



PREPARED FOR THE PLAN COMMISSION

Project Address: 437-445 W Johnson Street, 430-440 W Dayton Street, and 215-221 N Bassett Street (District 3 – Alder Verveer)

Application Type: Zoning Map Amendment, Demolition Permit, Conditional Use, and Certified Survey Map Referral

Legistar File ID # [76899](#), [77208](#), [76900](#), and [76903](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

At its May 8, 2023 meeting, the Plan Commission referred the demolition permit (ID 76899), conditional use (ID 76900) and certified survey map requests (ID 76903) to the May 22, 2023 meeting, and recommended referral of the zoning map amendment (ID 77208) to the May 22, 2023 meeting to the Common Council, with the following conditions:

- The applicant shall develop a fully-vetted plan set which includes the various draft design changes related to location change of the entries of the 6-story portion of the building before returning;
- The applicant shall address the design-related issues laid out on Page 11 of the May 8, 2023 Plan Commission staff report, such as:
 - the significant blank wall expanses along pedestrian pathways which are visible from the street
 - the building elements on the rooftop which are not in compliance with the maximum height regulations (MGO Section 28.134(2)) of the Zoning Code
- The applicant shall include the ADA, EV-ready and EV-installed automobile parking stalls on the plans.

At its meeting on May 16, 2023, the Common Council referred the zoning map amendment request (ID 77208) to the June 12, 2023 Plan Commission meeting and the June 20, 2023 Common Council meeting. (Since all four related requests needed to track together, the other three requests were referred accordingly.)

In response to the Plan Commission’s conditions, as well as the feedback received at the April 26, 2023 Urban Design Commission meeting, the applicant has developed updated drawings. These drawings, along with a list outlining the changes, have been attached to the public record (Legistar File [76900](#).) Staff provides the following analysis of the changes related to the Plan Commission’s conditions listed above.

Regarding the changes related to the various residential entries of the building’s 6-story mass, most notably, the applicant has flipped the common entrance from the west to the east (W Dayton Street) side of the building and removed the exterior entries for all of the townhouse units, save for the two units which face W Dayton Street. Private patios now occupy the space which was previously occupied by the internal sidewalk and front stoops. (See Image 1 below with the common entry indicated in red in the original proposal (on the left) and the revised proposal (on the right).) This same change was also made to the townhouse entries located along the east façade of the 12-story mass.

