



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 210-216 South Pinckney Street (District 4- Ald. Verveer)  
**Application Type:** Planned Development (PD) Rezoning  
**Legistar File ID #** [53022](#)  
**Prepared By:** Kevin Firchow, AICP, Principal Planner - Planning Division  
Report includes comments from other City agencies, as noted

## Summary

**Applicant | Owner:** City of Madison - Parking Utility; 30 West Mifflin Street; Madison, WI 53701

**Contact:** Mary Ann Vanhook; LVDA; 57 West Grand Avenue; Chicago, IL 60654

**Requested Action:** The applicant requests approval to rezone the property from Planned Development-General Development Plan-Specific Implementation Plan (PD-GDP-SIP) to Amended PD-GDP-SIP for Block 88.

**Proposal Summary:** The applicant proposes to modify the development plans for Block 88 to include a phasing plan and design modifications. The proposed phasing plan establishes a separate SIP (Specific Implementation Plan) for the construction through the third floor. Specific design modifications for these floors include the conversion of the previously approved above-grade parking from an enclosed building to an open-air design with modified exterior materials. The plans also call for a reduction in the hanging bicycle parking stalls in the municipal garage. Floors 4-12, which include 148 dwelling units, will become a second SIP and can be developed as a future phase. No design modifications to these plans are proposed as part of this application.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098(2)].

**Review Required By:** Urban Design Commission, Plan Commission, and Common Council

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward the following Zoning Map Amendments 28.022-00344 and 28.022-00345 to the Common Council with a recommendation of **approval**. This request is subject to input at the public hearing and the comments and conditions contained within the Plan Commission materials.

## Background Information

**Parcel Location:** The subject property is a portion of Block 88, bounded by East Wilson, East Doty, and South Pinckney Streets. The site is adjacent to the Madison Municipal Building, a City Landmark, and is also within Aldermanic District 4, Tax Incremental Finance District (TID) 25 and are within the Limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** Block 88 includes the Madison Municipal Building and the subject property, which had received footing and foundation permits to commence construction of the previously approved underground parking garage.

**Surrounding Land Use and Zoning:**

North: Mixed-use and office development, zoned PD (Planned Development) and DC, Downtown Core;

South: Apartment and office building, zoned DC and PD;

East: Block 105, Government East Parking Structure, approved for demolition and redevelopment, Zoned PD;

West: Madison Municipal Building and City County Building, zoned DC.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) includes the subject site within the Downtown Core sub-district of Downtown. Recommended Uses include offices, mixed-use buildings and structured parking. The more specific Downtown Plan (2012) similarly includes the subject site within the Downtown Core District. That Plan identifies this district as the center of Downtown and notes that it should generally possess the highest intensity of development including a mix of office, employment, retail and other uses.

**Zoning Summary:** The applicant proposed zoning the property to amend PD-GDP-SIP.

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plans.	As per submitted plans.
Lot Width	As per approved plans.	As per submitted plans.
Front Yard Setback	As per approved plans.	As per submitted plans.
Side Yard Setback	As per approved plans.	As per submitted plans.
Rear Yard Setback	As per approved plans.	As per submitted plans.
Usable Open Space	As per approved plans.	As per submitted plans.
Lot Coverage	As per approved plans.	As per submitted plans.
Floor Area Ratio	As per approved plans.	As per submitted plans.
Building Height	As per approved plans.	As per submitted plans.
Number Parking Stalls	No minimum: Central Area	561 public stalls 144 podium parking stalls
Accessible Stalls	Yes	Yes
Loading	As per approved plans.	1 (10' x 50')
Number Bike Parking Stalls	<b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (148) 1 guest space per 10 units (15) <b>General retail, service business, office:</b> 1 per 2,000 sq. ft. floor area (4)	36 public stalls 148 podium stalls (184 Total)
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building Forms	As per approved plans.	As per submitted plans.
Other Critical Zoning Items	UDC, Adjacent to Landmark, Barrier Free (ILHR 69), Utility Easements, Wellhead Protection District-17	

*Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

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

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

## Previous Land Use Approvals and Project History

On May 2, 2017 the Common Council approved the rezoning of the subject property to Planned Development-General Development Plan-Specific Implementation Plan (PD-GDP-SIP). That approval allowed for the development of a 12-story mixed-use building with approximately 8,000 sq. ft. of retail, a bike center, 148 apartments, and parking including approximately 560 underground parking stalls to be operated by the Madison Parking Utility. A conditional use was also approved to allow limited projections into the Capitol View Preservation area.

Along with that approval, the Common Council concurrently approved a PD-GDP-SIP for Block 105, the site immediately across Pinckney Street which included two 12 story towers. The tower facing Pinckney Street included a twelve story hotel with one level of underground parking. One tower included 253 rooms with the second tower including 204 apartment units and 204 underground parking stalls. No changes to Block 105 are included in this application. A Certified Survey Map was also concurrently approved.

The submitted letter of intent states that due to the construction cost estimates for the above grade construction on Block 88, the private developer concluded in April 2018 that he was not able to construct the private portion of the development as approved. The City of Madison considered alternatives and on May 15, 2018, the City Council approved the City's construction of the parking and retail elements above grade on Floors 1-3, referred to as "The Podium," subject to certain cost reductions.

## Project Description

The applicant requests approval of a zoning map amendment to rezone the subject property from PD-GDP-SIP to amended PD-GDP-SIP. There are three primary modifications proposed.

The first modification is to split the construction of this building into two SIPs (Specific Implementation Plans). This would allow project construction to proceed in phases. The first phase and SIP would include all development through the third story (Note, the third floor is listed as Level 4 in the submitted plans). This includes 561 underground parking stalls, approximately 8,000 square feet of ground floor commercial space, a bike center, and 144 above-grade parking stalls. Note, no changes to the underground levels are proposed. The second phase and SIP of the development include Floors 4-12, as previously approved with 148 dwelling units. No design modifications to these plans are proposed with this application.

The second modification includes alterations to the exterior design of Floors 1-3, described in the application as "The Podium." As noted in the letter of intent, the previously approved parking on the above-grade parking had an enclosed design, which was primarily clad in spandrel glass. Due to cost considerations, the design is being altered to an open-air design. Changes are primarily proposed along the Doty, Wilson, and western façade (facing the Madison Municipal Building). An aluminum screen wall system has been proposed, with vertical spandrel glass elements added to highlight pedestrian access points to the structure. Modifications to the building openings near the garage entrance/exits are also shown. Other than the new cladding proposed to wrap the corners, the Pinckney Street façade will remain in a combination of storefront glass along the ground floor and spandrel glass to screen the above-grade parking.

The third modification includes the removal of the hanging rack bicycle stalls in the public parking structure. The Parking Utility has raised concerns regarding the functionality of these stalls, noting potential issues related to the adequacy of the drive aisle width to accommodate the hanging bikes. The Parking Utility believes there are also limitations for hanging bikes with fenders, saddle bags, baskets which are common on commuting bikes. There are 36 surface stalls that are being provided which are six more than previously proposed.

## Analysis and Conclusion

This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098(2)]. The analysis below begins with a summary of the adopted plan recommendations.

### Conformance with Adopted Plans

The Planning Division believes that the revised zoning request consistent with adopted plan recommendations. The [Comprehensive Plan](#) (2006) includes the subject site within the Downtown Core sub-district of Downtown. Recommended Uses include offices, mixed-use buildings and structured parking. The more detailed [Downtown Plan](#) (2012) similarly includes the subject site within the Downtown Core District. That Plan identifies this district as the center of Downtown and notes that it should generally possess the highest intensity of development including a mix of office, employment, retail and other uses. The [Downtown Plan](#) also recognizes the subject site as a potential redevelopment area. The recommended maximum height is “Capitol View.”

