

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT**

July 18, 2007

**RE: I.D. NO. 06572 119, 123 & 125 NORTH BUTLER STREET and 120 & 124 NORTH
HANCOCK STREET - ZONING MAP AMENDMENT and DEMOLITION PERMIT**

1. Requested Action: Approval of a request to rezone property at 119, 120 and 123 North Butler Street and 120 and 124 North Hancock Street from the R6 General Residence District to the PUD (GDP) Planned Unit Development (General Development Plan) District to allow future construction of a new 34-unit apartment building on the Butler Street frontage as part of a project that will also incorporate and continue the current use of the two two-unit houses on the Hancock Street frontage AND approval of a demolition permit for the three existing houses located on North Butler Street.
2. Applicable Regulations: Section 28.07(6) of the Zoning Code provides the framework and guidelines for approval of Planned Unit Developments; Section 28.12(9) provides the process for review and approval of zoning map amendments; Section 28.04(22) provides the guidelines and regulations for the approval of demolition permit applications.
3. Report Drafted By: Michael Waidelich, Principal Planner.

GENERAL INFORMATION:

1. Applicant: Cliff Fisher, Cliff Fisher Development, 107 North Hancock Street, Madison, Wisconsin 53703. Contact Person: James McFadden, McFadden & Company.
2. Status of Applicant: Owner.
3. Development Schedule: Begin development August 2007; completion Summer 2008.
4. Parcel Location: Five contiguous parcels extending through the middle of the 100-block between North Butler Street and North Hancock Street. Aldermanic District 2.
5. Parcel Size: Approximately 0.47 acres (20,625 sq. ft.).
6. Existing Zoning: R6 General Residence District.
7. Existing Land Use: The site is currently developed with three multi-unit houses on North Butler Street, proposed to be demolished, and two two-unit houses on North Hancock Street, proposed to be retained as part of the planned unit development.
8. Surrounding Land Use and Zoning:

The 100 block between North Butler and North Hancock Streets consists primarily of older houses with from two to seven apartments per building, but predominantly comprising two and three-unit residences. Two larger, relatively newer apartment buildings, each with 22 units, are located approximately mid-block on both the North Hancock Street and East Johnson Street frontages. There are several smaller "urban" apartment buildings and a small food market on the East Mifflin Street frontage, and a small mixed-use building at the North Butler Street/East Johnson Street corner. The entire block is zoned R6 General Residence District, except for the one-lot commercial use on East Mifflin Street zoned PUD(SIP) Planned Unit Development-Specific Implementation Plan.

Northeast: (Across North Hancock Street) Large older houses ranging from one to four units per building; zoned R6 General Residence District.

Southwest: (Across North Butler Street) the Madison Parking Utility's Capitol North parking ramp and older residential buildings ranging from one to four units on the North Butler frontage; zoned C2 General Commercial District and R6 General Residence District.

9. Adopted Land Use Plan: The *Comprehensive Plan* designates this block as part of the First Settlement-Old Market Place Downtown Residential Sub-District (see additional discussion in the Analysis section below). There is no current neighborhood plan or special area plan covering this area.
10. Environmental Corridor Status: No Environmental Corridors are designated on this property.

PUBLIC UTILITIES AND SERVICES:

The full range of urban services is currently available to this property.

ANALYSIS AND EVALUATION:

Summary Overview

This is a proposed planned unit development on five lots extending between North Butler Street and North Hancock Street in the middle of the 100 block. Three existing buildings on Butler Street would be relocated or demolished as part of the project, and a new 34-unit building would be constructed on those lots that would be nearly three lots wide and extend to the current rear lot line. The underground parking level of the new building would extend beyond the building and on to the rear portion of the two Hancock Street lots, very close to the rear of the two existing buildings. The two existing buildings on Hancock Street would be retained and incorporated as a part of this planned unit development.

The proposed multi-family residential use would be consistent with land use recommendations in the *Comprehensive Plan* for the First Settlement-Old Market Place Downtown Residential Sub-District; and while the 80 unit per acre density of the project is beyond the 16 to 60 unit per acre density range recommended for this sub-district, it might be considered generally compatible with the *Comprehensive Plan* if this intensity of development was recommended for this location in a detailed neighborhood plan. The *Comprehensive Plan* specifically recommends that all new development should be consistent with a City-adopted neighborhood or special area plan that can provide the more-detailed recommendations and guidelines needed to ensure that the use, scale, mass, and design of new development is compatible with existing and planned neighborhood character. At this time, however, no more-detailed plan exists for the project area.

While the proposed project has some attractive design elements and seeks to reflect some of the characteristics of the older housing in the surrounding neighborhood, the new building on North Butler Street would also be taller, wider, and larger than other nearby buildings on the block. In addition, the extended depth of the new building and the through-block character of the development would represent a substantial change from the prevailing building site configurations on this block. Virtually all of the existing buildings locate the building mass on the front portion of the lot and retain the rear portions of the lot as a mix of open yards and parking areas, as well as a location for secondary garage and/or storage buildings. In the absence of either an articulated vision for the future development of this part of the neighborhood or a detailed plan to guide the conservation,

rehabilitation or eventual replacement of the existing built environment, the Planning Division staff are unable to recommend approval of this proposed development. While a future plan might recommend developments of this scale, intensity, and design, no current plan does so. Approval of this project at this time might signal to other property owners that similar new larger-scale developments on multiple lots are now supportable here, and, in effect, become a precedent rather than a plan that will define further development.

