johnson Street.
5. 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.

6. 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)
7. 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))
8. 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)
9. 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.

10. 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.
11. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b))

12. 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.
13. 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)
14. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
15. 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 troester@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).
16. 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.
17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
18. 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))

19. 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)
20. The Applicant shall Construct right of way & easement improvements/restoration to a plan as required by City Engineer

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

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| <p>21. 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. An Official Map Amendment is necessary to permit the project as proposed. Adoption by the Common Council for of any map amendment is required.</p> |
|---|
22. 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.
 23. A public Bike and Pedestrian Easement shall be granted on the required Certified Survey map for the proposed public path shown on the site plan.
 24. The 222 N Charter St address shall be retired with the demolition of the single family house. The address of the proposed building is 224 N Charter St. The site plan sheets shall reflect the 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.
38. "Stop" signs shall be installed at a height of seven (7) feet 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.
39. To allow for proper pedestrian movement and prevent encroachment from irregularly parked bicycles or bicycle with trailers, all bicycle racks shall have a 5' backup space.
40. Applicant shall submit for review a residential moving plan. This plan will include all parking regulations near the site as well as how a new resident may apply to receive city issued No Parking signs and Meter Hoods.
41. The planting plan included in this set appears to have plantings within the bike path and pedestrian easement, please remove all plantings from the easement to allow clearance for pedestrian traffic.

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

42. 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).
43. 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.
44. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
45. 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.
46. Clearly show the location of the two surface bicycle stalls located adjacent the moped parking area at the west side of the building. Show the dimensions of the surface bicycle stalls on the site plan and first floor plan. A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit bike rack details for the floor mounted and wall mounted bike racks.

47. Submit the landscape worksheet to accompany the landscape plan.
48. 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.
49. 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)

50. IBC 1028.3 Ensure that the exit discharge is sufficiently open to the exterior so as to minimize the accumulation of smoke.

51. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Tracy Burrus at tburrus@cityofmadison.com or (608)266-5959.

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

52. 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# 17171 when contacting Parks about this project.
53. 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.
54. 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.
55. Additional 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 -

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

56. 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.
57. 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.
58. 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.
59. Cut off and cap existing 1-IN copper service lateral at connection to existing water main at the time of connecting new 6-IN water service laterals.
60. 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 THE SETBACKS AND STEPBACKS RECOMMENDED IN THE REGENT STREET SOUTH CAMPUS NEIGHBORHOOD PLAN

Note: the inconsistencies identified in the graphics below are the same as those identified in the submittal which was Placed on File without Prejudice by the Plan Commission and Common Council earlier this year.

