PLANNING DIVISION STAFF REPORT

April 7, 2025

PREPARED FOR THE PLAN COMMISSION

Project Address: **306 N Brooks Street** (District 8 – Alder Govindarajan)

Application Type: Conditional Use

Legistar File ID # 87462

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

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: John Leja; LZ Ventures; 8301 Machine Drive, Suite 102; Madison, WI 53717

Contact: Duane Johnson; Knothe & Bruce Architects; 8401 Greenway Blvd., Suite 900; Middleton, WI 53717

Requested Action: Consideration of a conditional use pursuant to MGO Section 28.134(3) for projections into the Capitol View Preservation Limit to allow rooftop mechanical space and an elevator overrun for a previously approved 15-story, 189-unit apartment building.

Proposal Summary: The applicant is seeking approval to increase their already approved building above the Capitol View Preservation Limit of 1032.8 feet above sea level for the rooftop mechanical space and elevator overrun.

Applicable Regulations & Standards: MGO Section 28.134(3) states, "*No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses.*" Standards for conditional use approval are found in §28.183(6) M.G.O.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the requested projections into the Capitol View Preservation Limit to allow rooftop mechanical space and an elevator overrun for a previously approved 15-story, 189-unit apartment building, subject to the conditions from reviewing agencies beginning on page 6.

Background Information

Parcel Location: The 34,251-square-foot (0.79-acre) parcel is located at the northwest corner of W Johnson Street and N Brooks Street; Alder District 8 (Govindarajan); Madison Metropolitan School District.

Existing Conditions and Land Use: Currently, the site is occupied by a four-story, roughly 50,000-square-foot lodging house which serves the community organization Porchlight and contains 102 units (87 single room occupancy rooms (SROs) and 15 efficiency units) with surface parking. As is described in greater detail in the *Related Approvals* section below, both the demolition permit to raze this building as well as the conditional uses

needed to build the proposed 15-story, 189-unit apartment building – the same building which is now proposed to extend higher, above the Capitol View Preservation Limit – were approved by the Plan Commission at their meeting on July 8, 2024. The parcel is zoned Regional Mixed-Use (RMX) District.

Surrounding Land Uses and Zoning:

North: Across Conklin Place is a nine-story, 79-unit apartment building zoned PD (Planned Development) District and Luther Memorial Church, zoned TR-U2 (Traditional Residential-Urban 2) District;

South: Across W Johnson Street is the University of Wisconsin's roughly 11-story Educational Sciences building in the CI (Campus Institutional) District;

West: The 12-story, 179-unit Grand Central apartment building, zoned PD District; and

East: Across N Brooks Street is University of Wisconsin's five-story Grainger Hall, zoned CI District.

Adopted Land Use Plan: The 2023 Comprehensive Plan recommends Special Institutional (SI) Uses for the subject parcel but provides a Map Note (No. 2) which states, in part: "*There are some privately owned properties within the SI-designated areas. If such privately owned parcels redevelop, their use and design should be consistent with adopted sub-area plans, the most relevant of which, as of the adoption of this Plan, is the Regent Street-South Campus Neighborhood Plan. In the rare case where private redevelopment is proposed for an area that is not covered by a sub-area plan, multifamily residential and mixed-use development shall be considered appropriate, so long as the scale, massing, and design of the building fits in with the surrounding context, as determined by the Plan Commission and City Council*."

Zoning Summary: The property is zoned Regional Mixed-Use (RMX) District.

Requirements	**Required**	**Proposed**
Lot Area (sq. ft.): For exclusive residential use	None	34,251 sq. ft.
Front Yard Setback	None	12' approved
Max. Front Yard Setback	25'	12' approved
Side Yard Setback: Other cases	None unless needed for access	11.9' approved
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback: None unless needed for access	11.6' approved
Usable Open Space	None	As per approved plan
Maximum Lot Coverage	90%	86%
Minimum Building Height	2 stories	15 stories/> Capitol View Preservation limit
Maximum Building Height	5 stories/78'	15 stories/> Capitol View Preservation limit

Other Critical Zoning Items	Barrier Free (ILHR); Utility Easements

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is currently served by a full range of urban services, including Metro Transit which operates daily all-day transit service along N Brooks Street opposite this property.

