



PREPARED FOR THE PLAN COMMISSION

Project: Amending Urban Design District (UDD) 8 - MGO 33.24(15)(e)12
Review Type: UDD 8 Text Amendment – Common Council Referral
Legistar File ID #: [79845](#)
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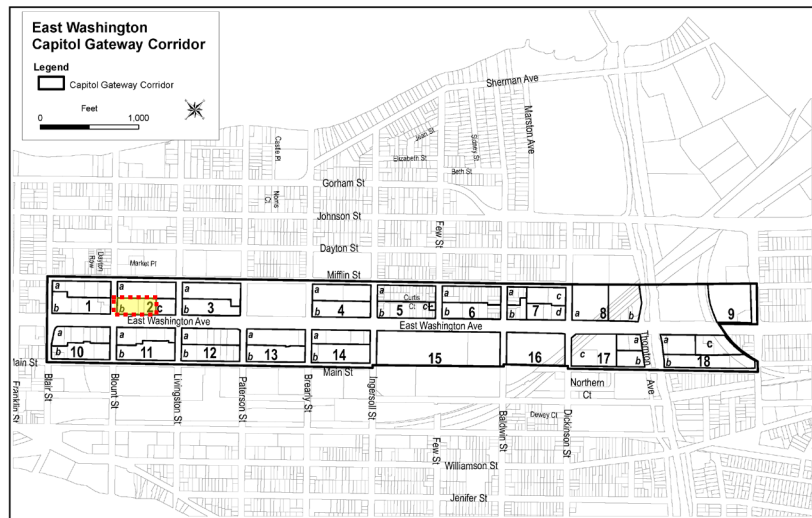
Background Information

The Common Council has referred this text amendment to the Urban Design Commission (UDC) and Plan Commission (PC) for advisory recommendations. The UDC recommended approval on a 4-1 vote at its September 20, 2023 meeting. The Common Council is scheduled to consider this amendment at its October 17, 2023 meeting.

This amendment proposes changes to the [Urban Design District 8](#) (UDD 8) - MGO 33.24 (15) and specifically, the “Upper Level Development Standards.” The amendments would be necessary to facilitate the development of a specific project within the 700 block of East Washington Avenue, and more specifically, “Block 2b” of UDD 8. As a reference, the UDC received an informational presentation on that development on August 16, 2023, under Legislative File [79239](#). That request has not been submitted and is not before the Plan Commission at this time.

Background on UDD 8

UDD 8 was adopted in 2009 upon completion of the [2008 Capitol Gateway Corridor Plan](#). It is one of the eight districts that provide additional design/development regulations in the City. This ordinance is primarily enforced through the UDC, which is an approving body for development within these districts. UDD 8 is the most prescriptive of these districts. Due to the prescriptive nature of this district, there have been instances when block specific requirements have been revised to accommodate a specific development request.



In regards to the existing ordinance, UDD 8 includes block-specific development standards for each of the 18 numbered blocks. These blocks are further broken down into lettered sub blocks that also have unique development standards. These standards include height regulations which may be more restrictive than those found in the underlying Zoning districts. Among UDD 8’s other requirements are the standards for bonus stories under the “Upper Level Development” sub section.

Summary of Proposed Amendment

This proposed text amendment has two primary components.

The first component is to change the allowable height for Block 2b, which is comprised of the western portion of the East Washington Avenue frontage, as highlighted in the above graphic. Currently, Block 2b has a base height of eight (8) stories with the opportunity to obtain two (2) bonus stories, totaling 10 stories. The proposed amendment keeps the block's base height at eight (8) stories and establishes a methodology to obtain up to either a four (4) or six (6) story height bonus.

To achieve a four (4) story bonus, the UDC would utilize the existing methodology and could grant a bonus if it finds that a proposal provides "sufficient public benefit" by providing one or more features/amenities defined in the Upper Level Development standards. More specifically, a development receiving a bonus would need to either provide one (1) of the larger features/amenities listed in Category "i" or a "combination" of smaller features/amenities listed in Category "ii." To achieve a full six (6) story bonus, the applicant would need to demonstrate that an item includes at least one (1) feature/amenity from Category "i" and a minimum of three (3) features/amenities from Category "ii." This amendment does not specify what features/amenities are utilized.

The second component of this text amendment adds a new affordability consideration element to the Category "ii" list, expanding the list of smaller options that could be combined to grant a bonus. To utilize this option, the applicant would choose to enter into a Land Use Restriction Agreement (LURA) with the City to provide that at least 5% of the total units are set aside as affordable units with a minimum affordability range between 60-80% of the County Median Income. As a note, developers of other blocks could also utilize this element to achieve a bonus stories in combination with providing other listed features/amenities. (Note, a more significant affordability bonus is already included among the larger features/amenities in Category "i"). The proposed affordability measure utilizes a similar methodology to what is already established in UDD 8. It also requires that it must be combined with other features and amenities from the existing list.

In regards to this text amendment, Planning staff notes that UDD 8 has been previously been modified multiple times to accommodate specific development proposals. This includes amendments for the abutting "Constellation" and nearby "Galaxie" (with Festival Foods) buildings. While there is precedent to consider block-specific amendments, staff notes that if a building were to be approved with the six (6) bonus stories, it is believed to be the largest bonus story awarded within UDD 8.

In considering height within the surrounding context, staff notes that the surrounding blocks were initially recommended for eight (8) stories, with the provision for up to two (2) bonus stories in the 2008 Capitol Gateway Corridor Plan. Previous code amendments and related development approvals have since allowed for greater height. The aforementioned Constellation building, immediately to the east in Block 2c, was approved as a 10-story building with a two bonus stories for a total of 12 stories and a measured height of approximately 147 feet (not including the taller mechanical penthouses). In the following block, the Galaxie building was approved with a partial 14th floor (representing 15% of the block) and had a measured height of approximately 158 feet. With the larger bonus provision, staff estimates that a building within the subject block could be approximately the same height as the tallest point of the nearby Galaxie building and roughly 10-12 feet taller than the adjacent Constellation, not considering the rooftop mechanicals.

At the time of report writing, one public comment noting concerns on this request has been received by staff and is attached to the legislative file.

Finally, staff notes that this change does not alter other provisions related to height. Conditional Use approval for height exceeding five stories will still be required by the Plan Commission on this site, utilizing the existing standards defined in the Zoning Ordinance. Additionally, this request does not alter the maximum airport height requirements enforced by Dane County.