

**Legistar I.D. #22443****1001 University Avenue****Demolition Permit & PUD Zoning Map Amendment**

Report Prepared By:

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Planning Division

The following report summarizes the previous actions, applicable approval standards, and the revised plans submitted by the applicant. Further background information and staff analysis is provided in the previous reports and addendums. This information is included within this Plan Commission packet. Please note that only new correspondence is being provided in that packet. Previously provided correspondence has been made part of the record and can be viewed online at the following link:

<http://legistar.cityofmadison.com/detailreport/?key=24806>

Summary of Previous Actions

On July 11, 2011, the Plan Commission rejected a demolition permit and recommended that the applicant's proposed PUD Zoning Map Amendment be placed on file by the Common Council. Prior to taking action, members of the Plan Commission indicated they did not find the previous submittal met all of the approval standards. The different standards cited by some Commission members included PUD standards 1 and 2, Demolition Standards 1b and 1d, and the Zoning Map amendment finding that the amendment is in the public interest and not solely for the interest of the applicant.

Since the Plan Commission's action, a protest petition was filed against the zoning map amendment by Luther Memorial Church. As a result, the proposed zoning map amendment would not become effective except by a favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change. Also since that time, the applicant, LZ LLC, submitted an appeal to the Common Council on the rejection of the demolition permit.

The applicant has prepared revised plans. On August 2, the Common Council referred the PUD portion of the project back to the Urban Design Commission, Landmarks Commission, and Plan Commission in order to consider these revisions. Also at that meeting, the Common Council referred their consideration of the demolition permit appeal to a future Common Council meeting, to be considered in conjunction with the review of the revised PUD rezoning request.

Items Before the Plan Commission & Common Council and Applicable Standards

Only the consideration of the PUD zoning map amendment is before the Plan Commission at its September 19 meeting. The demolition permit and its appeal are not before the Plan Commission. The Plan Commission should review the proposal against the following standards:

- Section 28.12(1) Zoning Map and Text Amendments
- Section 28.07 Planned Unit Development District (PUD)

In addition to those standards, the Common Council will also be reviewing the demolition permit appeal at its September 20 meeting. Thus, the following standards should also be considered by the Common Council:

- Section 28.12(12) Demolition and Removal

Copies of the applicable standards are attached for the reference of the Common Council and Plan Commission.

Summary of the Revised Plans

The following is a summary of the key changes in the applicant’s revised materials:

	Original	Revised
Number of Dwelling Units	90	80
Number of Bedrooms	255	246
Building Height (Maximum)	12 Stories	8 Stories
Gross Floor Area (GFA)	102,704 sf	91,448 sf
Vehicle Parking Stalls (Underground)	63	66
Bike Parking Stalls	74	67
Moped Parking Stalls	37	35

The new building occupies a similar footprint to the earlier submittal. The most significant design change is the reduced height of the building that is now eight (8) stories at its tallest point. The new building steps down to five (5) stories closest to Luther Memorial Church. The previously-proposed building was four-stories along this side of the property. The building is again clad in a combination of glass and precast or stone panels. The sweeping curve feature on the upper stories of the University Avenue facade has been removed and now the building has a more conventional eight-story mass. An eight foot-deep cantilevered projection lines the University Avenue façade between the second and fifth stories. While the University Avenue setback of the bulk of the building has been increased from 25 to 26 feet, this projection brings some additional mass towards University Avenue. The applicant indicates the revisions reduce the overall building mass by 14%.

A sidewalk that previously connected Conklin Place to the plaza between the buildings has been removed and instead, the first floor of the building has been reconfigured with a new direct connection onto Conklin Place.

The relationship between the new building and the relocated St. Francis House remains similar to what was previously proposed.

Landmarks Commission and Comments from the Preservation Planner

The applicant returned to the Landmarks Commission for an advisory recommendation on August 22. Luther Memorial Church was approved as a local landmark by the Common Council on August 2 and as such, the Landmarks Commission is required by ordinance to provide an advisory recommendation 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.” (Zoning Ordinance Sec. 28.04(3)(n)). The Landmarks Commission does not have approval authority to issue “Certificates of Appropriateness” for development adjacent to landmarks.

The full meeting notes are attached. In summary, after considering the testimony provided, the Landmarks Commission made the following recommendation to the Plan Commission and Common Council:

While the Landmarks Commission appreciates the developers responsiveness to reducing the height of the development thereby positively improving the shadowing issues at Luther Memorial; keeping St. Francis on site; and locating the new

development on the opposite corner from the landmark, the Commission still has concerns about the adverse affect of increased shadowing on the interior and exterior of Luther Memorial. The Commission believes that the increased shadow would affect the contemplative use and enjoyment of the space on the interior and that the increased shadow may cause damage to materials on the exterior.

