



## Report to the Plan Commission

August 3, 2009

Legistar I.D. #15413  
119-125 N. Butler St. & 120-124 N. Hancock St.  
Alteration to Approved & Recorded PUD-SIP

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

**Requested Action:** Approval of an alteration to an approved and recorded Specific Implementation Plan to allow the renovations of three buildings (119 North Butler Street, 120 North Hancock Street, and 124 North Hancock Street) and the relocation of the building at 119 North Butler Street to 520 East Johnson Street.

**Applicable Regulations & Standards:** This project is subject to the standards for zoning map amendments and planned unit developments. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for planned unit developments. Section 28.07 (6) (g) 4d provides guidelines for approval of alteration to PUDs.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission **Place on File** the applicant's requested PUD alteration to relocate 119 North Butler Street to 520 East Johnson Street prior to providing proof of financing as required in Condition 33 of the approval letter dated August 7, 2008. The Division also recommends that the Plan Commission **approve** the applicant's other request to amend the aforementioned condition to allow for noted renovations to 119 North Butler Street, 120 North Hancock Street, and 124 North Hancock Street. Both recommendations are subject to input at the public hearing.

### Background Information

**Applicant:** Cliff Fisher; Cliff Fisher Development, 107 N. Hancock Street, Madison, WI 53703  
**Agent / Contact:** James McFadden, McFadden & Company  
**Property Owner:** Same as applicant.

**Proposal:** The applicant proposes to amend an approved and recorded Specific Implementation Plan to allow the renovations of three buildings and the relocation of the building at 119 North Butler Street to 520 East Johnson Street. Approval of this alteration would result in certain phases of work being allowed prior to "proof of financing" being provided as required by the Plan Commission and Common Council.

**Parcel Location:** The 20,625 square foot (0.47-acre) subject property includes five contiguous parcels extending through the middle of the 100-block between North Butler Street and North Hancock Street, Aldermanic District 2.

**Existing Conditions:** The site is currently developed with three multi-unit houses on North Butler Street and two, two-unit houses on North Hancock Street. The building at 119 North Butler Street is currently unoccupied and removed from the foundation.

**Surrounding Land Use and Zoning:** The 100 block between North Butler and North Hancock Streets consists primarily of older houses with from two to seven apartments per building, but predominantly

comprised of two and three-unit residences. Two larger, relatively newer apartment buildings are located approximately mid-block on both the North Hancock Street and East Johnson Street frontages. There are several smaller “urban” apartment buildings and a small food market on the East Mifflin Street frontage. There is also a small mixed-use building at the North Butler Street/East Johnson Street corner. Aside from the subject site, the balance of the block is zoned R6 (General Residence District). Large older house ranging from one to four units per building are located on the opposite side of North Hancock Street. The Madison Parking Utility’s Capitol North parking ramp sits opposite this site on North Butler Street.

**Adopted Land Use Plan:** The Comprehensive Plan designates this block as part of the First Settlement-Old Market Place Downtown Residential Sub District. There is no current neighborhood plan or special area plan covering this area.

**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.

**Zoning Summary:** The property is zoned PUD-SIP (Planned Unit Development - Specific Implementation Plan).

## Project Review, Analysis, and Conclusion

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The applicant requests approval of an alteration to a previously approved and recorded PUD-SIP (Planned Unit Development – Specific Implementation Plan). Approval of this alteration would result in certain phases of work being allowed prior to “proof of financing” being provided as required by the Plan Commission and Common Council. However, the approved and recorded PUD would not otherwise change with this alteration.

This proposal was originally submitted as a minor alteration; however, staff declined to approve the alteration and instead have forwarded it for Plan Commission consideration. The standards for alterations to a Planned Unit Development are contained in Section 28.07 (6) (g) 4d of the Zoning Ordinance and state:

No alteration of a PUD shall be permitted unless approved by the City Plan Commission, provided however, the Zoning Administrator may issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Common Council and the provisions of this ordinance. If a change or addition constitutes a substantial alteration of the original plan, the procedure provided in 28.07(6) shall be required.

## Previous Approvals

The PUD-GDP (Planned Unit Development–General Development Plan) and demolition / removal permits were approved by the Common Council on February 7, 2008. Two PUD-SIPs (Planned Unit Development – Specific Implementation Plans) were approved by the Madison Common Council on August 5, 2008. Separate zoning approvals were granted for the North Butler/Hancock Street site and 520 East Johnson Street, the site to receive the relocated building from 119 North Butler Street.

These approvals allowed for the demolition of two structures (123 and 125 North Butler Street) and the relocation of the building at 119 North Butler Street to a vacant property (520 East Johnson Street). A new 38-unit apartment building was approved along the Butler Street frontage. The two residences on Hancock Street (120 & 124 North Hancock Street) are incorporated into this PUD.

