



## Report to the Plan Commission

October 15, 2012

Legistar ID # 27436 & 27777

125 North Bedford Street

Demolition Permit & PUD Zoning Map Amendment

Report Prepared By:  
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Planning Division

**Requested Action:** Approval of a demolition permit for a single-family home and a rezoning to the Planned Unit Development-Specific Implementation Plan (PUD-SIP) district to allow for the construction of an eight (8) unit apartment building.

**Applicable Regulations & Standards:** This project is subject to the standards for demolitions, zoning map amendments, and planned unit developments. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for Planned Unit Developments.

**Summary Recommendation:** Should the Plan Commission find the applicable standards are met, it should approve the requested demolition for 125 North Bedford Street. and forward Zoning Map Amendment 3625, rezoning 125 North Bedford Street from R6 (General Zoning District) to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Applicant / Contact / Owner:** Todd Meinholz, 3229 Mound View Road; Verona WI 53593

**Proposal:** The applicant proposes to demolish a single-family home for the purpose of constructing a four-story, eight (8) unit apartment building.

**Parcel Location:** The subject property is located on the west side of North Bedford Street, across from the District office for the Madison Metropolitan School District. The parcel is within Aldermanic District 4 and within the limits of the Madison Metropolitan School District.

**Existing Conditions:** Information regarding the existing conditions and buildings proposed for demolition is included within the body of this report.

**Adopted Land Use Plan:** This property is within the planning area for the Downtown Plan and is within the Mifflin-Bassett Sub-District of Downtown in the Comprehensive Plan. Further information is included in the body of this report.

### Surrounding Land Use and Zoning:

North: Single-Family homes with a two-unit home immediately to the north, zoned R6 (General Residence District);

South: Single-Family homes, zoned R6;

East: Two and three-family units, zoned R6; and

West: The Madison Metropolitan School District administrative offices, zoned C (Conservancy).

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

**Zoning Summary:** The property is currently zoned R6. This project is being rezoned to the Planned Development (PUD) district and there are no predetermined bulk requirements. A report was not available at the time of writing.

## **Project Review**

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The applicant requests approval of a demolition permit for a single-family home and for a rezoning to the Planned Unit Development-Specific Implementation District (PUD-SIP) for the purpose of constructing an eight-unit apartment building. This proposal is subject to the approval standards for demolitions, zoning map amendments, and planned unit developments.

The 5,134 square foot subject site is a narrow 33 foot-wide property which is approximately 165 feet long at its deepest point. It is the longest lot along the subject block. The property currently shares a 11-foot wide gravel driveway with the two-flat structure to the north at 127 North Bedford Street. That gravel driveway leads to parking areas behind both existing buildings.

The house proposed for demolition is a 1,047 square foot single-family home constructed in 1864. It includes three bedrooms, one full bathroom, and one half bathroom. The home was purchased by the applicant in 2010 according to City Assessor's records. Staff understands the home has been utilized for student housing. Photos of the home are included in the packet and can be viewed online at the following link: [http://www.cityofmadison.com/planning/projects/reports/125nbs\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/125nbs_photos.pdf) This house is set roughly four feet from the southern property line (seven feet from the adjacent house) and 12 feet from the northern property line (19 feet from the current house). Further analysis as it relates to the demolition approval standards is included in the following section.

The proposed structure is a four-story, eight (8) unit apartment building. The building includes seven (7) three-bedroom units and one (1) two bedroom unit creating a total of 23 total bedrooms. The two bedroom unit is 742 square feet with the remaining three bedroom units ranging from 833 to 940 square feet. The project has a calculated density of about 66 dwelling units per acre.

As to building form, the structure is relatively long and narrow, with a width of just under 23 feet and a depth of close to 105 feet. The building features a front porch, which is setback just over 10 feet from the front property line. The building itself is recessed nearly six feet behind the porch. The building has a 6 foot, 9 inch side yard setback to the south and a 3 foot, five inch setback to the north.

No automobile parking is provided, however the site includes 24 covered bicycle stalls and five moped stalls to the rear of the site.

The building is proposed to be clad in a combination of concrete masonry units along the first floor with composite horizontal siding. A small band of EIFS is proposed along portions of the base of the building.