The proposed project includes lots fronting on both North Butler and North Hancock Streets, and the proposed new 34-unit building extends from Butler Street to the mid-block lot lines. The underground parking garage for the new building would extend beyond mid-block almost to the existing buildings on Hancock Street, and would take driveway access from Hancock Street. Staff believe that this substantial change from the existing development pattern, particularly in the middle of the block, may greatly limit future opportunities to redevelop all or parts of this block on a more coordinated, "whole block" basis.

For these reasons, Planning Division staff recommend that this proposed project be **referred** for an unspecified time to allow the developer to substantially revise the plans to address the concerns noted in this report---which are similar to concerns expressed earlier by the Planning Division and by the Urban Design Commission. In the alternative, the proposed project should be **placed on file**.

Because staff believe that the standards for approval of the proposed planned unit development have not been met, staff does not support approval of the requested demolition permits for the three existing buildings on North Butler Street.

Additional description and analysis is provided below.

Project Description

The proposed project is a planned unit development on five existing lots extending through the one-hundred block between North Butler Street and North Hancock Street. To accommodate the project an existing three-unit building at 119 North Butler Street will be moved to another location, and the four-unit and two-unit buildings located at 123 and 125 North Butler Street, respectively, will be demolished. The two existing buildings at 120 and 124 North Hancock Street, each with two three-bedroom apartments, will be retained and are included in the proposed planned unit development. Three existing garages in the rear yards of the five properties will also be demolished.

Following removal of the three existing buildings on Butler Street, a new four-story building will be constructed on the combined site. This building will extend back to the current rear lot lines at mid-block, and will have an underground parking level which extends on to the current lots of the two buildings on Hancock Street, virtually to the rears of the existing buildings. The parking level will be accessed from Hancock Street via a new entrance ramp constructed on the alignment of the existing driveway between the two houses, entering the parking garage about 14 feet beyond the rears of the two buildings. The roof of the parking level is higher than the base ground elevation at the garage entrance, and while the plans are not entirely clear, it appears that the intent is to have a slightly mounded earth covering graded over the parking level roof.

The design of the new four-story building is intended to reflect characteristics of the predominant housing type on this block, which is comprised primarily of large gable-roofed houses, although some other building types are also present. The building street facade features two end elements set back about 20 feet from the lot line (not counting porches) flanking a narrower middle element set somewhat farther back. The ground floor (above the parking garage) is set about one-half story

below grade level at Butler Street, and is essentially at grade at the rear of the building due to the slope of the lot. On both flanking elements, the front ground floor units will have small depressed entry courts (below the first floor porches) which will have direct access to Butler Street via their own steps down to the courts. The main entrance is located in the middle element and features a split stairway which leads both to the building entrance and central hallway on the first floor, and to the individual porches serving the two front units on the first floor. Inside the building, an elevator and two sets of stairs provide access to units on the ground, second and third floor levels. There is also a building entrance on the ground floor of the west side of the building which leads to the elevator and one of the sets of stairways. An outdoor parking area with 20 bicycle stalls is located adjacent to this side entrance. Presumably, there will be a walkway out to the Butler Street sidewalk from this entrance, but this is unclear from the plans submitted. There also is an entry to the building from the "community deck" located at the northwest corner of the building, but no outside walkways or access to this deck are shown on the plans provided.

The building has a complex gable roof with two large gables facing the street over the end elements, with a slightly shorter gable over the middle element. These gables, however, are virtual dormers since they will intersect with cross-gables running the other way about 20 to 30 feet back from the front facade. On the front elevation, the third floor (fourth story) windows are within the gable peak, but on the side and rear elevations, the windows are entirely below the roof eaves. Two small dormers are located on each side of the building, but these also are above the level of the third floor windows. Based on the building elevations, it appears that a relatively large flat roof will be located at the top of the building. Because third floor plans were not submitted with the revised plans, it is unknown if any of the space above the third floor is intended for use by the third floor units.

There are three-story porches across the front of the building, serving the first, second and third floors of the two flanking end elements. The set-back central element has a matching open porch or balcony on the second floor only. Similar, but narrower three-level porches are shown at the sides and rear of the building. Presumably the ground floor units will have small patios beneath the first floor porches since the units will be at or below grade at these points. Based on the room configuration shown on the floor plans, it appears that every unit will have a private porch/balcony/patio. There is also a small "community deck" located at the northeast corner of the building on the parking level roof. This deck can be accessed from the main hallway on the first floor of the building. It is unclear whether or how it may be accessed from outside the building.

No information is included specifying building materials, although the renderings submitted with the application indicate clapboard type siding with corner trim used on most facades, with shingles used within the gable facades. Brick detailing is indicated around the main Butler Street entrance, including use of brick for the lower portions of the porch columns. In the event that this project is approved, additional information regarding building details and materials will be included with a future Specific Implementation Plan application.