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

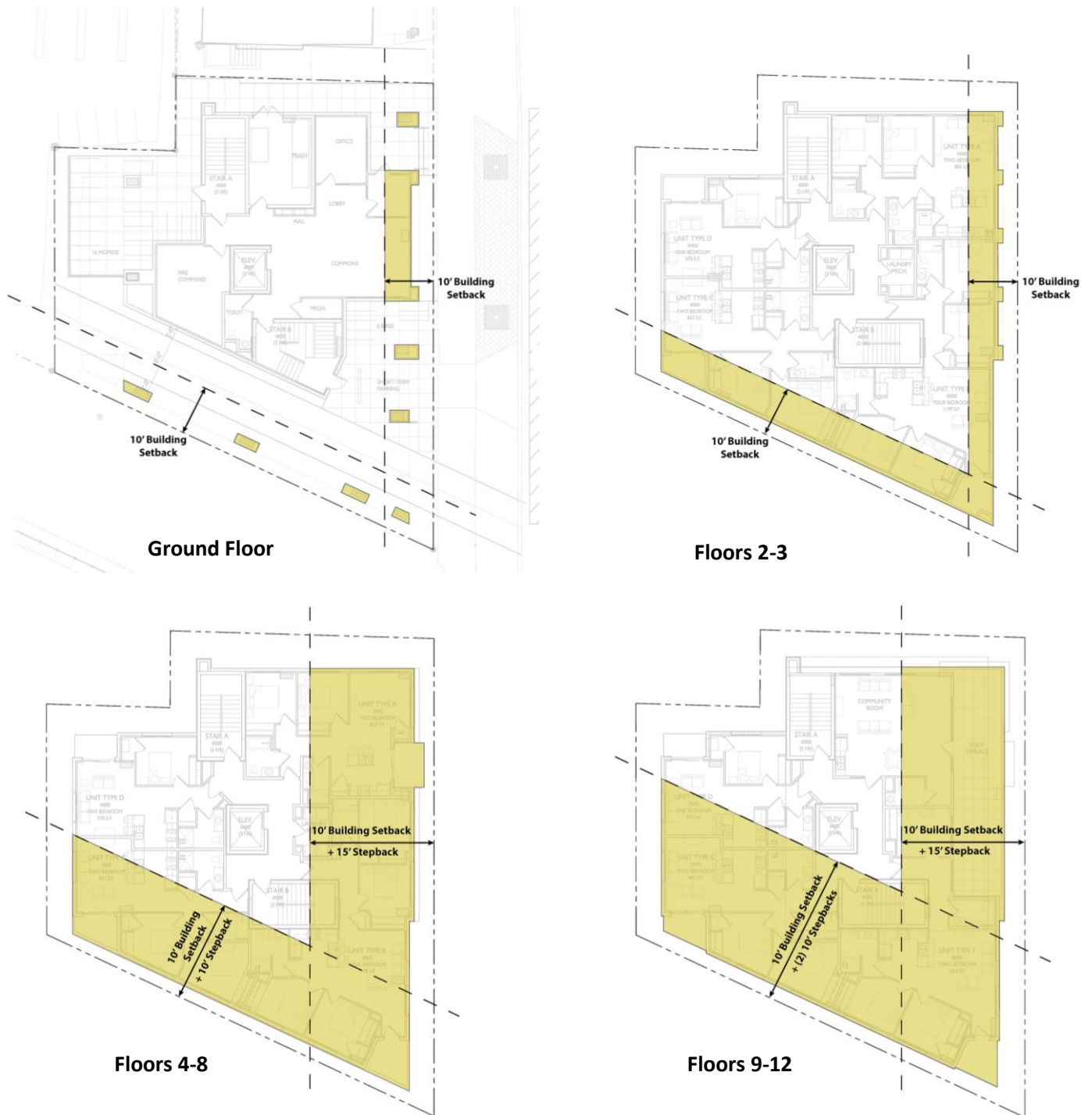
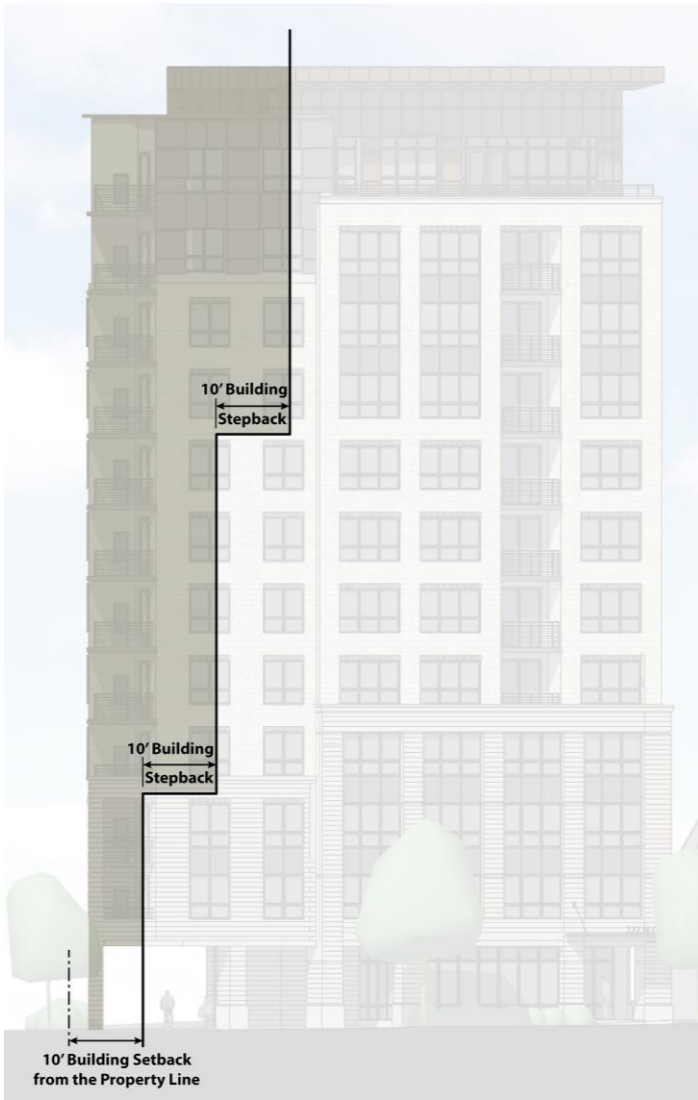
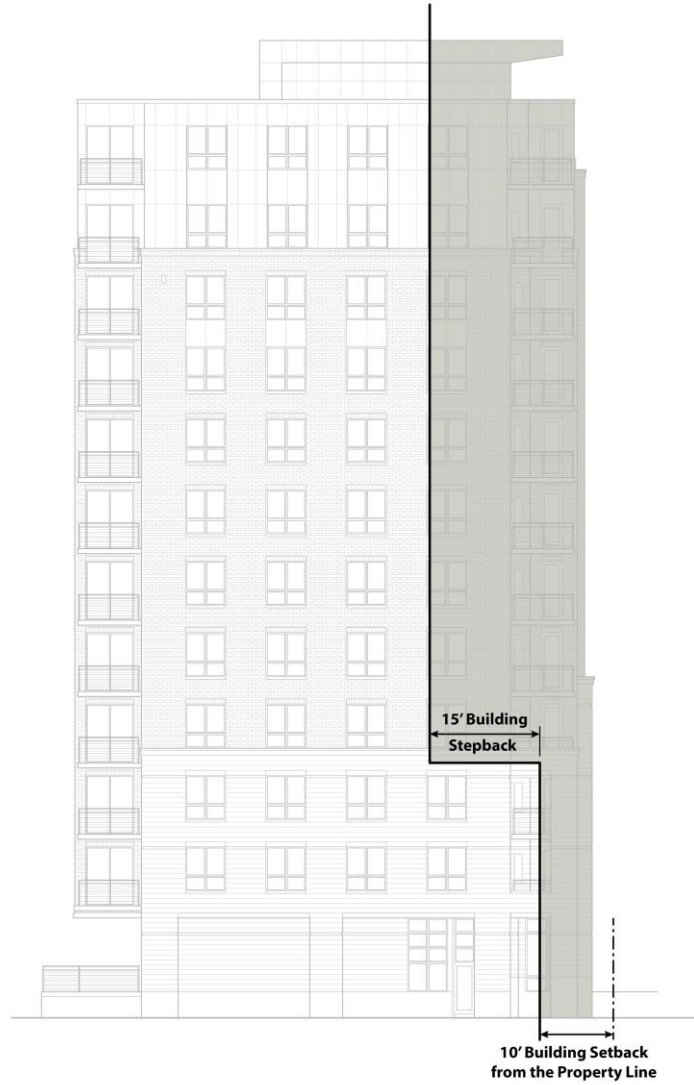


Image 2: Elevations (Areas Inconsistent with Plan Are Shaded)



Charter Street Elevation



South Elevation (Along RR Tracks)

ATTACHMENT 2

SUMMARY OF INFORMATIONAL COMMENTS PREVIOUSLY PROVIDED BY THE PLAN COMMISSION

The following information was previously provided to the Plan Commission upon consideration of the previous consideration of this request on March 19, 2018.

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).