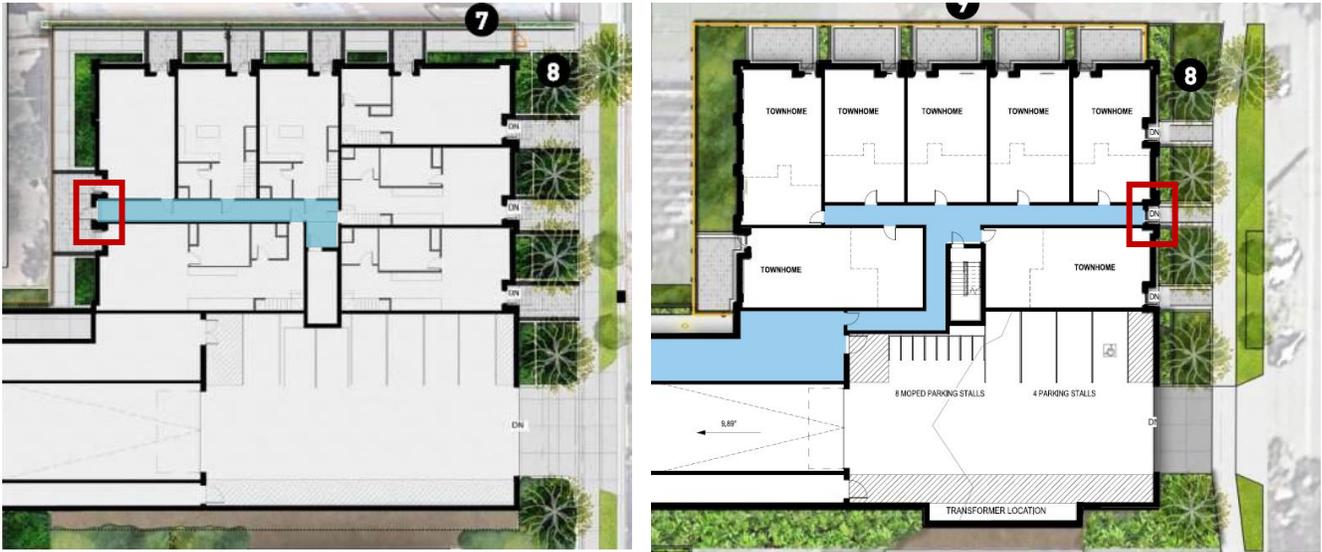
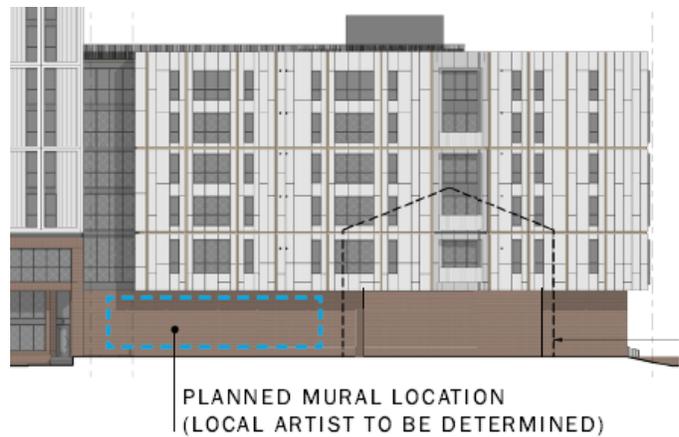


Image 1: Ground floor layout of the building's 6-story mass. Left: Original proposal with an exterior walkway leading to individual townhouse entrances; and Right: Revised proposal with the walkway removed and replaced with private patios

Regarding the design of the relocated common entrance to the W Dayton Street façade and the fact that it appears quite similar to those of the adjacent townhouse entries, the UDC's motion of approval at their May 31, 2023 meeting included a condition of approval that "Additional landscaping or visual cues shall be provided to distinguish the individual entries from the common entryway on W Dayton Street."

Regarding the significant blank wall which is two stories in height and located along the south side of the 6-story mass, while windows or other such articulation have still not been added, the applicant has added some modulation in the form of a 2-story bumpout located near the street (to make space for electrical transformers located inside the garage's entry). Further back from the street, along this wall, a large mural has also been proposed. While no description of what the mural will look like have been provided, in submitted materials, the applicant notes that the mural will be created by a local artist and that it "will be installed on a backer board with a minimal frame." As noted below, one of the Urban Design Commission's recommended conditions of approval is that this mural come back to the UDC for final review and approval.



Regarding the rooftop elements which Zoning staff found were not in compliance with the maximum height regulations (MGO Section 28.134(2)) of the Zoning Code, the applicant notes that the 12th floor mechanicals/elevators "have been reduced to the minimum level with two elevators/stairwells serving the deck area, elevator overruns, and mechanicals serving the building." The City's Zoning Administrator has reviewed the revised plans and has concluded that they are now compliant.

Regarding the inclusion of the ADA, EV-ready and EV-installed automobile parking stalls on the plans, the applicant has labelled and colored the lower level (parking deck) floor plan to indicate the location of the two EV-installed parking stalls and six EV-ready stalls.

