



## PLANNING DIVISION STAFF REPORT

August 8, 2018

PREPARED FOR THE URBAN DESIGN COMMISSION

**Project Address:** 119-121 N Butler & 120-124 N Hancock Streets  
**Application Type:** Initial/Final Approval  
**Prepared By:** Sydney Prusak, Planning Division  
**Reviewed By:** Heather Stouder, AICP, Planning Division

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The applicant is before the Urban Design Commission (UDC) requesting initial/final approval. An earlier version of this project went before the UDC in 2016 and 2017, and the UDC voted to deny the request for a residential building complex on a 5-4 vote at their March 22, 2017 meeting. Further information on this previous request is available online ([Legislative File 46308](#)). Following that UDC recommendation, at their April 3, 2017 meeting, the Plan Commission voted to place this project on file without prejudice, citing that Conditional Use Standards #4 and #9 could not be found met ([Legislative File 44569](#)).

Since that submittal, the applicant has responded to both UDC and Plan Commission concerns about the scale of the building and its consistency with the development pattern on the rest of the block. In summary, the applicant now proposes to demolish a two-family residence and four-unit apartment building to construct a new 31-unit apartment building. The building will be part of a residential building complex, which also includes two (2) existing two-family residences. In total, the proposed development includes 35 units.

### Background Information

A 34-unit residential development was previously approved on the subject properties as part of a rezoning to the former Planned Unit Development (PUD) Zoning District. That development was approved in phases with the General Development Plan ([Legislative File 06572](#)) approved in 2007 and the Specific Implementation Plan ([Legislative File 10860](#)) approved in 2008. The demolition of 123 and 125 North Butler Street were also approved at that time. Those aspects of the proposal never proceeded and those approvals have expired. Alterations to that request, including the relocation of the residence at 119 North Butler Street in advance of the larger apartment development proceeding, were approved in 2009 ([Legislative File 15413](#)). As part of the 2013 Zoning Code re-write, the subject properties were zoned into the DR-1 (Downtown Residential-1) District, consistent with the rest of the block. Residential building complexes and multi-family dwelling buildings with greater than eight (8) units require conditional use approval in DR-1 Zoning.

In 2017, the applicant requested conditional use approval to construct a 44-unit apartment building as part of a residential building complex that included the two existing two-family residences at 120-124 N Hancock Street. The applicant also requested re-approval of the demolitions of the two buildings (123 and 125 N Butler Street) that were approved in 2007. The Plan Commission did not find that the Conditional Use Standards were met and voted to place the demolition permit and conditional use requests on file without prejudice. In placing this matter on file, the Plan Commission specifically stated that Conditional Use Standards #4 and #9 were not met due to the depth of the 44-unit apartment building along N Butler Street, which was inconsistent with the development pattern on the rest of the block; the concern about creating a precedent for development on the rest of the subject block; and the width of the proposed building, which members of the Commission stated needed greater articulation of the front façade.

### Summary of Adopted Plan Recommendations

The project is consistent with some, but not all aspects of adopted plans. The [Comprehensive Plan](#) (2006) includes the subject site within the "First Settlement-Old Market Place" sub district of Downtown. Recommended uses include residential development between 16-60 dwelling units per acre (du/ac) or as further defined in more

detailed plans. At roughly 74 du/ac, this proposal exceeds that range, though as noted below, additional density is recommended in parts of the James Madison Neighborhood. The [Comprehensive Plan's](#) (2006) Land Use chapter also includes several general adopted goals, objectives, and policies related to infill development and established neighborhoods. Examples include Objectives 22 and 42:

Objective 22: Seek to reduce the demand for vacant development land on the periphery of the City by encouraging urban infill, redevelopment, and higher development densities at locations recommended in City plans as appropriate locations for more intense development.

Objective 42: Ensure that new development is compatible with the existing and planned design and development characteristics of the neighborhood and minimize land use conflicts between infill or redevelopment projects and existing neighborhood development.

Staff requests the reviewing Commissions to consider how the development relates to surroundings. While Staff believes that the proposed development can be found consistent with plan components that promote infill development and higher development densities, consideration should be given to some of the more specific policies related to surrounding context. Staff notes that Policy 4, under Objective 22 recommends that redevelopment scale and density is reasonably compatible with established neighborhood character. Policy 1 under Objective 42 states that a redevelopment incorporate or improves upon existing positive qualities such as building proportion, shape, and pattern of buildings and yards. While the project has decreased in scale since the last submittal, dropping from 44 to 31 units, and reducing to 88 feet in depth compared to 113 feet, Staff notes that it would still be the largest building and the only through-lot development on the block.

More detailed recommendations are included in the [Downtown Plan](#) (2012). The subject site is within the James Madison Park Neighborhood, which is intended to accommodate a mix of dwelling units, renovation of existing houses coupled with selective redevelopment that reflects the scale and rhythm of existing structures. Objective 4.11 and supporting recommendations 101-106 pertain specifically to the subject area. An excerpt from that Plan is attached. These statements and other recommendations state that redevelopment should reflect the scale and rhythm of surrounding structures, promote larger family-supportive and work-force housing in new developments, and provide ample on-site open space. The plan also recommends "relatively higher-density development" that conforms to the maximum building heights map along the subject site. The proposed development consists of primarily studios and one-bedroom units, and meets the Zoning Code's minimum "point" requirement for dwelling-unit type diversity in the Downtown Residential 1 (DR-1) zoning district at exactly 1.25.