The City's Preservation Planner's report to the Landmarks Commission is also attached, noting her opinion that the proposal does not have an adverse affect on the historic character and integrity of the adjacent landmark.

Urban Design Commission

On September 7, the applicant received a recommendation for initial approval from the Urban Design Commission. That report is also attached. Their motion to approve requested the applicant give additional consideration to some design details including treatment of the building's parapets and exterior materials. The motion also requested that additional consideration be given to the treatment of the open space surrounding both the proposed building and the relocated chapel.

Analysis and Conclusion

The height of the revised building has been reduced to eight stories at its tallest point. The portion of the building closest to Luther Memorial has been raised from four to five stories. The height of the new building now matches that of the Luther Memorial peak. The resulting building is roughly 11,000 square feet smaller in area than the originally proposed structure. The number of dwelling units has been reduced by 10 and the project has nine (9) fewer bedrooms than originally proposed. The building features a similar material palette, though the building has a more conventional design considering the removal of the upper-story "sweeping-curve" feature. Aside from the projection on University Avenue façade, the new building maintains similar setbacks to those previously proposed and has a similar relationship to the St. Francis Chapel.

While the design is revised and the density somewhat reduced, staff understands the concerns on this proposal, raised primarily by members of the neighboring Luther Memorial Church, remain similar to those voiced at previous public hearings. These issues include, among others, shadow impacts, density concerns, and compatibility of uses. Please see the previously prepared staff reports and addendums for discussion on Comprehensive Plan consistency, an issue that was also raised during previous public hearings.

Staff believe that the revised building remains attractive and well-designed. At 140 dwelling units an acre, the building is well within the general density range of other student housing developments approved within the area. Staff believe the physical separation between the eight story element and the eastern sanctuary wall is adequate for an urban location.

In regards to shadows, staff again note their opinion that it is unreasonable and problematic from a precedent-setting standpoint to require all new buildings in the Downtown and Campus area to have no shadowing impact on existing structures. Staff is not aware of an instance when shadow impacts were the sole determining factor in making such a finding regarding the applicable approval standards. Taken to the extreme, one might argue that even planting coniferous trees should be avoided because of shading impacts. Revised shadow studies from the applicant show that the new building will provide some shading of the eastern sanctuary windows on sunny days during portions of the months of January, February, March, September, October, November, and December at 9:00 am. The applicant

previously provided a graphic showing the extent of existing shadows that already impact direct sunlight on the sanctuary windows from other nearby buildings including Grainger Hall, which is located immediately east and across Brooks Street from St. Francis.

Like with the previous submittal, staff believes that the smaller project now proposed likely can meet the applicable standards.

Please see the original staff report for additional information related to this proposal. Much of the original staff analysis remains relevant to the review of the revised plans and should be reviewed by the Commission.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

Subject to input at the public hearing, The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3536, rezoning 1001 University Avenue from R6 (General Residence District) to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of approval. This recommendation is subject to the conditions recommended by the Planning Division and other reviewing agencies.

1. That the site and floor plans be made consistent with the letter of intent and previously submitted zoning text to eliminate any discrepancies between the original and updated submittal. This shall be submitted for staff approval.
2. That the applicant provides proof of financing which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued. This information shall include a letter of commitment from a bank or other lending institution and a letter from a construction company indicating their intent to proceed with the project.
3. That the permitted uses in the zoning text be revised, for staff approval, to reflect the continued use of the St. Francis House as a religious institution.
4. That the applicant provides additional on-site bike parking along North Brook Street for approval by Traffic Engineering, Zoning, and the Planning Division.
5. That all balconies be clearly labeled on plans and that useable open space calculations are provided for approval by Zoning and the Planning Division.

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

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

6. The St. Francis House will retain the address of 1001 University Avenue. The new apartments will have a base address of 350 N. Brooks Street.
 7. The Certified Survey Map shall be approved and recorded prior to issuance of occupancy.
 8. The proposed plan calls for a storm discharge to the surface mid site along a sidewalk. Additional information shall be provided on how this shall be accomplished and how it shall be made safe during ice melt conditions.
 9. Proposed sanitary lateral to serve St. Francis House requires a private easement across 1001 University Avenue.
10. 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. (MGO 16.23(9)c)
 11. The approval of this Conditional Use or PUD 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. (MGO 16.23(9)(d)(6))
 12. 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)
 13. 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)
 14. 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)

15. All damage to the pavement on Brooks Street and Conklin Place, 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)
16. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
17. 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.
18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.
19. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))
20. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
21. Prior to approval of the 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. (POLICY)This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