Related Approvals

On July 16, 2024, the Common Council, meeting in regular session, approved the requested zoning map amendment (City legislative ID 83907) at 306 N Brooks Street, which proposed to rezone the property TR-U2 (Traditional Residential-Urban 2) District to the RMX (Regional Mixed-Use) District.

On July 8, 2024, the Plan Commission found the standards met and approved the following two related requests:

- ID 83527 – Consideration of a demolition permit to demolish a lodging house at 306 N Brooks Street;
- ID 83529 – Consideration of a conditional use in the [Proposed] Regional Mixed-Use (RMX) District for a building exceeding five stories and 78 feet in height; and Consideration of a conditional use for a vehicle parking reduction of more than 20 spaces and 25 percent or more of the required parking, to allow construction of a 15-story, 189-unit apartment building.

Project Description

This applicant is requesting approval to extend the height of the rooftop mechanical space and elevator overrun above that approved by the Plan Commission as part of the conditional use approvals in 2024 for a 15-story, 189-unit apartment building. (See previous section for more information regarding the previous approvals). Because these height increases would put the building above the Capital View Preservation height limit, conditional use consideration is required. The Capital View Preservation height limit is 187.2 feet, City datum. As City datum 'zero' is equal to 845.6 feet above sea level, this equates to an absolute Capital View Preservation height limit of 1032.8 feet above sea level.

The only changes proposed are to the height of the rooftop mechanical space and elevator overrun. No other changes – to the rest of the building, elevations, or site plan – are proposed as part of this request.

The rooftop mechanical space and elevator overrun have been located up against one another, near the middle of the roof. The mechanical overrun (penthouse), roughly 1,500 square-feet in size, will house such mechanical equipment as two cooling towers, pumps and boilers. It will be completely enclosed save for vent openings on the sides and above the two cooling towers to allow for the exhaust. It will be accessed via a door on the west side. In terms of height, the mechanical penthouse, originally approved at a height roughly 0.5 feet below the Capital View Preservation height limit, is now proposed at 3 feet over height limit. In submitted materials, the applicant notes that this increase was in reaction to the refinement and evolution of the building's design, in particular from reviewing specific equipment sizes with their HVAC design/build contractor. As for exterior cladding, it will be clad with a dark grey horizontal metal panel (this is the same as was originally approved).

The elevator overrun, roughly 550 square-feet in size, was originally approved at a height roughly 1.5 feet below height limit but is now proposed at a height roughly two feet above the limit. Regarding the height increase, the applicant states that it was also due to the refinement of the building's design, particularly the fact that "due to the number of stops for the elevator, the elevator model needed for this quantity of stops requires more overrun than originally planned." The elevator overrun area will be clad with the same dark grey metal siding as the mechanical penthouse.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

Conformance with Adopted Plans

The 2023 Comprehensive Plan recommends Special Institutional (SI) Uses for the subject parcel but provides a Map Note (No. 2) which states, in part: "*There are some privately owned properties within the SI-designated areas. If such privately owned parcels redevelop, their use and design should be consistent with adopted sub-area plans, the most relevant of which, as of the adoption of this Plan, is the Regent Street-South Campus Neighborhood Plan. In the rare case where private redevelopment is proposed for an area that is not covered by a sub-area plan, multifamily residential and mixed-use development shall be considered appropriate, so long as the scale, massing, and design of the building fits in with the surrounding context, as determined by the Plan Commission and City Council*." Staff note that the Regent Street-South Campus Neighborhood Plan does not extend to the north side of W Johnson Street and no other neighborhood plan provides recommendations for the subject parcel. As noted above, the Plan Commission previously granted conditional approvals for the 15-story, 189-unit apartment building.

The Downtown Plan, which lies just outside the subject area includes a Views and Vistas maps that depicts several identified viewsheds of the Capitol building. As described in the following section, the subject site does not appear to conflict with any of those viewsheds.

Staff believes this conditional use request is not in conflict with adopted plan recommendations.

Conditional Use Standards

The application includes a conditional use request for rooftop mechanical space and elevator overrun projections into the Capitol View Preservation Limit.