At its meeting of May 31, 2023, the Urban Design Commission reviewed the applicant's plans and made an ADVISORY RECOMMENDATION to the Plan Commission to grant Final Approval (Legistar File ID #[75228](#)). The motion for Final Approval found the list of outstanding items has been met, with the following additional conditions:

- A garage door shall be provided on the exterior garage opening on the W Dayton tower. The door shall be comprised of aluminum and acrylic openings to provide some views in and out.
- Additional landscaping or visual cue shall be provided to distinguish the individual entries from the common entryway on W Dayton Street.
- Rooftop screening shall be complementary to the building façade material, like a metal material.
- The rooftop lighting shall be revised to be consistent with the lighting levels that are already controlled by the code at the ground level.
- The mural shall return to the UDC for final review and approval.

The report from the May 31 UDC meeting has been included at the end of this staff memo.

On balance, given the changes outlined above in addition to the Urban Design Commission's May 31, 2023 advisory recommendation of approval, staff believe the Plan Commission could find conditional use standard #9 met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition of the 10 residential buildings;
- That the Plan Commission find that the Zoning Map Amendment Standards are met and forward Zoning Map Amendment ID 28.022-00628, rezoning 437-445 West Johnson Street, 430-440 West Dayton Street, and 215-221 North Bassett Street, 4th Alder District, from PD (Planned Development) and DR2 (Downtown Residential 2) District to UMX (Urban Mixed-Use) District to the Common Council with a recommendation of **approval**.
- That the Plan Commission find that standards for conditional uses met and **approve** a request for a multi-family dwelling with greater than eight (8) dwelling units in the [Proposed] Urban Mixed-Use (UMX) District; for a new building greater than 20,000 square feet and more than four stories in the UMX District; and for outdoor recreation in the UMX District - all to allow construction of a 12-story apartment building with 232 units.
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions contained in the [May 8, 2023 Plan Commission staff report](#) with the following changes: 1) Conditions 2 and 3 in that report be deleted, and 2) Condition 4 be replaced as follows:

Urban Design Commission (Contact Jessica Vaughn, UDC Secretary, (608) 267-8740)

4.
 - a) A garage door shall be provided on the exterior garage opening on the W Dayton tower. The door shall be comprised of aluminum and acrylic openings to provide some views in and out.
 - b) A garage door shall be provided on the exterior garage opening on the W Dayton tower. The door shall be comprised of aluminum and acrylic openings to provide some views in and out.
 - c) Additional landscaping or visual cue shall be provided to distinguish the individual entries from the common entryway on W Dayton Street.
 - d) Rooftop screening shall be complementary to the building façade material, like a metal material.
 - e) The rooftop lighting shall be revised to be consistent with the lighting levels that are already controlled by the code at the ground level.
 - f) The mural shall return to the UDC for final review and approval.



Agenda Item #: 5

Project Title: 437-445 W Johnson Street/215-221 N Bassett Street/430-440 W Dayton Street - New Student Housing Project. 4th Ald. Dist.

Legistar File ID #: 75228

Members Present: Cliff Goodhart, Chair; Christian Harper, Lois Braun-Oddo, Shane Bernau, Rafeeq Asad, Amanda Arnold, Marsha Rummel, and Russell Knudson

Prepared By: Jessica Vaughn, AICP, UDC Secretary

Summary

At its meeting of May 31, 2023, the Urban Design Commission made an **ADVISORY RECOMMENDATION** to the Plan Commission to grant Final Approval of a new student housing project located at 437-445 W Johnson Street/215-221 N Bassett Street/430-440 W Dayton Street. Registered and speaking in support were Brian Munson, and Trina Sandshafer. Registered in support and available to answer questions were Doug Tishner, Aaron Ebent, Austin Pagnotta, and Suzanne Vincent.

Updates to the proposal include alteration to townhome entries by removing the exterior entrances in favor of an interior hallway that spans the building, lowering the height of the garage door from 14.8 to 12.0, the addition of art and a mural placement adjacent to the Lexington, inclusion of two EV parking stalls, adjustment of lighting that will continue to be refined to meet code, and additional landscape screening at private patios along the townhome locations at interior lot lines. No changes were made to the Johnson Street side of the building.