The new building is planned to have 34 apartments. There will be five 2-bedroom units, twenty-three 1-bedroom units, and six studio units. All of the units have a combined living/dining/kitchen area with separate bedrooms or sleeping area, and one full bathroom. Each unit also has a clothes washer and dryer. As noted above, each also has a private porch/balcony or patio. There is a small office space indicated on the ground and first floors, but no interior community spaces are indicated. The details of the entryway and first floor hallway are not specified, but presumably such features as apartment mailboxes would be located in this area. The parking level has 38 enclosed parking stalls, including two designated handicap spaces near the elevator. This is equivalent to one parking stall per unit, counting the four units in the two houses on Hancock Street that will be retained. There are ten bicycle parking stalls planned in the parking garage, with seven additional bicycle stalls located

just outside the garage entrance. As noted above, 20 outside bicycle stalls are also provided near the side first floor building entrance. An inside trash enclosure is located at the eastern end of the garage level, just within the entrance.

The landscape plan indicates a fairly dense planting of shrubs and other plants around the front entrance and along the front of the building, with some additional plantings near the side entrance. Two existing walnut trees at the northwest corner of the Butler Street lots will be retained, and three river birches are proposed beside the community deck at that corner of the new building. Plantings are also indicated on the roof of the parking garage where it extends beyond the new building, but it is unclear whether sufficient soil depth will be available to support much landscaping. It appears very unlikely that large trees could be planted here. Except for the minimal planting shown on the landscaping plan, there is no indication of how the extended "roof" of the parking level is intended to be improved or used as part of this project.

The plans submitted also provide no details regarding the relationship between the new building and its raised parking level and the rear elevations of the two buildings on North Hancock Street that will be retained as part of this planned unit development. These two buildings currently have fairly unattractive backsides dominated by the outside wood stairways/fire escapes typical of older houses converted to rental property, and the parking level of the new building (including the trash room) will extend very close to them. There is also no indication in the submittal that any substantial changes, remodeling, or renovation of these two existing houses is intended as part of this project.

Consistency with Adopted Plans

The subject properties are within the First Settlement-Old Market Place Downtown Residential Sub-District identified in the 2006 *City of Madison Comprehensive Plan*. The Downtown Sub-Districts defined in the *Comprehensive Plan* recognize that, while the range of uses and densities within the Downtown as a whole is very wide, it is made up of numerous relatively-compact sub-areas characterized by shared predominant land uses; development density; building height, scale and urban design; special amenity features; historic character or other distinguishing attributes. The ten mapped Downtown Sub-Districts reflect these sub-areas and provide preliminary land use and design recommendations for each district which are expected to be further refined through future more detailed neighborhood or special area planning activities---including the recommended preparation of an updated Downtown Plan. The following excerpts from the *Comprehensive Plan* describe the general characteristics of the First Settlement-Old Market Place sub-district:

First Settlement-Old Market Place (i)

This sub-district includes owner-occupied and rental dwelling units. Historic preservation and neighborhood conservation are key issues in this sub-district. The sub-district is experiencing redevelopment, which is predominantly multiple-family housing.

Recommended Land Uses

- Mixed-use buildings with first floor retail, service, service, dining, entertainment, offices and upper floor residential.
- Residential (16 to 60 units per net acre) with densities and dwelling unit types defined in City-adopted detailed neighborhood development plans or special area plans.
- Historic preservation areas and neighborhood conservation areas in strategic locations as defined in City-adopted detailed neighborhood or special area plans.
- Neighborhood commercial uses.
- Commercial uses along East Washington Avenue.
- Office/service uses.

- Institutional Uses.
- Public and private open space.

Building Height

- Two to 8 stories.

Although it shares characteristics that reasonably define it as a coherent downtown sub-area, the relatively broad recommendations for the First Settlement-Old Market Place sub-district reflect the diversity of uses, development intensity and neighborhood character found at different locations even within this essentially residential district. This is one reason that additional planning is considered necessary in order to provide more-detailed recommendations applicable to specific development locations, both within the downtown generally, and within the First Settlement-Old Market Place sub-district particularly. As noted in the *Comprehensive Plan*, a more detailed plan might also recommend land uses or densities outside the broad ranges defined for the district at selected locations identified in the neighborhood plan. At present, however, no current neighborhood plan for this portion of the First Settlement-Old Market Place sub-district exists.

The *Comprehensive Plan* recommends that significant changes in land use or intensity should be guided by a detailed City-adopted neighborhood or special area plan. In the absence of a more-detailed plan to guide future development, proposed projects that represent significant changes in land use or density should be reviewed against criteria similar to the criteria that would be used to evaluate the alternative future development recommendations that might be included in such a detailed plan. Primary among these criteria are land use and the design qualities of proposed new development and compatibility with the mass, scale and character of the surrounding neighborhood, and with any longer-range vision for the future development of the area, if such a vision has been expressed.