### **Approval Standards**

Per MGO §33.24(4)(c), the Urban Design Commission shall review the exterior design and appearance of all principal buildings or structures and the landscape plans of all proposed residential building complexes, and it shall report its findings and recommendations to the City Plan Commission. After UDC consideration, the Plan Commission will review this request against the approval standards for Demolition Permits and Conditional Uses. As noted earlier, in 2017, the Plan Commission found that Conditional Use Standards 4 and 9 were not met.

Conditional Use Standard 4: The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Conditional Use Standard 9: When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district<sup>1</sup>. In order to find that this standard is met, the Plan

Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.

### Design-Related Comments

The following changes have been made since the 2016/2017 submittal:

- **Depth of the Structure.** This structure, located within the middle of the block, is proposed to have a depth of 88 feet. While the building depth has been reduced from the original proposal of 113 feet and is found to be more consistent with the depth of surrounding structures (ranging from 50-70 feet in depth), it will still be the first through-lot development within the subject block. Due to the reduction in building depth, the new building has dropped from 44 proposed units to 31 proposed units. Including the two remaining structures on N Hancock, the residential building complex would have a total of 35 units. In terms of density, there would be 74 du/ac compared to 102 du/ac in the 2016/2017 submittal.
- **Open Space and Balconies.** The applicant removed a majority of the individual unit cantilevered balconies along the building side due to the UDC and Plan Commissions concern regarding their design and desirability. The primary concern was the large outward projection from the building's façade.
- **Building Materials.** In the previous submittal, the building was primarily clad in brick on all sides. The proposed development now will be primarily clad in fiber cement lap siding, with accents of fiber cement paneling on the lower and top portions of the structure. The proposed color palate consists of taupe, beige, and browns. In the previous iteration, the UDC did not have major concerns with the building materials, so this change was not a direct response to Commission feedback.

### Design Recommendations

The Planning Division is seeking design related feedback from the UDC on three specific items:

- The predominance of fiber cement lap siding seems that it could be improved with a more clearly established base, middle, and top
- The shape and size of the roof do not seem in proportion with the rest of the building, and staff believes that a flat roof with parapet could improve the design.
- The main entrance doors currently look smaller than the sliding glass doors on the first floor units on either site. The main entrance could be architecturally enhanced to be more prominent.

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<sup>1</sup> ZONING CODE EXCERPT- **28.077 DOWNTOWN RESIDENTIAL DISTRICTS.**

#### (1) Statement of Purpose.

These districts are intended to recognize historic Downtown neighborhoods comprised of predominantly residential uses with some non-residential uses. The districts are also intended to:

- (a) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.
- (b) Promote the preservation and conservation of historic buildings and districts while allowing selective infill and redevelopment based on the recommendations of adopted City plans.
- (c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of scale and rhythm, building placement, facade width, height and proportions, garage and driveway placement, landscaping and similar design features.

## James Madison Park Recommendations

**Objective 4.11:** *The James Madison Park neighborhood should accommodate a mix of dwelling units, some of which are suitable for families with children. The renovation of existing houses coupled with selective redevelopment that generally reflects the scale and rhythm of the existing structures should help reinvigorate the area, provide a variety of housing options (including workforce housing), and strengthen linkages to the adjacent Tenney-Lapham neighborhood.*

**Recommendation 101:** *Promote the construction and rehabilitation of family-supportive housing and consider adopting an ordinance with standards for such development.*

**Recommendation 102:** *Require that new development provide ample on-site open space and play areas for use by young children, and do not waive usable open space requirements in the James Madison Park District.*

**Recommendation 103:** *Encourage family-supportive workforce housing design in new multi-family developments, including more modern, larger units (2-3 bedrooms) and true usable on-site open space.*

**Recommendation 104:** *Allow relatively higher-density development that conforms to the Maximum Building Heights Map along North Hamilton, Butler and Gorham Streets.*

**Recommendation 105:** *Allow infill and redevelopment along Hancock, Franklin and Blair Streets generally compatible in scale and design with the predominantly “house like” neighborhood character.*

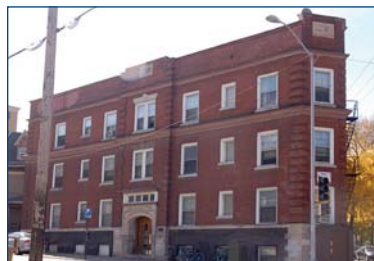
**Recommendation 106:** *Consider establishing a Neighborhood Conservation District as identified in the Downtown Historic Preservation Plan.*

## ■ James Madison Park

The James Madison Park neighborhood is characterized by fairly intact blocks of two- to three-story houses. Many of these houses have been long time rental properties and include larger units that would accommodate families with children.

The renovation of existing structures, coupled with selective redevelopment that reflects the scale and rhythm of the existing structures, will help ensure the future vibrancy of the area, provide a variety of housing options, and strengthen linkages to the adjacent Tenney-Lapham and Mansion Hill neighborhoods. During the planning process, many participants expressed a desire to create Downtown neighborhoods that were inviting to families with children. With its proximity to Lapham Elementary School, presence of houses that could accommodate such families,

and a large park (James Madison Park), this neighborhood provides the best opportunity to foster this type of environment. The *Downtown Historic Preservation Plan* (1998) recommends that a neighborhood conservation area be created, “wherein the existing residential character of the core of the neighborhood would be preserved and encroachment by incompatible uses will be prevented.” A neighborhood conservation district is a tool provided in the Zoning Ordinance to help ensure that important, unique, and consistent development patterns and design features (such as setbacks, roof forms, or the presence of large front porches) within the neighborhood are conserved. The first step in implementing this recommendation would be a study to articulate the specific characteristics of the neighborhood to be preserved. The Fourth Lake Ridge National Register Historic District runs along portions of East Gorham Street.



Scenes from James Madison Park