These rezonings have been approved and recorded; however, the applicant is still required to provide proof of financing prior to receiving any building, demolition, or relocation permits. The specific condition of approval was placed on the project by the Plan Commission, approved by the Common Council, and states:

- 1) That the developer submit proof of financing, which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Planning and Community and Economic Development prior to any permits being issued. *(PUD-SIP Approval Letter: 8/7/2008)*

### Summary of the Current Request

The applicant requests approval to proceed with certain aspects of the approved projects, in advance of providing the required proof of financing to complete the entire project. Staff note, construction of the larger apartment project would not occur at this time. The applicant has indicated he will still move forward with that project, though there is no exact timeline on when that would occur.

Specifically, the applicant seeks approval to do the following three items. (These items are labeled as Phases I-III in the applicant's materials.) Should the Plan Commission wish to allow any of the items to proceed at this time, staff believe the aforementioned condition must be amended to specify the activities that could occur prior to proof of financing being provided.

#### **1. (Phase I) Complete the building renovations to 119 N. Butler Street**

Much of the renovation and restoration work described in the applicant's materials for 119 N. Butler Street has already been performed. Therefore, part of this request would be approving work that has already been completed.

#### **2. (Phase II) Relocate 119 N. Butler Street to 520 E. Johnson Street**

The most significant request is to relocate the building at 119 N. Butler Street to 520 E. Johnson Street in advance of providing the required proof of financing and proceeding with the larger apartment project. This would result in a vacant property within an otherwise intact block face. The applicant proposes to grade and landscape the vacant lot with lawn and small perennial plantings in the interim.

#### **3. (Phase III) Complete the renovations to the rears of the N. Hancock Street facing buildings.**

The final aspect of this request includes moving forward with approved renovations to the rears of the North Hancock Street facing structures, including the removal of the wooden fire escapes and exterior stairs.

### Analysis

Staff believe the relocation of the 119 N. Butler Street building prior to demonstrating proof of financing for the larger redevelopment project is problematic. Though the applicant has indicated he still intends to move forward on the larger apartment redevelopment project, the exact timeline is not known. If approved, this would create a vacant property along an otherwise intact block face for an undetermined amount of time. While landscaping is proposed, this is not considered an ideal interim solution.

The building at 119 N. Butler Street has already been removed from its foundation and has been sitting on temporary bracing for over a year. This work occurred without permits being issued. Orders have been issued from the City Building Inspection Division to attach the building back to a foundation or to obtain permission to move the structure. The applicant has indicated that methods used to raise the house limit the feasibility of fixing or replacing the existing foundation, should permission to move the building not be granted. Building Inspection Division staff have reviewed the bracing and foundation. Upon this initial review, they believe the building could be raised and the foundation rebuilt/repaired. They request that evidence from a credible home moving company or structural engineer be provided to further substantiate claims that the foundation can't be rebuilt with the current bracing. Building Inspection staff did note that there was substantial damage to the existing foundation walls.

### Conclusion

The Planning Division does not object to the proposed renovations to 119 North Butler Street, 120 North Hancock Street, and 124 North Hancock Street. Staff believe the Plan Commission could amend the above-mentioned "proof of financing" condition to allow these proposed activities to proceed prior to receiving formal proof of financing. These activities should not have an adverse impact on the character of the surrounding blocks. However, at this time staff do not support the relocation of the building at 119 North Butler Street until the previously stated proof of financing condition is satisfied. Staff believe that the applicant should pursue the repair or replacement of the foundation at 119 North Butler Street so the building can remain.

### Recommendation

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

The Planning Division recommends that the Plan Commission **Place on File** the applicant's requested PUD alteration to relocate 119 North Butler Street to 520 East Johnson Street prior to providing proof of financing as required in Condition 33 of the approval letter dated August 7, 2008. The Division also recommends that the Plan Commission **approve** the applicant's other request to amend the aforementioned condition to allow for noted renovations to 119 North Butler Street, 120 North Hancock Street, and 124 North Hancock Street. Both recommendations are subject to input at the public hearing.



Department of Planning & Community & Economic Development  
**Planning Division**

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June 23, 2009

Mr. James McFadden  
McFadden & Company  
5 North Broom Street  
Madison, WI 53703

RE: 121 North Butler Street GDP-SIP

Dear Mr. McFadden:

I have received your request dated May 18, 2009 for approval of a "minor alteration" to the PUD-SIP to allow permits to be issued for improvements to buildings located at 120 and 124 North Hamilton Street, and the renovation of the building at 119 North Butler Street in its current location.

As you are aware, the Plan Commission and Common Council placed a condition on the approval of the Planned Unit Development requiring proof of financing prior to the issuance of any permits for this Planned Unit Development. In order to consider this alteration request, we will need to send it to the Plan Commission for consideration. If there is additional information you would like to provide to the Plan Commission let me know.

This matter will be scheduled for consideration by the Plan Commission at a public hearing scheduled for July 20, 2009 at 6:00 p.m. If this date does not work for you let me know.

Sincerely,

Bradley J. Murphy, Planning Division Director

C: Ald. Bridget Maniaci, District 2  
Matt Tucker, Zoning Administrator  
Michael Waidelich, Principal Planner