Building Design and Compatibility with Surrounding Properties

Although the new building proposed as part of this planned unit development is located on the North Butler Street frontage, the development also incorporates two existing buildings on North Hancock Street, and the parking level of the proposed new structure extends on to the lots currently used by the Hancock Street buildings. The predominant character of this block on both the Butler and Hancock Street frontages is large, older houses, including some originally built as two-flat or three-flat structures, as well as single-family houses later converted to apartments and a scattering of remaining single-unit dwellings. Much of this housing is rented by students, and many of the larger dwelling units in particular are occupied by groups of renters. Many of the houses have wide front porches and generally are oriented toward the street. There are several older "urban apartment" style buildings on the East Mifflin Street frontage of the block, which also includes an older mixed-use building with a small food market. There is a commercial mixed-use office on the East Johnson/Butler Street corner. Two relatively newer larger apartment buildings are located approximately mid-block on the Hancock Street and East Johnson Street frontages. Neither of these 22-unit buildings shares any design characteristics with the rest of the block, and neither fits in well with the surrounding buildings. The building on East Johnson is a particularly bad example of a "zero lot line" development with the front yard consisting entirely of a paved parking lot.

The Capitol North parking ramp is located diagonally cross Butler Street from the proposed project site, and that structure is about as tall as the proposed new building and obviously more massive. In view of the location, staff considered it at least possible that a more detailed plan for this part of the neighborhood area might recommend taller, more "urban" buildings along both sides of the Butler Street frontage. More similar, for example, to Butler Plaza or The Odessa, which are located on the next block of Butler Street, closer to East Washington Avenue. However, despite the parking ramp,

which is somewhat of an anomaly, the predominant building type on this block of Butler Street is large houses, including along the remaining street frontage west of the ramp. The relatively new 26-unit residential building on the southeast corner of the North Butler/East Mifflin Street intersection has a "house-like" building design (although much larger than a house), which also strongly suggests that a transition to more house-like building design may be considered appropriate for new residential developments located farther from the East Washington corridor, including the 100 block of North Butler Street.

The proposed new building on Butler Street reflects the broad characteristics of many of the surrounding houses---facing gable roof, wide multi-level front porches, clapboard siding---but it is clearly a much larger structure. It would be nearly three lots wide, while other buildings are less than one lot wide (allowing space for an often-shared driveway). Although the set back and deeper gable on the front elevation help maintain the overall rhythm of the street frontage somewhat, there is no actual space separating the three elements of the facade. While the extended gables on the front facade and the ground floor partly below grade on the Butler Street frontage create the appearance of a three and one-half story building, the side and rear elevations make it clear that this really is a four-story building. Most of the other housing on this frontage of the block consists of two or two and one-half story buildings. (The building at 125 North Butler to be demolished as part of this project is nominally a three-story building with a nearly flat roof, but it was clearly expanded upward from the original design at some time in the past.) While the below-grade ground floor does help to reduce the apparent height of the proposed building, staff are not particular fans of this design, which also places the first floor porches considerably higher than on other buildings along the street.

The greatest difference between the design of the proposed new building and other surrounding buildings, however, is the extended depth of the proposed building, which extends back to the existing rear lot lines. All of the other buildings on the block (except the zero-lot-line building on East Johnson Street) have open rear yards. While these yards currently are used primarily as poorly defined and maintained parking areas, they do provide a sense of openness and a place where larger trees and other vegetation can grow and add softness and screening between the buildings. Similarly, while the current collection of rear garage and storage buildings includes some marginal structures clearly in need of major maintenance or replacement, collectively they create a reasonably consistent pattern of how these rear yards are used. In contrast, the proposed new building would extend to mid-block, and its underground parking level would extend nearly to the back of the two buildings on Hancock Street that are also included as part of this proposed planned unit development. There is no indication that any significant renovation or creative integration of the Hancock buildings is planned, however, and the reason for including them in the development appears to be so that part of their lots can be utilized to support the parking needs of the new building. Staff are concerned that the proposed project will begin to reduce the sense of openness which currently characterizes the central portion of this block; and that if other future developments seek to have similar very deep buildings, this loss of openness will become more pronounced.

Staff are also concerned that the proposed new building, its extended underground parking garage, and the driveway ramp down to the garage from Hancock Street, will effectively divide the block in half at the mid point and significantly limit future opportunities for a "whole block" planned solution to providing coordinated open space, shared parking or joint access to future additional developments that might be recommended after more-detailed planning for this neighborhood takes place. The two buildings on Hancock Street are not really integrated into this project and their inclusion in the development appears as primarily a way to maximize the development of the Butler Street lots by utilizing portions of other properties that happen to be owned by the same developer.

While it is reasonable to seek ways to have the redevelopment of properties in common ownership work together creatively to make a better development, staff do not consider this project a good example of this potential synergy. By dividing the block in the middle and extending a four-story building to the back lot lines, the possibilities for coordinated renovation and/or redevelopment of other properties on the block will be reduced. Staff are concerned that the more likely scenario might be for other developers to propose similar *ad hoc* lot assemblies---perhaps a very deep development utilizing several lots on the Hancock Street frontage but taking access from Butler Street, for example. With the subject project as a precedent it is not hard to envision a future hodge-podge of uncoordinated development spreading on this block or into adjoining blocks.