Questions for staff and/or the development team:

- Thank you for the clarification on the garage. You took out the wording “loading and trash staging,” but I get the awful feeling that after this has been built, we’re going to see mattresses or dumpsters or carts in that area that will be very unpleasant to look at. Other buildings have their dumpsters behind an overhead door, why can’t we have an overhead door here to screen that stuff?
 - We wanted to make it easy for vehicles coming in and out. We have short term parking for Ubers, etc. before you go further down into the garage, so we’re not queuing up people on the street.
- The Ovation has public parking with another door that restricts cars. The doors open in a matter of five seconds when they detect a vehicle, so I believe that can be overcome and still have your secure parking beyond where you have a door. Given the scale of Dayton Street and the clarity which I now see the opening along Dayton Street and given the scale I’m concerned we’re going to be seeing a bunch of junk in there we don’t really want to see. Also big bright lights in that area, it detracts from an otherwise very attractive composition and building design.
 - We can add a door there if that satisfies the group.
- The concern of trash and staging of carts and dumpsters, you are required to screen those and that would preemptively solve any screening issues.
- I concur on having a door there, having an open access like that, people are bad drivers. I can see people seeing this driveway thinking it’s a through street. Even if there is a door further in, it’s security for the whole building. We received neighborhood comments about concerns that the common opening is not distinctive enough, it

doesn't seem like it would be a problem but what sets that opening apart other than the street numbers seeing that it is similarly sized to the others?

- It is similar in character to the front door on the other street. A small number of people use that door, it is primarily for the townhomes.
- I have a question about the massing. I still struggle with this project, it's a nice brick base with this thing on top of it. There's tension where they meet, they're in competition and it's not working, I can't get past it. Where you pulled in that grid at the corner, when it's so much more successful. Get that band of relief above the brick and add a little color to a somewhat colorless elevation on all sides.
 - Looking at the building entry, there is a reveal detail of the brick base on what is above. It was done to draw attention to the corner. We've received no other comments about the massing at this point.
- Sometimes when you draw attention to something that is good, you also draw attention to the things that are not good.
- I do have a question for staff, there was mention for the UDC to look at rooftop mechanical screening?
- (Secretary) There are a number of design considerations in the staff memo that staff is looking for the Commission to address in their motion, including:
 - Large changes to the townhome entries at grade, we had front doors and now we have back doors. Looking at patios, screening and landscape surrounding them.
 - Change to the Dayton Street tower building entry. The initial recommendation by UDC to Plan Commission was having that common unit entry, but is it adequately designed to read as a common building entry versus an individual unit entry.
 - The garage door opening, the Commission asked for details related to design and detailing of this entry. The Commission talked about having an actual door here, I would ask the commission to provide additional details on what kind of door that is: is it solid, does it have windows, is it recessed, flushed?
 - The mural is new, the Commission's comments related to that, is that coming back to the Commission or is staff administratively approving that in the future?
 - The mural is an attempt to screen a large blank wall. Should the mural never come to fruition, the landscaping there is low lying landscape. The Commission should consider if a mural doesn't happen, should the landscape plan be modified to accommodate the necessary screening to break up the bank wall?
 - Lighting, changes have been made there.
 - We have not seen anything relative to rooftop screening, especially in terms of material and detailing.
 - This one is a little clunky because, typically before we consider items for the second time it has gone to Plan Commission and they have done something with our initial recommendation. In this case because of a referral, this item is going to Plan Commission on June 12th. The applicant has refined plans to hopefully address what were going to be the adopted conditions of approval from our May 10 meeting. It is very important that we look at those items in particular and address them as part of our revisited motion to the Plan Commission, as well as changes made to the plans.

