



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 668 State Street  
**Application Type:** Conditional Use  
**Legistar File ID #** [74059](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

**Summary**

**Applicant & Property Owner:** Scott Faust, 668 State, LLC; 210 N Bassett Street; Madison.

**Contact Person:** Kevin Burow, Knothe & Bruce Architects, LLC; 7601 University Avenue, Suite 201; Middleton.

**Requested Action:** Approval of a conditional use in the Downtown Core (DC) District for an addition to a building greater than 20,000 square feet and that has more than four stories to construct a four-story addition to a two-story commercial building at 668 State Street.

**Proposal Summary:** The applicant and property owner is seeking approval to construct a four-story addition to an existing two-story, approximately 12,611 square-foot commercial building (including basement)(per 662 State Street Condominium) located at 668 State Street. The addition will contain 24 dwelling units on floors 3-6. The existing commercial space on the two lower floors and in the finished basement will largely remain. In addition, a small addition is proposed at the rear of the first and second floors of the building. A portion of the basement will be finished as common space for residential tenants. Construction of the addition will commence in spring 2023, with completion anticipated in fall 2023.

**Applicable Regulations & Standards:** Section 28.074(4)(c) of the Zoning Code requires that all new buildings and additions greater than 20,000 square feet or that have more than four stories in DC (Downtown Core District) zoning obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Section 28.071(3), if applicable, and the Downtown Urban Design Guidelines, and shall report its findings to the Plan Commission. Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits.

**Review Required By:** Urban Design Commission and Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction a four-story addition to the existing two-story building located at 668 State Street subject to input at the public hearing, the conditions of the November 9, 2022 Urban Design Commission approval, and the conditions from reviewing agencies beginning on page 5 of this report.

**Background Information**

**Parcel Location:** An approximately 6,260 square-foot (0.14-acre) parcel located on the north side of State Street, approximately 100 feet east of N Lake Street, Alder District 2 (Heck); Madison Metropolitan School District.

**Existing Conditions and Land Use:** An existing two-story, approximately 12,611 square-foot commercial building with finished basement, zoned DC (Downtown Core District).

**Surrounding Land Uses and Zoning:**

**North:** Six-story Langdon Hall Apartments and Kollege Klub, zoned DR2 (Downtown Residential 2 District); seven-story apartment building, zoned PD;

**South:** Two- and three-story commercial and mixed-use buildings, zoned DC (Downtown Core District);

**West:** Five-story mixed-use building (Walgreen’s on first floor), zoned DC; The Collegiate Apartments, zoned PD;

**East:** One-story commercial building and three-story mixed-use buildings, zoned DC.

**Adopted Land Use Plans:** The subject site and neighboring State Street properties are identified in the Downtown Mixed-Use (DMU) district by the 2018 Comprehensive Plan, while the adjacent properties to the north along Langdon Street are recommended for High Residential (HR).

The 2012 Downtown Plan includes the subject site and adjacent properties in the “State Street” District and recommends that these properties be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the “unique,” “vibrant,” “special,” and “intimate” character of the State Street District as the City’s “premier” destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and “human-scale” developments that promote synergy and interaction (Objective 4.2). Heights along State Street are recommended not to exceed four stories at the street, with six stories possible following a 30-foot stepback above four stories.

**Zoning Summary:** The property is zoned DC (Downtown Core District).

Requirements	Required	Proposed
Lot Area	No minimum	6,054 sq. ft.
Lot Width	No minimum	46’
Minimum Front Yard	None	None
Maximum Front Yard	5’ for buildings facing State Street	None
Side Yards	None for first two stories of one side	None
Rear Yard	0’	6’
Maximum Lot Coverage	None	100%
Minimum Building Height	2 stories	6 stories
Maximum Building Height	6 stories after 30’ stepback	6 stories (1’ variance granted by ZBA to 30’ stepback)
Auto Parking	0 – Central Area	0
Accessible Stalls	None	None
Bike Parking	1 per unit up to 2-bedrooms, half-space per additional bedroom (24) plus 1 guest space per 10 units (2)	24 enclosed 2 surface (See Zoning conditions)
Loading	None	None
Building Forms	Commercial Block Building	Will comply

**Other Critical Zoning Items**

Yes: Urban Design (DC zoning), Barrier Free, Utility Easements

No: Floodplain, Landmarks, Waterfront Development, Adjacent to Park, Wellhead Protection

*Prepared by: Jacob Moskowitz, Assistant Zoning Administrator*

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

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along State Street.