Finally, the unit mix and limited on-site amenities proposed for this project seem to only slightly broaden the range of housing types available to a wider variety of households. The existing housing on the block is currently characterized predominantly by older rental buildings, often rented to groups of university students. The applicant states that the proposed new building will be built to "condominium standards," and as such would undoubtedly have greater appeal to tenants seeking newer and more modern housing in this neighborhood. However, while there will be five two-bedroom apartments, most are one-bedroom or studio units and probably will primarily attract single student or worker households. While this project is not alone in providing mostly smaller unit types, staff continue to recommend that new housing developed in the Downtown/Isthmus area include more units suitable for larger households, including families with children.

Urban Design Commission Action

The Urban Design Commission recommended that this project be **rejected** at their July 11, 2007 meeting. This was a split vote, with some members recommending referral instead so the project could be redesigned to address the concerns identified with the proposal. (See attached report)

Inclusionary Zoning

The three buildings included in this proposed planned unit development will consist entirely of rental units, so the project is not subject to inclusionary zoning regulations.

Demolition Permit Application for the existing houses as 119, 123 and 125 North Butler Street

As part of this proposed development, it is intended to demolish the existing buildings located at 123 and 125 North Butler Street, and to relocate the existing building at 119 North Butler Street to another site. [Note: it is currently anticipated that a separate application to relocate this building will be submitted soon for consideration at a later date.] The application materials describe all three buildings as structurally sound and reasonably well-maintained as student rental housing goes. However, both 123 North Butler, a two-story gable-roofed building containing four units, and 125 North Butler, a three-story flat-roofed building with two units, are also described as having very awkward interior layouts that are marginal at best as short-term student housing, with geometries that preclude reasonable conversion to serve any other market. Although both buildings maintain the general rhythm and scale of the other buildings along this frontage, both also have an appearance quite different from the predominant style on the block, as shown in the photographs submitted with the application. The building at 125 North Butler, in particular, has been reconstructed several times and retains none of its original character. Staff have no reason to disagree with the applicant's analysis of the general condition, marginal interior layout, or exterior design of these two buildings.

The building at 119 North Butler Street is a two story wood structure with the gable roof and wide front porch characteristic of many of the houses in this part of the neighborhood. Built as a single-

family house in 1894, it was subsequently divided into three apartments. The building has a rubble foundation with basement access only from outside and an undeveloped attic. While the current cut-up interior layout is suited only to the student rental market, the house is described as having potential for restoration as a single-family residence again. The applicant has expressed a desire to move this building to another location in the neighborhood and restore it. Staff concur that this building retains a charm and character that the other two do not, and its smaller size should make it a more viable candidate for restoration as a family residence. It is the most engaging of the three buildings, has a character consistent with the predominant character on the block, and would be the easiest to restore to family use. Staff would not support demolition of this building, but could support its relocation provided that this was justified by the quality of the alternative development proposed for its current site.

In the event that this project is approved, staff recommend a condition requiring approval of all necessary zoning approvals to allow 119 North Butler Street to be relocated prior to the recording of a PUD (SIP) for the project. No demolition or removal of any building may occur before a PUD (SIP) is approved. A reuse and recycling plan will be required for the two buildings to be demolished.

CONCLUSION:

Proposed Rezoning from R6 District to PUD (GDP) District

This proposed development would utilize five existing lots on two street frontages to create a new building on the three North Butler Street lots that would be taller, wider, more dense, and extend to the back lot line---much deeper than the other buildings on this block. In addition, the parking garage for the new building would extend across the existing lot lines nearly to the back of the two buildings on North Hancock Street proposed to remain and be included as part of the planned unit development. There is little meaningful integration of the two Hancock Street buildings into this planned development and their inclusion appears primarily to allow the use of their lots to accommodate the parking needs of the new building. The proposed density of 80 units per acre is outside the broad 16-60 units per acre range recommended for the First Settlement-Old Market Place Downtown Residential Sub-District in the *Comprehensive Plan*.

Although it has some design elements that do reflect the neighborhood context relatively well, staff believe that the proposed new building is too large relative to the existing surrounding structures to be considered compatible with the character of the existing neighborhood, particularly in the absence of any plan that would recommend redevelopment of this block with buildings of the scale and density currently being proposed. At least in theory, a neighborhood plan might recommend that selective infill development (or wholesale replacement) on this block should have the increased mass, scale and density represented by the proposed project. However, at present there is no detailed plan for the area; and a future plan might just as easily recommend conservation and rehabilitation of the existing housing on this block, and that any new development be generally consistent in mass, scale and design of with what is already here. Given our additional strong reservations regarding the through-block character of the proposed development and its potential to begin to eliminate the current relatively open character of the interior of this block and to limit future options for creative "whole block" approaches to addressing the parking, access, and open space needs of both existing and potential new development, Planning Division staff are unable to find that this project meets the standards for approval of planned unit developments. In particular, staff do not believe that criteria 1.a., 1.b., and 3. have been 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 of area.
 - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

3. Preservation and Maintenance of Open Space. In a planned unit development district adequate provision for the improvement and continuing preservation of attractive open space shall be made.