The Commission discussed the following:

- The Dayton Street entryway, in elevation view other than the number there is no differentiation between the units, when you go to plan view it's the same scale, rhythm, the same stairs. You want to design something that gives folks a queue, it's so subtle you'll have lot of people walking up to the two units on the end rather than the main entrance because they are all the same. Maybe it's the narrowing of the walk, maybe a gate going up to it? I do think it needs some differentiation. I understand what Rafeeq is saying about the podium and the distance of that element at the corner, although I like that it's only happening at the corner. I think it attaches and meets the podium at the other corner in a nice way. I don't necessarily feel like the whole building has to have that same treatment.
- There has to be a door going into the parking garage, on the plan it shows a whole wall of transformers there. Those can be unsightly, it would be a nice way to give that façade a little definition.

- Where it says “440” is kind of private entry itself. It’s really not meant to say to the public “come in,” this is really just for a handful of units. That’s the only reason I thought this low key door, slightly differentiated, was appropriate for the Dayton Street entry. Something could be done with landscaping.
- For the garage door, I would opt for something in a mix of aluminum and acrylic openings. Having some view in and out as cars approach would be good for safety and security. A high speed rollup door would be most preferred and functional. So, we have been asked to make findings on at least five points, including the mural the common entry, the garage door, for rooftop mechanical screening and that would be again a description of what the material might be and how to dispense of rooftop and site lighting.

Discussion on the motion:

- The motion includes that the list of items has been met. I would ask that the applicant add the overhead door to the garage entry, somehow add landscaping or other visual cues to differentiate the common entryway. An expression on the façade is not necessary, it is more of a landscape solution.
- Any requirements for rooftop screening material? Corrugated metal panel?
- Something that is complementary to the building (like a metal) for mechanical screening.
- Second by Arnold.
- (Secretary) To clarify the motion. Is this Initial or Final Approval? This is an advisory recommendation to the Plan Commission; and last time we granted Initial Approval with the condition that it comes back to the UDC.
- The motion is for Final Approval.
- (Secretary) Also looking for a recommendation on the Mural and how that is to be handled in the future, and rooftop lighting and overall site lighting, looking for a condition on that. Ultimately the Urban Design Guidelines rule the day on rooftop lighting, not the code. Our ordinances related to lighting only address on the ground lighting. There are some pretty high light levels on the roof.
- Add that the lighting does have cut offs so it doesn’t extend past the property or up into the sky and respects the dark sky initiative.
- (Secretary) There are design guidelines that in terms of light levels be appropriate and not excessive.
- Add that lighting should be appropriate to the activity on the roof and for the lighting to not leave the property light levels will likely need to be lowered.
- They be consistent with the lighting levels that are already controlled by the code at the ground level.
- Ok, Lets to that.
- (Secretary) And then just the mural so we don’t need worry about whether that comes back in the future.
- I don’t necessarily feel like the mural needs to come back; there is a commission that looks at that right?
- (Secretary) The main concern is typically we look at the mural’s visibility, is it being painting directly on brick, is it framed, lit, etc. Any sort of guidance you could give and if can be approved administratively.
- Let’s have the mural come back, there are so many possibilities it would be hard to capture.

Action

On a motion by Braun-Oddo, seconded by Arnold, the Urban Design Commission made an **ADVISORY RECOMMENDATION** to the Plan Commission to grant Final Approval. The motion was passed on a vote of (5-2-1) with Braun-Oddo, Arnold, Knudson, Harper and Rummel voting yes; Asad and Bernau voting no; and Goodhart non-voting.

The motion for Final Approval found the list of outstanding items has been met, with the following additional conditions:

- A garage door shall be provided on the exterior garage opening on the W Dayton tower. The door shall be comprised of aluminum and acrylic openings to provide some views in and out.
- Additional landscaping or visual cue shall be provided to distinguish the individual entries from the common entryway on W Dayton Street.

- Rooftop screening shall be complementary to the building façade material, like a metal material.
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