## Previous Approvals

On August 14, 2017, the Plan Commission found the standards met and approved a conditional use in the DC zoning district to allow construction of a four-story addition to a two-story commercial building at 668 State Street.

On October 20, 2022, the Zoning Board of Appeals granted a variance to the 30-foot setback requirement at the fifth and sixth floors of the proposed four-story addition.

## Project Description

The applicant and property owner, Scott Faust, is seeking approval to construct a four-story addition to an existing two-story, approximately 12,611 square-foot commercial building (per recorded condominium plat) located at 668 State Street, which is located approximately 100 feet east of N Lake Street. The existing building includes finished commercial space in its basement.

The proposed addition will contain 24 dwelling units on floors 3-6, which will consist of 12 efficiencies, eight one-bedroom apartments, and four two-bedroom apartments. Approximately 11,100 square feet of commercial space is proposed for the two lower floors and in the finished basement. A portion of the basement will also be finished as common space for residential tenants. In addition to the four story addition, a small addition is also proposed at the rear of the building. No automobile parking is proposed; parking for 24 bicycles will be provided inside the building, with 12 stalls proposed on both the basement and first floors as shown on the floorplans submitted. Two additional bike stalls will be located adjacent to the rear wall of the building, which is accessed by a warren of private driveways and alleys from Langdon Street to the north and N Lake Street to the west.

Two of the four stories proposed will be constructed at the front property line abutting State Street, while the top two floors will be setback 29 feet beyond a rooftop terrace for tenants to be located off the fifth floor. The Downtown Height Map in Section 28.071(2)(a) allows up to a four-story building adjacent to State Street, with a maximum of six stories allowed beyond a 30-foot setback above four stories. There are no side or rear yards required by zoning. On October 20, 2022, the Zoning Board of Appeals granted a one-foot variance to the 30-foot setback requirement at the fifth and sixth floors of the proposed addition. In requesting the variance, the applicant noted that the elevator shaft that will serve the proposed six-story building exists and will be extended to serve the additional floors. It was represented that the shaft cannot be reasonably relocated or reduced in size due to Building Code requirements.

The exterior of the six-story building will primarily be clad with a combination of two-toned metal siding and buff-colored brick. The exterior finishes proposed will apply to the entire building, including the existing two-story brick façade along State Street.

## Analysis & Conclusion

The subject property and abutting properties along State Street are zoned DC (Downtown Core District). In the DC district, all new buildings and additions greater than 20,000 square feet or that have more than four stories shall obtain conditional use approval from the Plan Commission. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Section 28.071(3) of the Zoning Code, if applicable, and the Downtown Urban Design Guidelines, and shall report its findings to the Plan Commission.

As noted earlier in this report, the applicant previously received approval to construct the same addition in 2017. However, Section 28.183(9) stipulates that a conditional use is valid for one year from the date of the approval, during which time the applicant shall either lawfully commence the conditional use or obtain a building permit to begin erecting or altering the building that required conditional use approval. If the applicant obtains a valid building permit, construction must commence within six months of the date of issuance; the building permit cannot be renewed unless construction has commenced and is being “diligently prosecuted.” Where the plans have not been altered from those approved by the Plan Commission, an extension for up to 24 months from the expiration date may be approved through the minor alteration process for conditional uses. A conditional use not commenced by the end of the maximum 36-month period following Plan Commission approval is null and void and requires re-approval as a new conditional use request.