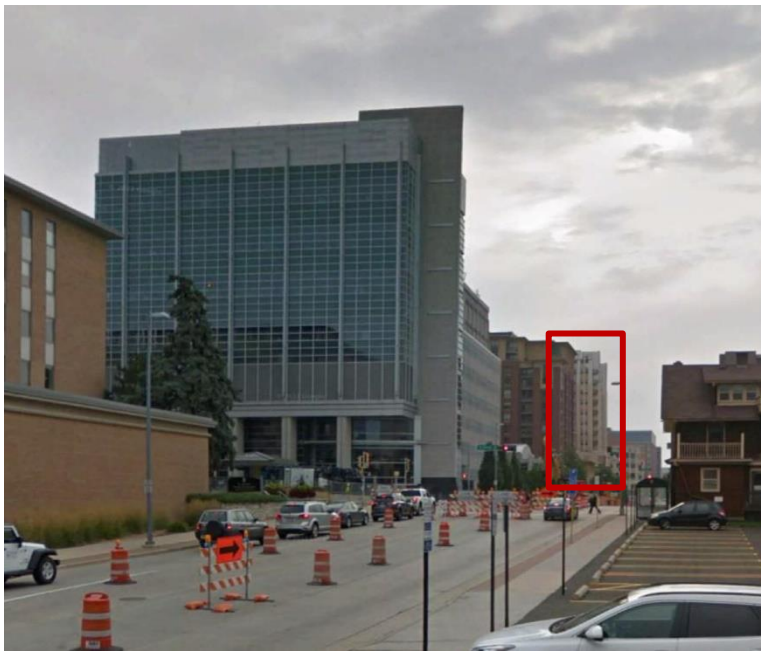
The Conditional Use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

Under Wisconsin State Statute and Madison General Ordinance (MGO), certain projections are permissible into the Capitol View Preservation area, if approved by the Plan Commission as a conditional use. Section 28.134(3) MGO states, with regard to Capitol View Preservation height limit (CVP), that "*no portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building…Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses*."

Conditional Use Approval Standard 17 states that when applying the Conditional Use standards to an application for allowable projections into the Capitol View Preservation Area, the Plan Commission shall "*only approve the projection if it determines the encroachment is the minimum necessary and does not significantly impact the long views of the State Capitol building*."

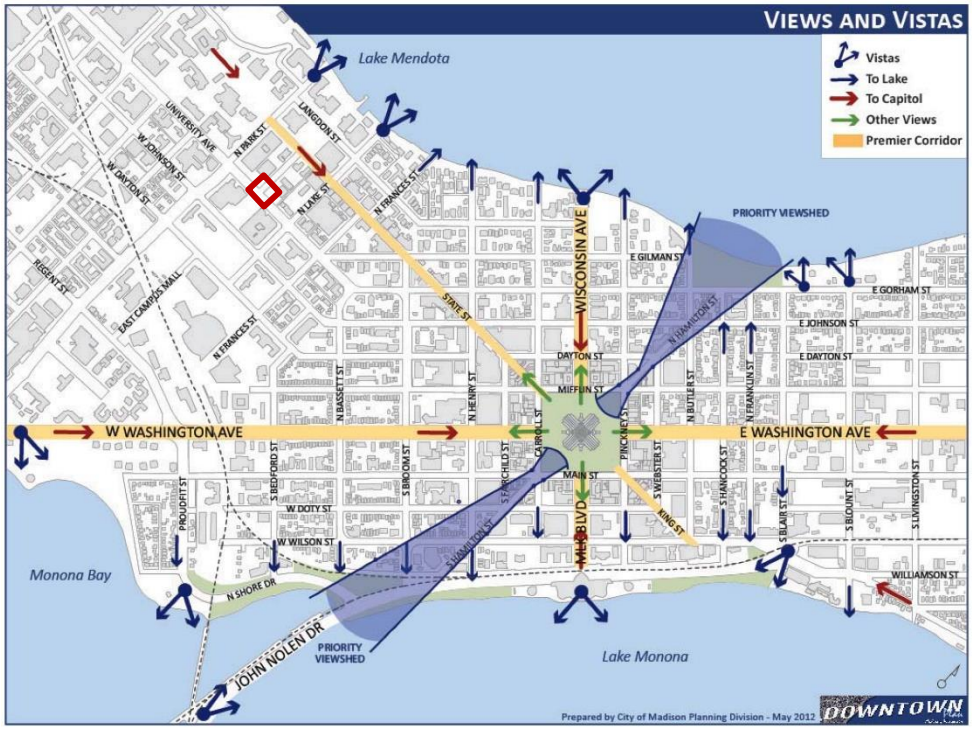
As described in the previous section, the 1,500-square-foot mechanical overrun (penthouse) projects three feet into the Capitol View Preservation Area, while the 550-square-foot, elevator overrun extends two feet into the Preservation Area. In submitted materials, the applicant notes that both height increases were the result of internal meetings that the applicant's design team had subsequent to the original (July 8, 2024) Plan Commission approval regarding sizing the specific equipment for the building.