## **Project Analysis and Conclusion**

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The proposed project could not be constructed under the existing R6 District (General Residence District). The project would not meet R6 standards for lot area, setbacks, and usable open space. As such, the applicant has requested rezoning to the Planned Unit Development (PUD) zoning district. In making their recommendation to the Council, the Plan Commission will need to consider whether the proposal is consistent with the Comprehensive Plan, the general zoning map amendment standards, and the PUD approval standards. The Plan Commission would also need to find the demolition standards are met prior to granting the requested demolition permit.

### Adopted Plan Recommendations

As with any zoning map amendment, the Plan Commission shall not recommend the adoption of a proposed rezoning without due recognition of the master plan of the City.” In addition, 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 to 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.”

The Comprehensive Plan includes this property within the Downtown’s Mifflin-Bassett sub district. That district recommends multi-unit high-density residential development (up to 60 units or more dwelling units per acre) and includes a general height recommendation of two to four stories.) The proposal is consistent with these general parameters. The plan also identifies a key issue in this sub area is whether redevelopment is consistent with the predominant scale of buildings in the area. There are several policies within the land use chapter that pertain specifically to infill development. In summary, these address compatibility with surrounding development and/or consistency with adopted plan recommendations. The Comprehensive Plan also states that refinements of the downtown sub-districts may occur as City-adopted detailed neighborhood development plans or special area plans are prepared for the Downtown Area.

The recently adopted Downtown Plan includes the subject property within the Mifflin subarea and identifies the subject block for “potential redevelopment and infill,” labeling this property and block as an “underutilized site and/or obsolete building.” The concept illustration in the adopted plan depicts redevelopment on the subject block with larger buildings. Additionally, the recommended height map recommends building heights up to six stories on this block. The plan also specifically states:

**Downtown Plan, Objective 4.3** The Mifflin neighborhood should build on its strong history as an affordable student-oriented residential enclave. It should evolve a strong sense of place by retaining the consistent scale and rhythm of the largely intact blocks of houses that form its core along the 400-500 blocks of West Mifflin Street and West Washington Avenue. Larger-scale redevelopment projects should be directed to the perimeter of the area along Broom, West Dayton, and Bedford Streets, with smaller-scale infill projects occurring along a new mid-block urban lane.

Finally, the Mifflin area has been identified by the Common Council as an area of detailed future study. That study is anticipated to create more Mifflin-specific recommendations regarding building form, setbacks and design. So while there is not specific guidance on exact form for redevelopment for this area, there are general recommendations supporting larger redevelopment on this block. Considering the redevelopment recommendations in the Downtown Plan, staff believe that the proposal, on balance, is consistent with adopted plans.

### Planned Unit Development Standards

Planned unit developments are intended to promote improved environmental and aesthetic design by allowing for greater freedom, imagination, and flexibility compared to conventional zoning districts. The Planned Unit Development approval standards include the character and intensity of land use, economic impact, maintenance of open space, and the implementation schedule. While there are arguments to be made in support of the project, staff has some questions related to the standards.

Staff's primary questions relate to meeting the Character and Intensity of Land Use criteria, especially sub criteria a, b, and d which state that 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.
- 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.

### *Character and Intensity - Bulk and Mass Considerations*

At four stories and nearly 105 feet in length, the building will be significantly longer than the more modest single and two family dwellings now in this block. While this development form is certainly different than that in the surrounding blocks, future redevelopment in this block may involve assembling other properties and could be larger, based on the adopted plan recommendations.

Staff has met several times with the applicant, both before and after making this application. Some changes have been made, including much improved articulation of the building sides through the addition of the projecting bays shown on the plans. The applicant has indicated to staff that he is not able to further reduce the size of the building or add upper floor setbacks and make the project financially feasible.

Staff notes that the bulk and mass of the project received a recommendation for initial approval from the Urban Design Commission. The UDC minutes are attached. No decision was made on the exterior materials, however.