Demolition Permit Application

Staff do not disagree with the representation made in the application regarding the condition and character of the existing dwellings at 123 and 125 North Butler Street proposed for demolition. Provided that the proposed alternative use of the site was found acceptable, staff believe that the standards for approval of a demolition permit could be met, and would support approval of a demolition permit for these two buildings subject to approval of a reuse and recycling plan by George Dreckman, Recycling Coordinator, prior to issuance of the permit. However, staff do not believe that the planned unit development as currently proposed satisfies the criteria for approval of planned unit developments, and conclude, therefore, that the application for a demolition permit for these two buildings does not meet all the standards for approval, and in particular, that the proposed use of the subject property does not meet the standards for approval of planned unit developments and would be incompatible with the established character of the neighborhood and the orderly development and improvement of surrounding properties.

Staff also concur with the representations of the applicant regarding the condition, character and potential for renovation of the existing house located at 119 North Butler Street. Staff would not support the demolition of this dwelling, but could support its relocation provided that this was justified by an alternative development proposed for its current site which warranted approval. However, as noted above, staff do not believe that the planned unit development as currently proposed can satisfy the criteria for approval of planned unit developments, and conclude, therefore, that the application for a demolition permit in order to relocate the dwelling at 119 North Butler Street does not meet all the standards for approval.

RECOMMENDATIONS:

Proposed Rezoning from R6 District to PUD (GDP) District

Planning Division staff recommend that request to rezone property at 119, 120 and 123 North Butler Street and 120 and 124 North Hancock Street from the R6 General Residence District to the PUD (GDP) Planned Unit Development (General Development Plan) District be **referred** for an unspecified time to allow the developer to substantially revise the plans to address the concerns noted in this report. In the alternative, the proposed project should be **placed on file**.

Demolition Permit Application

Planning Division staff recommend that the application for a demolition permit for three existing houses located at 119, 123 and 125 North Butler Street be **referred** until a decision is made regarding the proposed alternative use of the properties.



Department of Public Works
City Engineering Division

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DATE: June 19, 2007

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 119, 123 & 125 North Butler AND 120 & 121 North Hancock Rezoning & Demolition

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. It appears that private easements shall be required for private storm sewer and/or private sanitary sewer.
2. Lots within this development are interdependent upon one another for drainage and/or stormwater management. Prior to approval, an agreement must be approved and recorded that identifies all owner's rights and responsibilities.
3. New building address shall be 121 North Butler Street.
4. Coordinate apartment/unit number address plan with City Engineering (Lori Zenchenko) lzenchenko@cityofmadison.com. Unit numbering schematic may change due to the vague number of units identified in the letter of intent. When exact number of units are approved and defined, final official addresses, and notification thereof, will be provided.

GENERAL OR STANDARD REVIEW COMMENTS

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

Engineering Division Review of Planned Community Developments, Planned Unit Developments
and Conditional Use Applications.

Name: 119, 123 & 125 North Butler AND 120 & 121 North Hancock Rezoning & Demolition

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.

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- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 Coordinate all necessary new interior addresses associated with this proposed development with City Engineering Program Specialist Lori Zenchenko lzenchenko@cityofmadison.com or (608) 266-5952
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
 - a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
 - b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.
- 2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
 - a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
 - b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
 - b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

- 2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
 - b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
 - c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
 - d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
 - e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along ____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____

- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use 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. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 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.
- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 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.
- 4.3 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.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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 7.5-tons per acre per year.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, 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.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.

- Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 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.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 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 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
 - g) Lot numbers
 - h) Lot/Plat dimensions
 - i) Street names

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com. Include the site address in this transmittal.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc...
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project.

The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 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 in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 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.



Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608 266 4761
TTY 866-704-2315
FAX 608 267 1158

June 28, 2007

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **119, 123, & 125 North Butler Street, 120 & 124 North Hancock Street – Rezoning Conditional Use – R6 to PUD (GDP) – Four (4) Story Apartment Building**

The City Traffic 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. None

PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

GENERAL OR STANDARD REVIEW COMMENTS

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

3. When the applicant submits final plans 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, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), 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'.
4. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
5. A "Stop" sign shall be installed at a height of seven (7) feet at all driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

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

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: James McFadden
Fax: 608-251-1325
Email: mcfadden@mailbag.com

DCD: DJM: dm



Department of Public Works
Parks Division

Madison Municipal Building, Room 120
215 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH: 608 266 4711
TDD: 608 267 4980
FAX: 608 267 1162

July 3, 2007

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager
SUBJECT: 119 North Butler / 120 North Hancock

S.W.

1. The developer shall pay approximately \$43,074.10 for park dedication and development fees for 34 new multifamily units minus 4 existing mf and 4 existing duplex units.
2. The developer must select a method for payment of park fees before signoff on the SIP.

fees in lieu of dedication = (30 @ \$1274) – (4 @ \$2002) =	\$30,212.00
park development fees = (30 @ \$540.93) – (4 @ \$841.45) =	\$12,862.10
total fees =	\$43,074.10

Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact Simon Widstrand at 266-4714 or awidstrand@cityofmadison.com if you have questions regarding the above items.