For example, the applicant had been working with the HVAC design/build contractor on the layout and height of the mechanical space, which is how the height problem was realized. In short, they selected the particular mounting rails, cooling tower, and the dampers and have assured staff that the three feet requested is the minimum needed to accommodate this type and size system. Similarly, the applicant's team decided that, due to the number of floors needed to be serviced, that a different (larger) model elevator would be the better option. This type of elevator required more overrun space. Again, the applicant has noted to staff that the two-foot projection is the minimum necessary for this change.



As for the impact to the long views of the State Capitol building, the applicant notes that the two rooftop projections are both located near the middle of the roof – roughly 34.5 feet in from the west façade, 44-51 feet in from the south, 44.5 feet in from the east, and 23-30 feet in from the north. With the variable height parapet which runs around the entirety of the roof perimeter, the applicant notes that this will severely limit if not eliminate the visibility of the roof projections from street level. To that end, they submitted the image shown to the right – a street-level view looking east down W Johnson Street with the subject building rendered in the distance. This vantage point is just east of N Orchard Street, roughly 1,000 feet or 2.5 blocks away. Staff note that, with the bend in the road where Campus Drive changes to W Johnson Street, this is really the first point when heading eastbound on W Johnson Street where one can see the subject building. That said, from this distance, where the chance of seeing the rooftop projections would be greatest, one is not able to see any portion of the rooftop projections. The 12-story, 179-unit, 1,013-foot-tall Grand Central apartment building to the west provides a significant amount of screening of the subject building. (Staff note that the applicant does provide an additional rendering, where one is able to see the rooftop projections. However, the vantagepoint needed to see this is roughly 100 feet above the ground, at the top of the UW Department of Computer Sciences building. Even then: 1) the projections are anticipated to be negligible, and 2) they do not obscure the view of the Capitol.)

In addition to the fact that the rooftop projections are not visible at street level, Staff note that this projection does not appear to conflict with any designated views and vistas. Further, W Johnson Street is not considered a 'premier corridor' on the Downtown Plan's Views and Vistas Map. (See Map on the following page) As noted above, it is not possible to see the Capitol building when travelling east along W Johnson Street.



Given the modest request by which the Capital View Preservation height limit would be exceeded (2-3 feet); the location of these rooftop projections (i.e. near the center of the roof and far back from the building's edge); the fact that the previously-approved building facades have parapet walls which extend a few feet up past the roof level providing additional screening; the fact that even from roughly 1,000 feet to the west, someone at street-level is not able to see these projections; the fact that the applicant has included information documenting their opinion that the projections are the minimum necessary; and the fact that the subject site is does not appear to conflict with the Downtown Plan's Views and Vista's Map), Staff believes the conditional use approval standards can be found met.

Conclusion

Staff believes that the proposal is consistent with the land use recommendations in the Downtown Plan and Comprehensive Plan. For the reasons in the previous paragraph, Staff believes the conditional use approval standards can be found met.

At time of writing, Staff has not received written comment from the public.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the requested projections into the Capitol View Preservation Limit to allow rooftop mechanical space and an elevator overrun for a previously approved 15-story, 189-unit apartment building, subject to the following conditions from reviewing agencies:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

1. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building.

The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

The following agencies have reviewed this request and has recommended no conditions of approval:

Planning, Engineering-Main Office, Engineering-Mapping, Zoning, Parking, Fire, Parks, Water Utility, Forestry, Metro