There are several specific recommendations related to South Pinckney Street. It is recommended as both a bicycle and enhanced pedestrian connection. The [Downtown Plan](#)'s Views and Vistas map includes Pinckney Street as a view to Lake Mendota and the Plan seeks to “preserve” or “not further erode” this and similar views.

The [Downtown Plan](#) also identifies both East Doty and Wilson Streets as “thoroughfares” and recommends streetscape enhancements to create a more inviting pedestrian environment. Specific recommendations include having buildings with active ground floor spaces, street-facing facades with windows and having liner buildings for parking structures, especially at the ground floor.

### Zoning Map Amendment Standards

The Planning Division believes that the Zoning Map Amendment Standards can be found met. These standards are relatively broad and state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law.

Chapter 66.1001(3) of Wisconsin Statutes also requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified “consistent with” as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.” Staff believes that a finding of consistency could be made in regards to this request.

### Planned Development (PD) Standards

The Planning Division believes that the revisions to this approved Planned Development Standards can be found to meet the Planned Development standards. Planned Developments are established as a voluntary regulatory framework to facilitate unique development to encourage high-quality architecture and materials and development that is sensitive to environmental, cultural, and economic considerations. In order to approve a Planned Development, the standards of Section 28.098 must be found met.

### **Recommendation of the Landmarks Commission**

As the subject site is adjacent to a landmark building, Section 28.144 of the Zoning Code requires that the Landmarks Commission provide an advisory finding to the Urban Design and Plan Commissions to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site.

On July 11 2018, the Landmarks Commission recommended to the Plan Commission and Urban Design Commissions that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark – The Madison Municipal Building. A copy of their report is attached.

### **Recommendation of the Urban Design Commission**

The Urban Design Commission (UDC) is required to make a recommendation to the Plan Commission with specific findings on the Planned Development design objectives listed in subsections 28.098(1) and (2) and the other requirements of that subchapter. In addition, UDC is also an approving body for certain public projects.

At their September 26, 2018 meeting, the UDC provided a recommendation of initial approval. This comes after two meetings in which emerging concepts were presented at informational presentations. The most significant design element discussed in their deliberations was the design of the vertical pedestrian entrance features on the East Wilson and East Doty Street facades. UDC requested further information on the distribution of materials and possible modifications to address questions on the proportions of those facades.

### **Public Input**

At the time of report writing, the Planning Division had not received any comments on this request.

### **Conclusion**

The Planning Division believes that the applicable standards for Zoning Map Amendments and Planned Developments can be found met. Staff notes that the project has received favorable recommendations from the Landmarks Commission and Urban Design Commission as noted in this report.

## **Recommendation**

### **Planning Division Recommendation** (Contact Kevin Firchow, (608) 267-1150)

The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward the following Zoning Map Amendments 28.022-00344 and 28.022-00345 to the Common Council with a recommendation of approval. This request is subject to input at the public hearing and the comments and conditions contained within the Plan Commission materials.

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

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

1. The revised Planned Development-General Development Plan- Specific Implementation Plan shall not be recorded and building permits shall not be issued until the Urban Design Commission grants final approval and determines that the standards for Public Projects 33.02(4)(b) and the Planned Development design objectives listed in Sections 28.098(1) and (2) and other requirements of the Sections 28.098(1) and (2) have been met. The applicant may appeal the Urban Design Commission's decision to the Plan Commission, which may affirm, reverse, or modify the Urban Design Commission's decision.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