Standard Park Fees and Payments:

Parkland Dedication Requirement is 1100 square feet per single family or duplex unit, 700 square feet per multifamily unit, 350 square feet per elderly unit or single room occupancy.

Fee in Lieu of Dedication is required when City does not take all actual land dedication. The fee is based on current property values up to a **maximum of \$1.82/square foot** for 2007.

Max fee in lieu per unit: SF = 1100 sq.ft. @ \$1.82 = \$2002.
MF = 700 sq.ft. @ \$1.82 = \$1274.
E-SRO= 350 sq.ft. @ \$1.82 = \$ 637.

The Park Development Impact Fees for 2007 are:

SF single family or duplex unit \$841.45
MF multifamily unit \$540.93
E-SRO elderly or rooming house unit \$270.47

Total combined fees: SF = \$2,843.45
MF = \$1,814.93
E-SRO = \$907.47

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Payments: Parkland impact fees and park development impact fees shall be paid for this project. Payment checks shall be payable to the City of Madison Treasurer. All questions, payments and deliveries shall be made to the office of the Madison Parks Division. Prior to City signoff on this project, the developer shall select one of the following options for paying these fees:

1. Payment of all fees in a lump sum prior to City signoff on the project.
2. When fees exceed \$20,000, the developer may pay half the fees and provide a two-year letter of credit at no interest for the remaining half of the fees, both prior to City signoff.
3. When fees exceed \$50,000 for plats being built with phased subdivision improvement contracts, the developer may pay the fees due for the number of units in each contract phase, paid at the time of contract execution, and at the fee rates then in effect. Under this option, the fees shall be calculated and prorated to each lot on the development, and the developer shall record a notice of the outstanding impact fees for each lot prior to receiving City signoff for the project.
4. The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall have fourteen (14) days after receiving the invoices to pay the outstanding impact fees. The following shall be required prior to plat sign off:
 - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a Cadd file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
 - b) All information shall be transmitted to Janet Dailey by e-mail at Jdailey@cityofmadison.com, or on a CD to:
Janet Dailey
City of Madison Engineering Division
210 Martin Luther King Jr. Blvd
Room 115
Madison, WI 53703
 - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.
 - d) The Developer shall put the following note on the face of the plat:
ALL THE LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE WITHIN FOURTEEN DAYS OF THE ISSUANCE OF BUILDING PERMIT(S).

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: June 17, 2007

To: Plan Commission

From: Kathy Voeck, Assistant Zoning Administrator

Subject: 119, 123 & 125 N Butler St, 120 & 124 N Hancock St.

Present Zoning District: R-6

Proposed Use: Remove 1 house, demo 2 houses and 3 garages and build a 4 story apartment building. (2 existing 2 units with 3 bdrms each unit. Proposed bldg has 6 eff, 23 one bdrm, and 5 two bdrm units)

Requested Zoning District: PUD(GDP)

Conditional Use: 28.04(22) Demolition/removal of principal buildings requires Plan Com. approval

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). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide a minimum of **one** accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent. The stall and access to the stall shall have a minimum of 8' 2" ceiling clearance.
 - b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
 - c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance/**elevator** as possible. Show ramps, curbs, or wheel stops where required.

2. Provide one bike parking stall per each dwelling unit in safe and convenient locations on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

3. The zoning text shall be modified to include the following: a) Under Statement of purpose or permitted uses, the number of dwelling units existing to remain and number of dwelling units in the proposed building. b) Under Signage add "Signage shall be approved by the Urban Design Commission. c) The zoning text heading shall include PUD(GDP).
4. Show building addresses on the final site plans.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	18,150 sq. ft.	20,625 sq. ft.
Lot width	50'	90.25'
Usable open space	3,570 sq. ft.	6,774 sq. ft.
Front yard	20'	1' 8" *
Side yards	11' left side, 24.5' right side	11' left side, 0' right side *
Through Lot	20'	Existing setback Hancock St
Floor area ratio	2.0	1.54
Building height	--	4 stories

Site Design	Required	Proposed
Number parking stalls	0' (Central Business Distr.)	36 garage
Accessible stalls	1	(1)
Loading	1 (10' x 35') area	provided in drive aisle
Number bike parking stalls	1 per each dwelling unit	(2)
Landscaping	Yes	(To be approved with SIP)
Lighting	Yes	(To be approved with SIP)

Other Critical Zoning Items	
Urban Design	Yes
Flood plain	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.

* Since this project is being rezoned to the **(PUD)** district, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the **R-6** district, because of the surrounding land uses.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: June 28, 2007
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **119, 123 & 125 N. Butler Street and 120 & 124 N. Hancock Street**

The City of Madison Fire Department (MFD) 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.)

No comments.