The Planning Division believes that the Plan Commission can find the standards met for the proposed four-story residential addition to the existing two-story commercial building. The resulting six-story mixed-use building represents an appropriate infilling of the subject site in a manner consistent with the recommendations in the Downtown Plan, which includes the subject site and adjacent State Street properties in the “State Street” District and recommends that these properties be developed with Downtown Mixed-Uses in buildings not to exceed four stories in height at the street, with up to six stories possible following a 30-foot setback above the fourth story. The proposed building is respectful of the character and desired scale of the State Street District and is generally consistent with the design standards for the Downtown zoning districts in the Zoning Code and the Downtown Urban Design Guidelines. The addition of the residential units on the four proposed stories should contribute to the vibrancy of State Street while maintaining the commercial uses historically present on the existing two floors at the street.

The Urban Design Commission reviewed the project at its November 9, 2022 meeting and recommended **final** approval. [A draft report of the Urban Design Commission action will be attached to the legislative file for the conditional use once it is available.]

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction a four-story addition to the existing two-story building at 668 State Street subject to input at the public hearing, the conditions of the November 9, 2022 Urban Design Commission final approval, and the following conditions from reviewing agencies:

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

**City Engineering Division** (Contact Tim Troester, (608) 267-1995)

1. The applicant shall provide a utility plan as a condition for plan approval.
2. Enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering staff to schedule the development and approval of the plans and the agreement.
3. Construct sidewalk, terrace, curb and gutter, and pavement according to a plan approved by the City Engineer.
4. Complete work on exposed aggregate sidewalk in accordance with specifications provided by the City. The stone used for the exposed aggregate must be approved by the City. Notify the Construction Engineer prior to beginning construction. Any work that does not match the adjacent work or which the City's Construction Engineer finds is unacceptable shall be removed and replaced.
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
6. An Erosion Control Permit is required for this project.
7. This site appears to disturb less than one (1) acre of land. No submittal to the the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission, or Wisconsin Department of Safety and Professional Services (DSPA) is required, as the City of Madison Building Inspection Division is an approved agent for DSPA.
8. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
9. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
10. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public right of way.
11. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
12. Demonstrate compliance with MGO Section 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.

13. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
14. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division—Mapping Section** (Contact Julius Smith, (608) 264-9276)

16. 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. Show the existing and any proposed utilities.
17. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

**Traffic Engineering Division** (Contact Sean Malloy (608) 266-5987)

18. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
19. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to

be reviewed and approved by Andrew Oliver ((608) 267-1979, aoliver@cityofmadison.com), Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

20. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
21. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
22. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on State Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final sign-off.

**Zoning Administrator** (Contact Jacob Moskowitz (608) 266-4560)

23. On October 20, 2022, the Zoning Board of Appeals granted a variance to the 30-foot setback requirement at the fifth and sixth floors of the proposed four-story addition.
24. Submit a detail showing the model of bike rack to be installed.
25. Provide revised elevations demonstrating compliance with MGO Section 28.129, Bird-Safe Glass Requirements. Provide a detail of the glass treatment to be used.
26. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop equipment shall be screened from view from adjacent streets and public rights-of-way per Sections 28.060(2)(f) and 28.142(9)(d). Screens shall be of durable, permanent materials that are compatible with the primary building materials.
27. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and Section 33.24 Urban Design Commission ordinance. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

28. Include documentation for easements regarding the exit discharge and exit path out to the public way from the rear of the building.
29. The proposed front exit stair shall discharge to the exterior or through a lobby on the floor of exit discharge.
30. Complete annual fire sprinkler and fire alarm testing and report completion via:  
<https://elam.cityofmadison.com/CitizenAccess/Default.aspx>

**Water Utility** (Contact Jeff Belshaw (608) 261-9835)

This agency has reviewed this request and recommended no conditions of approval.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

This agency has reviewed this request and recommended no conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed this request and recommended no conditions of approval.

**Forestry Section** (Contact Bradley Hofmann, (608) 267-4908)

31. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
32. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period, which shall include the notification of the alderperson within whose district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.
33. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
34. As defined by the Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
35. Section 107.13(g) of *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by the contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
36. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.



37. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300–Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
38. The developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist prior to the Plan Commission meeting for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.
39. The developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.