1. Applicant needs to submit a utility plan sheet(plan view only) with plan submittal. City utility improvements(sewer, storm sewer, and water should reference City Project # 11471, Contract #7952.
2. Applicant shall provide 5' cover over parking deck under Pinckney St ROW as required by City Engineer
3. Applicant shall provide structural engineering plans and calculations stamped by professional engineer to show design is adequate to carry greater of loading conditions of 250 psf & AASHTO H-20 loading. In addition design shall be adequate to carry loads from street lighting, street furniture and street trees.
4. Applicant shall install/provide additional accommodations to support tree health over the parking structure, such as silva cells, raised planters or approved equal as required by city engineer.
5. Applicant shall install bassett style pedestrian lighting along E Doty St, S Pinckney St & E Wilson St as required by City Engineer.
6. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan. (POLICY)
7. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
8. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
9. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
10. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file

shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:a) Building Footprintsb) Internal Walkway Areasc) Internal Site Parking Areasd) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)e) Right-of-Way lines (public and private)f) Lot lines or parcel lines if unplattedg) Lot numbers or the words unplattedh) Lot/Plat dimensionsi) Street namesj) Private on-site sanitary sewer utilities (including all connections to public sanitary)k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal.NOTE: Email CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

11. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)
12. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.. (MGO 16.23(9)(d)(6))
13. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)
14. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
15. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
16. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
17. All damage to the pavement on E Doty St, E Wilson St & S Pinckney St, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
18. The Applicant shall Construct Sidewalk to a plan approved by the City.

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

19. For the underground encroachment document to be drafted by the City Attorney's Office permitting and documenting the parking structure proposed within the Pinckney Street right of way, the Applicant shall provide a map exhibit and legal description by a Professional Land Surveyor showing the improvements with a fully dimensioned and legally described perimetrical boundary of the encroachment area referenced to the Dane County Coordinate System and tied to a quarter section line as required by Chapter 236 of the Wisconsin Statutes. The map and legal description shall also define and describe the three dimensional location of the upper and lower limits of the (proposed structure) encroachment area. All vertical locations shall be referenced to the NAVD 88 (91) datum. Provide an electronic copy of the exhibit and legal description to the Land Records Coordinator, (Jeff Quamme – [jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) for review, comment and coordination.

20. The lease agreement(s) required for the private structure to be constructed above and upon the public parking structure shall be executed prior to construction of the private structure.

21. Maintenance agreements will be required in the future for the proposed water fountain/sculpture improvements proposed as part of the future phases within the adjacent public right of ways.

22. The lease agreement(s) required for the private structure to be constructed in the future above and upon the podium structure shall be executed prior to issuance of a building permit and construction of the future private structure over and above this parking structure.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-4097)

23. The applicant shall work with Traffic Engineering to provide a loading zone that will limit the negative impacts to the adjacent public Right-of-Way. It is our experience if a site is built with a 10 foot wide loading zone the operators of the facilities find this to be insufficient and look to the City to provide additional loading on-street. Often this is problematic if not impossible to provide and the applicants are additionally troubled when they learn no on-street loading zones are not reserved for one user.

24. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

25. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

26. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.



27. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
28. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
29. Items in the Right-of-Way are not approvable through the site plan approval process. Make a note on all pages showing improvements in the ROW that states: The Right-of-Way is the sole jurisdiction of the City of Madison and is subject to change at anytime per the recommendation/plan of Traffic Engineering and City Engineering Depts.
30. The developer shall work with the City to resolve any construction-related issues. A detailed construction plan shall be provided showing all access and staging areas.

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

31. The bicycle parking requirements will be reviewed prior to obtaining Zoning approval for the future commercial tenant uses.
32. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
33. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
34. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

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

**Parks Division** (Contact Kathleen Kane, (608) 261-9658)

35. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann - bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction -
36. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(6) will be required for all new residential development

associated with this project. This development is within the East Park -Infrastructure Impact Fee district. Please reference ID# 17114.1 when contacting Parks about this project.

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

37. The Utility/Site Plan(s) shall be revised to show all existing and proposed public water mains, valves, hydrants and service laterals in the project area as well as identify the diameters of the existing water mains and laterals.

38. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

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

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