GENERAL OR STANDARD REVIEW COMMENTS

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

1. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows: **(commercial structures only)**
 - a. The site plans shall clearly identify the location of all fire lanes.
 - b. 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 of the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path **traveled by the fire truck as the hose lays off the truck**. See MGO 34.20 for additional information.
3. As required by MGO 10.34 and IFC 505.1, all residential and commercial buildings must have the approved address posted. The address numbers shall be 4 inches in height, numbers shall be in contrast to the background and visible from the street.

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

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City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION **PRESENTED:** July 11, 2007

TITLE: 119, 123 & 125 North Butler Street and **REFERRED:**
 120 & 124 North Hancock Street - **REREFERRED:**
 PUD(GDP) for a 34-Unit Apartment **REPORTED BACK:**
 Building, Residential Redevelopment.
 2nd Ald. Dist. (06302)

AUTHOR: Alan J. Martin, Secretary **ADOPTED:** **POF:**

DATED: July 11, 2007 **ID NUMBER:**

Members present were: Paul Wagner, Lou Host-Jablonski, Richard Slayton, Todd Barnett, Michael Barrett, Joan Bachleitner, Marsha Rummel and Bruce Woods.

SUMMARY:

At its meeting of July 11, 2007, the Urban Design Commission **REJECTED** a PUD(GDP) located at 119, 123 and 125 North Butler Street and 120 and 124 North Hancock Street. Appearing on behalf of the project was James McFadden. Appearing in opposition was Eugene S. Devitt. Appearing neither in support nor opposition were Jean Borman and Brenda Konkel. The revised plans as presented by McFadden featured the following:

- 34-unit apartment building with 38 lower level parking stalls.
- The two structures to be maintained at 120 and 124 North Hancock, now feature stairs at the rear of each of the buildings to provide access off of the shared drive between the two buildings which provides access to lower level parking within the new building at 119-125 North Butler Street.
- The new building's main entry at Butler Street is redesigned to eliminate the proposed curved masonry wall which now features a planting area.
- The front elevation of the building has been modified to feature a down-scaled central peak.

Following the presentation, Eugene Devitt, a member of the developer's steering committee for the project spoke to these issues.

- Concern relevant to the mass of the building, over 3 lots and not keeping with the character of the neighborhood.
- The developments of the disturbance of a historical intact block.
- Issues with the height and mass of the building's roof not fitting in with the rest of the neighborhood.
- The basement's extension out of the ground for housing not in character with other homes in the area.
- The overall mass of the building in consistent with the character of the original homes in the neighborhood with addition to the porch elevation not consistent with that of surrounding residential buildings.

Ald. Brenda Konkel spoke neither in opposition or support of the project but raised concerns relevant to the impact of overall footprint of the building on the block as well its' precedent for future development. She noted the building's development would introduce an element into a unique block in the neighborhood, its effect on the block and the character of the neighborhood.

Following Ald. Konkel's comments the Commission noted the following:

- The project disrupts the rhythm and the scale of the entire block; if the Alder cannot support, figure a way to make it less overwhelming, needs to be scaled down. It should go to the Landmarks Commission for feedback.
- Consider reducing the width of the building by nine feet. Reduce scale. Previously stated concerns with the building's scale and mass were noted (see the Urban Design Commission report of May 9, 2007) by several Commissioners.

Further concerns stated by the Commission were as follows:

- Issue is with depth and what it does to the block. Although not one style of building in the neighborhood, it is out of character relative to scale and mass.
- The street elevation (Butler) great design.
- The narrow drive between two houses as a single access (North Hancock Street) problematic.
- The landscape cover over lower level parking, a no-man's land.

Discussion by the Commission and staff relative to referral of the project to allow for address of the previously stated and re-stated concerns with the design of the project as a "mid-block through development vs. rejection of the project relevant to provide a basis for the Plan Commission's discussion on the "land use issues" associated with the project followed.

ACTION:

On a motion by Rummel, seconded by Barrett, the Urban Design Commission **REJECTED** this project. The motion was passed on a vote of (4-3) with Barrett, Rummel, Slayton and Wagner voting in favor, and Barnett, Bachleitner and Host-Jablonski voting no. Those voting against the motion for rejection felt that the project should have been referred to allow for the necessary modifications based on issues raised with this consideration of the project, as well as with the Commission's previous review.

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 3, 3, 4, 5, 5, 5 and 6.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 119, 123 & 125 North Butler Street and 120 & 124 North Hancock Street

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	4/5	5/6	45	-	-	4/5	5	5
	3	-	-	-	-	-	3	3
	3	-	2	-	-	-	3	3
	-	-	-	-	-	-	-	5
	4	8	5	-	-	4	5	5
	5	8	6	6	-	5	5	6
	-	-	-	-	-	-	-	4

General Comments:

- It is a fine design, but should not be built at the expense of the current rhythm and scale of the block. It will rob neighbors of sunsets and sunrises. Scale is important!
- Reject because it disrupts rhythm and scale of interior of block and street face is out of proportion.
- Architecture fine, scale is major issue (depth).
- Issues of size, and specifically the depth of this project into the center of the block, have not been resolved with the revised submittal. Plan Commission needs to grapple with this question, as to how we ought to deal with proposals to substantially alter historically - whole blocks. Architecturally, this is well designed.