It is also noted that a similar project was approved as a Planned Unit Development roughly two blocks away at 431 W. Dayton Street in 2010. Compared to building in this proposal, that building was about two feet wider and about 19 feet shorter, though also included 23 bedrooms. The subject property is larger than this Dayton Street site, and therefore, this proposal has a slightly smaller percentage of building coverage. Staff notes that that the Dayton Street project had even smaller sideyard setbacks compared to those proposed here.

### *Character and Intensity - Material Considerations*

Staff had also recommended the applicant consider more durable materials, including adding a predominantly brick façade, though staff is aware the applicant has concerns about the financial feasibility. A few interim concepts were provided that introduced some additional masonry, though some of these were viewed as problematic as they introduced a fifth story element or otherwise provided too many material changes, especially considering the narrow width of the front façade. Staff believes that the EIFS band proposed along the base of the building is problematic from a durability standpoint.

Staff understands that the UDC was presented two versions of exterior materials, though did not recommend approval of either, anticipating they would take action on the materials as part of their final approval should the Plan Commission recommend approval.

The aforementioned Dayton Street building features brick front and rear facades with block along the sides. In recommending approval of that project staff noted “the design of the building and the use of high quality exterior materials should provide for sustained aesthetic desirability.”

The applicant indicates that the block and composite horizontal siding material palette was previously used on a three story 25-unit PUD at 201 North Blair Street, approved in 2001.

### *Other PUD Criteria*

In regards to the “Preservation and Maintenance of Open Space” criterion, staff notes the project includes 830 square feet of yard space and 162 square feet of balcony space. While this is below what is required by the current R6 Zoning District, it would exceed the useable open space standards in the (recommended, but not adopted) new Zoning Code for the Downtown Residential 2 (DR2) district which is recommended for this property.

In regards to the Implementation Schedule, project construction would begin in early 2013 with completion scheduled for August. As a condition of approval, staff recommend that the applicant provides the ordinance-required proof-of-financing information as specified in the recommended conditions.

Staff believes the criterion for economic impact can be met.

### Demolition and Removal Standards

This proposal is also subject to the demolition and removal standards of the Zoning Ordinance and staff believes these standards can likely be met. In considering these standards, the Plan Commission must find that the proposed demolitions are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. Regarding the former, staff note that as this request is proposed in conjunction with a PUD zoning map amendment, and that portion of the standard can likely be met.

Regarding the latter, the Statement of Purpose of the demolition section states, in part, that the purpose of these standards are to aid in the implementation of adopted City Plans, protect neighborhood character, preserve historic buildings, and encourage the relocation of existing buildings. These standards also state the project should be consistent with adopted plans. While the resulting building

introduces a new form and character to the block, adopted plans recommend this subject block for redevelopment citing underutilization and obsolete structures.

The applicant states that he believes that the building has reached the end of its useful life. The Planning Division has not performed a formal inspection of the property. Based on the submitted photos, there is evidence of worn interior finishes, though staff is not aware of the building having significant structural issues.

The Landmarks Commission was not required to make a formal recommendation on this proposal since none of the buildings are landmarks or adjacent to landmarks, nor is the site within a local historic district. As with all demolition requests, the Preservation Planner shares proposed demolition requests with the Landmarks Commission. The historic value of the existing building was discussed at the July 16, 2012 meeting of the Landmarks Commission. The Landmarks Commission voted convey to the Plan Commission that "while the Landmarks Commission finds there is no known historic value associated with this structure, the Commission deeply regrets the continued loss of vernacular housing stock and the continued fraying of the cultural fabric. The Landmarks Commission strongly encourages the Plan Commission to request that the building be relocated or salvaged to the greatest extent possible."bbThere is no information in the application related to feasibility on relocating the structure.

#### Public Input and Concerns from Adjacent Property Owner

At the time of report writing, staff has received a letter of support from the Mifflin West Sub-Committee. This letter is attached.