22. 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. (MGO 16.23(9)(d)(4))
23. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

Traffic Engineering Division (Contact John Leach, 267-8755)

24. The applicant is proposing moped parking spaces along the public sidewalk on N. Brooks Street and Conklin Place. The applicant shall create a moped corral 2 ft by 6 ft for moped parking and 4 to 6 ft drive aisle with a 4 ft wall to separate the public sidewalk and moped corral (Like the UW's Moped Carrols across the street.) Moped standard parking spaces recommend 4 ft in width and 6 ft in length with a 6 ft access aisle. The applicant shall submit detail scaled drawings for moped parking and access with plans submitted for approval.
25. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer 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 Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
26. The applicant shall submit with the parking lot plans a letter of operation of the garage door to the underground parking area, and modify the ingress/egress showing a detail drawing of the area showing queuing of at least one vehicle of 20 ft. from the behind the property line to the garage door that will not be blocking the public sidewalk to the lake access.
27. A condition of approval shall be that no residential parking permits shall be issued for 1001 University Avenue, this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant should submit for 1001 University Avenue a copy of the lease noting the above condition in the lease when submitting plans for City approval. Please contact William Knobloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding the above items:
28. The applicant will need to demonstrate how the truck will ingress/egress the truck loading area on Conklin Place.
29. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, 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'.

30. The attached Traffic Signal/Street Light declaration of conditions and covenants shall be executed and returned with site plans. The development shall acknowledge on their proportionate share of traffic signal assessments. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
31. The driveway from the parking area behind the building to the street right-of-way for two-way operation shall be a minimum eighteen (18) ft in width according to M.G.O. 10.08(6)(a)4. The applicant shall show the dimensions of ramps and drive aisles that is greater item "E" or 18 ft for two-way traffic.
32. Overhead Mirrors, and "Stop" sign shall be installed at the driveway approach to North Brooks Street. All signs at the approaches shall be installed on site or behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
33. The intersection shall be so designed so as not to violate the City's sight triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance. The applicant may need to modify the wall to be in accordance to M.G.O.
34. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
35. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

36. Meet all applicable State accessible requirements, including but not limited to:
 - a. Provide the minimum number of accessible stalls 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 for both interior and surface parking areas.
 - b. Show signage at the head of the stalls.
 - c. Show the accessible path from the stalls to the elevator. Parking stalls shall not block the entry to the elevators.
37. The zoning text needs to be clarified in regard to signage. Signage shall be amended to include "Signage will be allowed as provided by MGO 31, including all provisions of MGO31, and further as regulated for the R6 district, with signage as approved by the Urban Design Commission and Zoning Administrator."
38. Modify zoning text to allow religious institution as a permitted land use, along with accessory uses.

39. PUD zoning text indicates Useable Open Space is “as shown on plans” where plans do not call out said open space. Please identify useable open space areas in final plans.
40. Exterior lighting is required and shall be in accordance with City of Madison General Ordinances Section 10.085.
41. Provide a reuse/recycling plan, to be reviewed and approved by The City’s Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
42. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
43. Combine the lots to legally make two lots via a Certified Survey Map. A property line cannot go through a building without a fire wall down the property/lot line pursuant to Section 705.1.1 of the International Building Code.
44. Meet applicable State building and State setback requirements. Contact Mike VanErem at 266-4559 in the building permit review division regarding these requirements for the existing church being moved onto the proposed Lot 1.
45. Provide a minimum of 90 bicycle parking spaces on site for the residential units. Wall-hung bicycle racks do not meet minimum zoning requirements for bicycle parking facilities, and therefore cannot be counted toward meeting bicycle parking requirement unless as approved with the PUD.
46. Work with Planning and Zoning staff to identify additional areas for bicycle and scooter parking, as well as to devise methods to restrict bicycle and scooter parking from terrace and other non-designated areas on the site.

Fire Department (Contact Scott Strassburg, 261-9843)

47. Sheet A-1.2 implies that the building crosses the property line.
48. Building shall comply with all building and fire code requirements including high-rise requirements with an occupied floor 75 feet above the lowest level of fire access lane.

Parks Division (Contact Kay Rutledge, 266-4714)

49. The developer shall pay \$173,426.40 in park dedication and development fees for the new 80-unit apartment building.
50. The developer must select a method for payment of park fees before signoff on the PUD-GDP-SIP.
51. 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.
52. The developer is encouraged to reduce the footprint of the building to preserve some open areas on the property for the use of the students occupying this building.

53. This development is within the Vilas-Brittingham park impact fee district (SI27).

Water Utility (Contact Dennis Cawley, 261-9243)

54. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.