Staff have also received correspondence from the adjacent property owner of 127 North Bedford Street, the property immediately to the north. Several objections to this proposal are noted including concerns over impacts on the shared driveway, lack of a loading zone, and compatibility with the overall neighborhood character. In regards to the driveway, staff note that the shared gravel driveway now provides access to rear parking areas on both properties. A note on the plans indicates there is a recorded shared driveway agreement. The applicant has since indicated that this label is an error, and indicates there is no such formal agreement. City staff, including Engineering Mapping, do not have a record of any such agreement. The adjacent property owner has raised concerns about narrowing the driveway. As proposed, there is just over nine feet between the buildings. This includes an existing 2-3 foot private sidewalk adjacent to the 127 structure. Zoning indicates that a compliant driveway must have a minimum width of at least eight feet. Staff understands the applicant has contacted the neighbor about entering into a formal shared driveway agreement, though no agreement is in place at this time. In regards to a loading zone, the building is just beneath the 10,000 square foot size limit which requires a loading zone.

#### Conclusion

The proposed redevelopment project would introduce a new, larger building form in the middle of a block now developed with predominantly smaller single-and two family homes. That being noted, this area is identified as a potential redevelopment area in the Downtown Plan. The recommendations support larger redevelopment of the subject block, with buildings up to six stories in height. The area has also been identified as an area for more detailed study, which would further define the preferred mass and design characteristics. Those more detailed standards are not yet created. Staff believe the proposal is consistent with existing general recommendations for bulk, size, and density within the Downtown and Comprehensive Plans.

With this project, staff's primary questions lie with the "Character and Intensity of Land Use" standards for Planned Unit Developments as noted in the above analysis. However, considering the recommendations of the Urban Design Commission and the approval of a similar project within the past two years, staff believes the Plan Commission may be able to conclude the standards are met.

The applicant has participated in multiple neighborhood meetings and there is an attached letter of support from the Mifflin West Subcommittee. Staff is also aware of significant concerns on this proposal from the adjacent property owner of the two-flat residence to the north. These comments are provided.

The Plan Commission should give careful consideration to this application, the submitted comments, and the testimony provided at the public hearing in making a finding on whether the applicable zoning map amendment, planned unit development, and demolition standards can be met.

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

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

Should the Plan Commission find the applicable standards are met, it should approve the requested demolition for 125 North Bedford Street. and forward Zoning Map Amendment 3625, rezoning 125 North Bedford Street from R6 (General Zoning District) to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of approval. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the applicant receives final approval from the Urban Design Commission, prior to this item coming before the Common Council for final approval.
2. As required by the Zoning Code for Planned Unit Developments, the applicant shall provide proof of financing which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued. This information should include a letter of commitment from a bank or other lending institution and a letter from a construction company indicating their intent to proceed with the project or other commitments as required by the Director.

***The following conditions/comments have been submitted by reviewing agencies:***

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

3. The proposed building crosses underlying platted lot lines that may need to be dissolved by a one-lot Certified Survey Map (CSM) in accordance with current building codes. A CSM application for this property may be required and the CSM recorded with the Register of Deeds (ROD). When the recorded CSM image is available from the ROD, the Assessors Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

4. Preliminary addresses shown with this application have been approved by Engineering Mapping.
5. All roof and surface water shall be directed to Bedford Street. The area behind this development is an enclosed depression and additional discharges to this area shall not be allowed.
6. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
7. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
8. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
9. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
10. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.  
  
NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))
11. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
12. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer. \$100 non-refundable deposit will cover for the cost of inspection of the plugging by City staff; and the remaining \$900 will cover the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the



\$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

13. 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)

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

14. A condition of approval shall be that no residential parking permits shall be issued for this project. This would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit a copy of the lease noting the above condition in the lease when submitting plans for City approval.

15. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.

16. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

17. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

Comments were not received in time to be included within this report.

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

18. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows:
- a. IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
  - b. Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions: including but not limited to; parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.
  - c. Additional safety features will need to be incorporated into the design if aerial access cannot be achieved. Contact MFD to discuss.

19. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

**Parks Division** (Contact Kay Rutledge, 266-4714)

20. The developer shall pay approximately \$14,538.03 for park dedication and development fees for the new 8 MF unit building after a credit is given for the existing SF residence currently located on the property.
21. The developer must select a method for payment of park fees before signoff on the building permit.
22. This development is within the Vilas-Brittingham impact fee district (SI27).

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

23. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

No comments were provided on this proposal.